



## **Review of the Rules and Regulations Governing Judicial Complaints**

The Lord Chief Justice and the Lord Chancellor have asked the Office for Judicial Complaints to carry out a review of the rules and regulations governing the procedures for dealing with complaints against judicial office holders.

Some of the rules and regulations (which can be found on this website under the heading Publications and Regulations) are considered to be unduly complicated. There is also an inconsistency in the procedures which must be followed depending on whether the judicial office holder is a court judge, tribunal judge or member, coroner, or magistrate. The Lord Chief Justice and the Lord Chancellor consider that the creation of Her Majesty's Courts and Tribunals Service on 1 April 2011 means that the time is right to address these issues.

The aim of the review will be to deliver a judicial complaints process that:

- Properly reflects the constitutional settlement.
- Safeguards judicial independence.
- Establishes clear lines of accountability and the proper balance between executive, judicial and independent responsibilities.
- Delivers a high quality service which is fair, transparent, flexible, proportionate, swift, and gives value for money.
- Ensures public confidence.

It is important that the review considers the views of those who use the system. If you have any comments about how you think the current procedures might be improved please e.mail [inbox@ojc.gsi.gov.uk](mailto:inbox@ojc.gsi.gov.uk) preferably by 31 May 2011.

In doing so you may like to consider the following questions:

- Do you consider that the rules governing complaints are unduly complicated? If so what improvements could be made?
- What are your views as to time frames within the rules and regulations, should they be amended and if so how?
- What is your view of the role Tribunal Presidents play in the complaints process?
- How could consistency of approach be better managed and monitored between different tribunals?
- How could complaints relating to tribunal members who sit in a number of different tribunals be monitored?

- Unlike the rules governing mainstream and tribunals judiciary, the rules governing magistrates require an initial conduct hearing. Do you consider this to be necessary and proportionate?
- Do you consider that the rules governing magistrates allow for an inconsistency of approach between Advisory Committees? If so how could this be improved?
- What are your views on the processes and time scales once the matter is referred to the OJC?
- Do you consider the current role of the Lord Chancellor, in decisions other than the most serious, (i.e. the removal of judicial office holders or ex gratia payments) to be proportionate or necessary?

There will also be further opportunities to give your views on any recommendations for change at a later date.

21 April 2011