

**How to complain about
the handling of complaints
concerning the judicial
appointments process**



Welcome

As the Judicial Appointments and Conduct Ombudsman it is my job to investigate the handling of complaints concerning the judicial appointments process and the handling of matters involving judicial discipline or conduct.

This leaflet focuses on my responsibilities in relation to the *judicial appointment process*. I have published a separate leaflet, which explains my responsibilities regarding the handling of judicial conduct matters.

I took up my responsibilities on 3 April 2006 as required by the Constitutional Reform Act 2005. I am completely independent of Government and the Judiciary. I look into complaints in a fair and transparent way dealing with all those involved in the complaint process politely, promptly and in the strictest confidence.

This leaflet tells you what I can and can not do and gives you a step-by-step guide to help you through our complaint process. I recommend that you read it carefully to help you decide if I am the correct person to deal with your complaint. My staff are, of course, available to help at any time.

A handwritten signature in black ink, which appears to read "John Brigstocke". The signature is written in a cursive style. Below the signature is a long, thin horizontal line that tapers at both ends.

Sir John Brigstocke KCB
Ombudsman

1. How we work

Our principles:

- Our service is free of charge.
- We are independent of the Government and the Judiciary.
- We strive to investigate complaints to the highest standard, dealing with them promptly fairly and in accordance with our published procedures.
- We have an equal duty of care to the complainant and the person complained about.

Our commitment to our customers:

- We value people and their diversity.
- We listen to people to understand their needs and tailor our service accordingly.
- We promote equal access to our service for all members of the community.

2. The Ombudsman's responsibilities

Who can complain?

The Judicial Appointments & Conduct Ombudsman investigates complaints from candidates for judicial office, including members of tribunals, about the way in which their application for appointment has been handled.

The Ombudsman can also consider complaints about how the Judicial Appointments Commission dealt with your complaint about the appointment process.

Before the Ombudsman will take up your judicial appointment complaint you must have already complained to the Judicial Appointments Commission.

It is important that you complain to the Ombudsman as soon as possible after you have been notified of the final decision about your original complaint. He does not normally investigate complaints made more than 28 days after the notification date. Exceptionally, the Ombudsman may investigate a complaint made outside this time if he considers it is appropriate to

do so, but this is entirely at his discretion and he will only do so in exceptional circumstances.

The Ombudsman does not act in an appeal capacity. He can consider the points made by complainants and form a view as to whether they were treated fairly. He may also recommend redress if he finds that people have been treated unfairly and suggest changes to the appointment process. It is not, however, within his remit to form a view as to whether individual complainants (or indeed any candidate) should have been appointed.

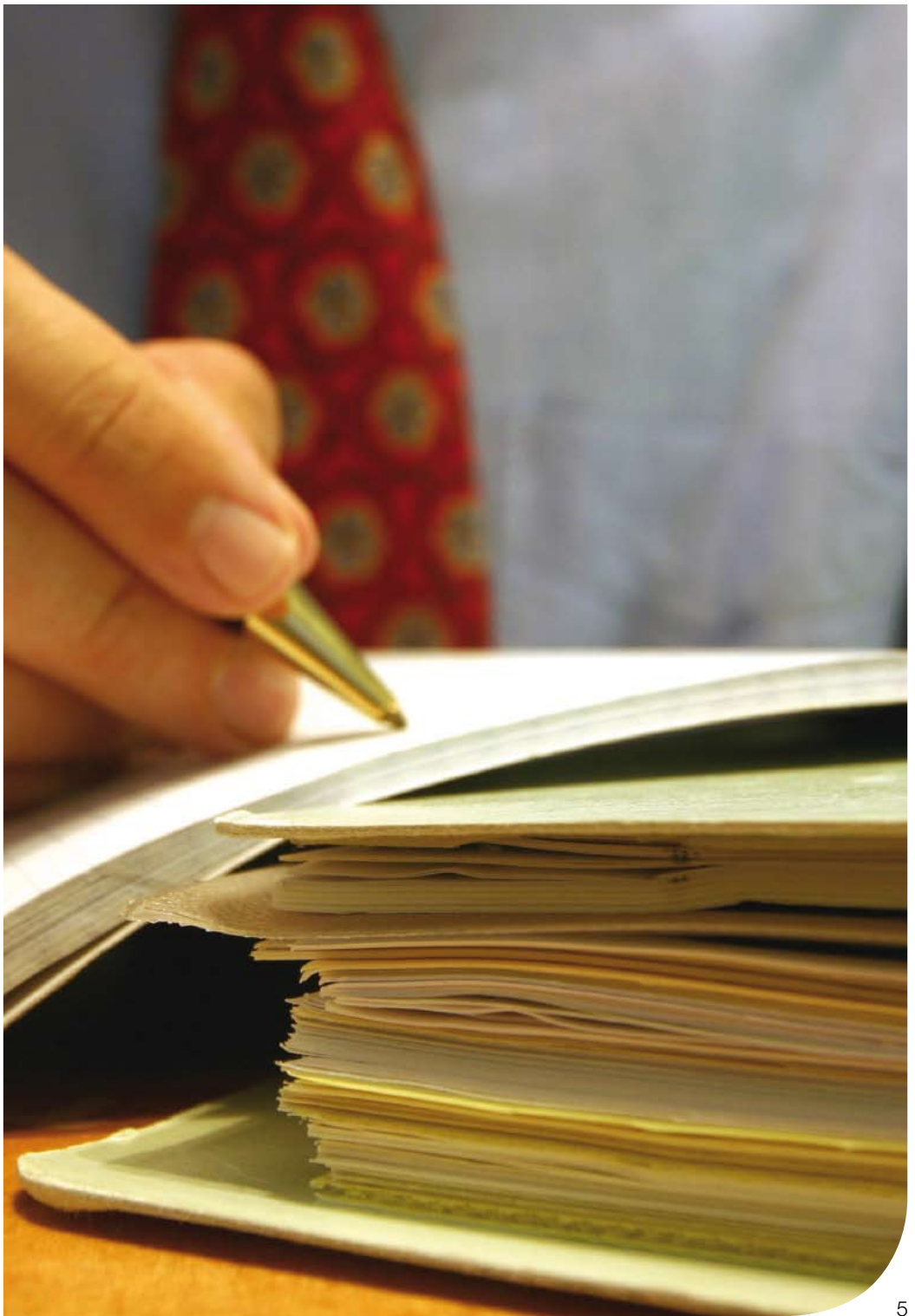
The Ombudsman **will not** investigate complaints from:

- anyone other than the candidate for judicial office;
- candidates in relation to anything other than the competition in which they were involved; and/or
- candidates who do not claim to have been adversely affected.

3. What can the Ombudsman do to put things right?

If the Ombudsman finds that something has gone wrong in the way that the Judicial Appointments Commission handled your complaint about your application for judicial office, he can:

- uphold or dismiss a complaint (in whole or in part);
- make recommendations to the Lord Chancellor and the Judicial Appointments Commission about what steps should be taken in relation to a complaint which has been upheld;
- recommend changes to procedures; and/or
- recommend compensation be paid to successful complainants for loss which appears to the Ombudsman to have been suffered as a result of maladministration by the Judicial Appointments Commission (but not in respect of any earnings that the complainant would have received had his/her application for appointment been successful).



4. How to make a complaint

To submit your complaint to the Ombudsman you must complete the Ombudsman's complaint form attached to the back of this booklet. We will accept emailed forms which can be completed via our website.

The complaint form seeks permission to disclose your complaint to the JAC and/or the MoJ before proceeding further. In most cases it will be impractical to proceed with a complaint if permission is withheld. Please complete and return the form at the end of this leaflet to give us your consent to disclose the details of your complaint.

5. How the Ombudsman's office will deal with your complaint

- When you submit your complaint to the Ombudsman we will let you know that we have received your complaint and whether or not we are able to deal with it.
- If we are able to deal with your complaint, and you haven't already given us your permission to disclose your complaint, we will ask you for your permission to disclose your complaint to the Judicial Appointments Commission.
- We may also contact you to discuss the details of your complaint and what you would like us to do to put things right.
- We will then request all the papers relating to your application and complaint to the Judicial Appointments Commission.
- The Investigating Officer may contact the Judicial Appointments Commission for further information during the investigation.
- We will provide you with monthly updates as to the progress of our investigation.
- Once a full and thorough investigation has taken place, an Investigating Officer will write a report to set out the facts of the case for the Ombudsman. Based on this report and his own consideration of all the relevant information, the Ombudsman forms a view about the matters raised in your complaint, and produces his own report, which includes his conclusions and recommendations.
- The Constitutional Reform Act 2005 requires the Ombudsman to provide a draft of his report to the Lord Chancellor and to the Judicial Appointments Commission Chairman. He must take account of any comments received in finalising his views.
- Once the Ombudsman has completed his final report, he will send it to the Lord Chancellor and the Judicial Appointments Commission Chairman. He will send you a copy of the report at the same time.

6. Contacting us

- To submit your complaint to the Ombudsman you must complete the form attached to the back of this booklet.
- Once you have read this booklet, if you have any questions about what the Ombudsman can or can't do, please contact us (see the back cover of this booklet for details).
- If you have access to the internet you can visit our website and complete the complaint form online. More information about our services can be found on our website:
www.judicialombudsman.gov.uk
- If you have a disability, if English is not your first language, or if you need advice on how to complete the form, please contact us to find out how we can help you.



For further information, please contact us at:


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A close-up, right-side profile portrait of an older man with short, light-colored hair. He is wearing gold-rimmed glasses and looking slightly downwards and to the right. The background is a plain, light-colored wall.