

OJC2



OJC
Office for
Judicial
Complaints

The magistrates complaints procedure

www.judicialcomplaints.gov.uk

Magistrates always seek to act in accordance with the highest standards of personal and professional conduct. The Lord Chancellor and the Lord Chief Justice take seriously any complaint that a Magistrate has in some way fallen short of these standards.

This leaflet explains how you can complain and how we will do all we can to ensure that your complaint is dealt with fairly and as quickly as possible.

Complaints

A Magistrate's role in court is to make independent decisions in cases and their management. These are often tough decisions, and Magistrates have to be firm and direct in the management of their cases. Examples of such decisions would include the length or type of sentence, whether a claim can proceed to trial, whether or not a claimant succeeds in their claim, what costs should be awarded and what evidence should be heard.

This sort of decision cannot form the subject of a complaint. If you are unhappy with such a decision you are advised to seek legal advice from a solicitor, local law centre, Citizens Advice Bureau or the Community Legal Service to discuss whether you have a right of appeal.

If your complaint is not about a Magistrate's decision but the Magistrate's personal conduct, you have the right to complain to your local Advisory Committee. Examples of potential personal misconduct would be the use of insulting, racist or sexist language.

The Lord Chancellor and the Lord Chief Justice seek to ensure that all matters of judicial conduct are handled fairly and efficiently. When dealing with complaints against Magistrates they are supported by Advisory Committees and the Office for Judicial Complaints.

How to complain

If you decide to make a complaint to your local Advisory Committee you should do so in writing. If for any reason you are unable to do this please contact your local Advisory Committee who will do all they can to help you. The Magistrates' Court will have contact details.

Your letter should state clearly:

- your name, address, and a contact telephone number;
- the name of the Magistrate (if known), the court where the incident occurred, the number of the case, the date of the hearing;
- specific details about the grounds of your complaint.

Your complaint must be made as soon as possible and in any event no later than 12 months after the incident that you wish to complain about.

If your case or your appeal is ongoing, the Advisory Committee will not be able to consider your complaint until the case is closed; but you should still let them know about your complaint as soon as you can.

Remember the Advisory Committee cannot consider any complaint about a Magistrate's decision on your case or about how the Magistrate managed your case.

What happens next?

The Advisory Committee will consider your complaint very carefully and may appoint a panel to investigate the matter.

The Advisory Committee may dismiss a complaint, or part of a complaint, if it fails to meet the criteria set out in the rules (which you can find by contacting the Office for Judicial Complaints (OJC) or by visiting its website).

If the Advisory Committee believes that there may be a case for formal disciplinary action, they will refer the case to the OJC. The Lord Chancellor and the Lord Chief Justice will consider the evidence and decide what action, if any, should be taken.

If your complaint is upheld the Lord Chancellor and Lord Chief Justice may decide to take disciplinary action against the Magistrate. You should however be aware that any such disciplinary action is a separate matter from your court case and so it will not alter the outcome of your case.

What can I do if I am unhappy about the way my complaint has been handled?

If you are unhappy with the way your complaint has been handled you have the right to raise your concerns with the independent Judicial Appointments and Conduct Ombudsman, whose contact details are as follows:

Judicial Appointments and Conduct
Ombudsman
8th Floor, Millbank Tower
Millbank
London SW1P 4QP

Tel: 020 7217 4505

Fax: 020 7217 4262

Website: www.judicialombudsman.gov.uk

The Ombudsman may decide to review how your complaint has been handled and whether the proper procedures were followed. He is not able to investigate whether the decision reached on a complaint is right or not.

Your complaint should normally be made no later than 28 days after you are told by the OJC of the outcome of your original complaint.

The judicial complaints and discipline system

The Lord Chancellor and the Lord Chief Justice seek to ensure that all matters of judicial conduct are handled fairly and efficiently.

They are supported directly by the Office for Judicial Complaints. If you have any queries or would like further information, contact the Magistrates' Court or the Office for Judicial Complaints.

Office for Judicial Complaints

Office for Judicial Complaints
4th Floor Clive House
70 Petty France
London SW1H 9HD

Tel: 020 7189 2937

Fax: 020 7189 2936

Minicom: 020 7189 2941

Website: www.judicialcomplaints.gov.uk

Email: customer@ojc.gsi.gov.uk

Braille, large print and Welsh formats of this leaflet are available from the OJC on request – please see contact details above.