

Judicial Appointments & Conduct Ombudsman

Freedom of Information Publication Scheme

Part 1 - Introduction

The Freedom of Information (FOI) Act 2000¹ (the Act) establishes a *general right of access to all types of recorded information held by public authorities*, sets out exemptions from that right and places a number of obligations on public authorities.

Under the Freedom of Information Act 2000 all public authorities are obliged to adopt and maintain a Publication Scheme. This publication scheme has been prepared in accordance with guidance available on the website of the Office of the Information Commissioner. It comes into effect on 1 January 2009, superseding the previous scheme operated by the Judicial Appointments and Conduct Ombudsman's Office. It commits the Office of the Judicial Appointments and Conduct Ombudsman to:

- produce and publish the methods by which the specific information is made routinely available so that it can be easily identified and accessed by members of the public (see Part 2 below);
- proactively publish or otherwise make available as a matter of routine, information, including environmental information, which is held by the Ombudsman's office and falls within the classifications in Part 3 below;
- specify the information which is held by the authority and falls within the classifications in Part 3 below;
- proactively publish or otherwise make available as a matter of routine, information set out in the in line with the statements contained within this scheme;
- review and update on a regular basis the information the authority makes available under this scheme;
- produce a schedule of any fees charged for access to information which is made proactively available (see Part 4); and
- make this publication scheme available to the public.

The Head of the Ombudsman's Office is responsible for ensuring that this publication scheme is maintained and adhered to.

¹ Copies of the Act are obtainable, for a charge, from the Stationery Office. A copy of the Act is also available via HMSO website at www.legislation.hmsso.gov.uk

Part 2 – How is information routinely made available?

The purpose of the Publication Scheme is to ensure that the maximum amount of information is readily available to members of the public, i.e. without the need for specific consideration under the Freedom of Information Act, and to inform the public of the extent of material that is available.

By readily available, we mean that the information is available on our website at: www.judicialombudsman.gov.uk, or will be supplied immediately on receipt of a letter or telephone call to the Ombudsman's Office (see Part 3 of this scheme).

The type of information that is routinely published by the Ombudsman's Office is as follows (information that falls into the classes below will be retained in line with National Archives guidance):

Class:	The Ombudsman's biography
Definition:	Biography published in future Annual Reports and on the website
Format available:	Hard Copy, email, Web format
Links:	www.judicialombudsman.gov.uk
£ indicates that this class includes chargeable material:	[£] [none]
Class:	Memorandum of Understanding
Definition:	Memorandum setting out the terms of the Judicial Appointments and Conduct Ombudsman's relationship with the MoJ
Format available:	Hard copy, Email, Web format
Links:	
£ indicates that this class includes chargeable material:	[£] [none]
Class:	Organisation charts
Definition:	Chart setting out the organisation of the office of the Judicial Appointments and Conduct Ombudsman
Format available:	Hard copy, Email
Links:	
£ indicates that this class includes chargeable material:	[£] [none]

Class: Guidance on how to complain
Definition: Published guidance on how to make a complaint to the Judicial Appointments and Conduct Ombudsman
Format available: Hard copy, Email, Web format
Links: www.judicialombudsman.gov.uk
£ indicates that this class includes chargeable material: [£] [none]

Class: Complaint summaries
Definition: Anonymised summaries of reports on complaints investigated by the Judicial Appointments and Conduct Ombudsman published on the Ombudsman's website or in the Annual Reports.
Format available: Hard copy, email, web format
Links: www.judicialombudsman.gov.uk
£ indicates that this class includes chargeable material: [£] [none]

Regular publications

Class: Press releases
Definition: All press releases issued by the Judicial Appointments and Conduct Ombudsman. A list of press releases issued by the Judicial Appointments and Conduct Ombudsman.
Format available: Hard copy, email, web format
Links: www.judicialombudsman.gov.uk
£ indicates that this class includes chargeable material: [£] [none]

Class: Annual reports
Definition: Annual reports to the Lord Chancellor on the activities of the Judicial Appointments and Conduct Ombudsman
Format available: Hard copy, web format
Links: www.judicialombudsman.gov.uk
£ indicates that this class includes chargeable material: [£] [none]

Class: Memorandum of Understanding
Definition: Memorandum setting out the terms of the judicial Appointments and Conduct Ombudsman's relationship with the Ministry of Justice
Format available: Hard copy, email, web format
Links: www.judicialombudsman.gov.uk
£ indicates that this class includes chargeable material. [£] [none]

Class: Business Plans
Definition: Business plan setting out the Judicial Appointments and Conduct Ombudsman's aims and practices for the current year
Format available: Hard copy, email, web format
Links: www.judicialombudsman.gov.uk
£ indicates that this class includes chargeable material. [£] [none]

PART 3: CLASSES OF INFORMATION

2.1 Who we are and what we do

Role and remit

The Ombudsman's website sets out his role and remit.

The office of the Judicial Appointments and Conduct Ombudsman was established on 3rd April 2006, under section 62 of the Constitutional Reform Act 2005. The Ombudsman's functions are set out in sections 101-105 and 110-114 of the Constitutional Reform Act 2005. It is to consider:

Judicial Appointments

- a) complaints from candidates for judicial office about the way in which their application was handled;
- b) matters referred by the Lord Chancellor relating to the procedures of the Judicial Appointments Commission (herein referred to as the Commission) or a Committee of the Commission;

Judicial Conduct and Discipline

- c) complaints from a complainant, or a judicial office holder² who is the subject of a complaint or disciplinary action about how that complaint was handled; and
- d) matters referred by the Lord Chancellor or the Lord Chief Justice relating to the handling of judicial conduct issues.

² i.e. holders of offices listed in schedule 14 to the Constitutional Reform Act 2005.

Contact details

Information about how to contact the Judicial Appointments and Conduct Ombudsman's Office can be found on the Ombudsman's website. At the time that the publication scheme was implemented the office could be contacted at:

Judicial Appointments and Conduct Ombudsman
9.53, 9th floor, The Tower
102 Petty France
London SW1H 9AJ

Tel: 0203 334 2900

Fax: 0203 334 2913

e-mail: headoffice@jaco.gsi.gov.uk.

Governance

Schedule 13 to the Constitutional Reform Act 2005 sets out the terms by which the Judicial Appointments and Conduct Ombudsman holds office.

The Lord Chancellor is responsible for making or approving arrangements to support the Judicial Appointments and Conduct Ombudsman's Office and for meeting expenditure incurred in the discharge of the Ombudsman's statutory functions.

The Ombudsman's Office is an Associated Office of the Ministry of Justice, and is therefore subject to its budgetary, risk and security controls. The Head of Office (the Budget Holder) is responsible for ensuring that corporate governance systems within the office comply with statutory and HM Treasury requirements as specified by the Ministry of Justice. The Head of Office is accountable for ensuring that resources are managed effectively and for securing good value for money through sound and appropriate financial and governance arrangements so that key business targets and achievements are met.

The Ombudsman provides an update to the Ministry of Justice every six months on progress against the objectives and targets in the Corporate and Business Plan, in accordance with the Memorandum of Understanding (available on the Ombudsman's website).

The Ombudsman provides a report to the Lord Chancellor, as soon as practicable after the end of each financial year, about the performance of his functions during that year. The report is laid before each House of Parliament and subsequently published. Copies of this report are available on the Ombudsman's website and can be obtained, free of charge, from the Ombudsman's Office.

2.2 What we spend and how we spend it

Financial information relating to projected and actual expenditure as well as tendering, procurement and contracts (where applicable) is contained in the Ombudsman's Annual Reports, which are available on the Ombudsman's website and can be obtained, free of charge, from the Ombudsman's Office.

2.3 Priorities and performance

The Ombudsman's Business Plans and Annual Reports contain information on the office's strategy and performance information, assessments, inspections and reviews.

2.4 How we make decisions

The Ombudsman's website and Annual Reports contain information about the process by which the Ombudsman and his office consider complaints and make decisions.

2.5 Our policies and procedures

The Ombudsman's website and Annual Reports set out our protocols for delivering the Ombudsman's statutory functions.

2.6 Lists and Registers

The Ombudsman's office does not currently hold any information in registers required by law.

The Ombudsman's office maintains databases and lists to assist in the completion of the Ombudsman's statutory functions. It includes lists of correspondence received and the identities of complainants. As this is personal information the Ombudsman's Office does not routinely publish from these lists. Any requests for such information are considered under the terms of the Act, the Data Protection Act 1998 and section 139 of the Constitutional Reform Act 2005.

2.7 The Services we offer

The Ombudsman's website and Annual Reports contain information about the services offered by the Ombudsman and his office, including leaflets describing the complaint investigation process. This information can also be obtained by contacting the Ombudsman's Office.

PART 4 – CHARGES MADE FOR INFORMATION PUBLISHED UNDER THIS SCHEME

The Judicial Appointments and Conduct Ombudsman's Office will not charge for information published under this scheme (but see sections 5 and 6).

PART 5 – WRITTEN REQUESTS

Information held by the Judicial Appointments and Conduct Ombudsman that is not published under this scheme can be requested in writing, when its provision will be considered in accordance with the provisions of the Act (or the Data Protection Act 1998 or section 139 of the Constitutional Reform Act 2005, if appropriate). The Act establishes a ***general right of access to all types of recorded information held by public authorities***, sets out exemptions from that right and places a number of obligations on public authorities. This is in addition to information routinely available under the terms of this publication scheme).

You will be entitled, on making a request for information (unless the information falls under one of the specific exemptions in the Act – including the confidentiality provisions at section 139 of the Constitutional Reform Act 2005):

- (a) to be informed in writing by the office of the Judicial Appointments and Conduct Ombudsman whether it holds information of the description specified in your request, and
- (b) if that is the case, to have that information communicated to you.

The Act provides for a time limit for dealing with a request for information – that is, within 20 working days. The Act also provides for an appeal mechanism whereby you may ask the Ombudsman (as the “Qualified Person” specified in the Act) to conduct an Internal Review of a decision made under the Act. The Act also allows people to apply to the Information Commissioner for a decision as to whether the Ombudsman’s office dealt with a specified request in accordance with the Act.

Charges may be made for this information, subject to a charging Regime specified by Parliament. Charges may be made for actual disbursements incurred, such as photocopying, postage and packaging and costs directly incurred as a result of viewing material. If a charge is to be made confirmation of the payment due will be given before information is provided. Payment may be requested prior to provision of the information.

PART 6 - REQUESTS FOR PERSONAL INFORMATION: THE DATA PROTECTION ACT 1998

You have a statutory right of access (certain exemptions apply) to personal data about yourself under the **Data Protection Act 1998**³. The right of access here is to personal data held on computer or on structured manual files and you are entitled to be informed whether any personal data concerning yourself is being held by the “data controller” i.e., the Judicial Appointments and Conduct Ombudsman and, if so

- to be given a description of the data in question
- to be told for what purposes the data is processed
- to be told of the recipients or classes of recipients to whom the data has been or may be disclosed.

You are also entitled to be given a copy of the information with any unintelligible terms explained and to be given any information available to the Judicial Appointments and Conduct Ombudsman as to the source of the data. The Freedom of Information Act has extended this right to access to personal data held on any type of file, from 1 January 2005.

If you wish to apply for access to your personal data, known as a “subject access request”, you should write to the Judicial Appointments and Conduct Ombudsman at the above address.

³ Copies of the Act are obtainable, for a charge, from the Stationery Office. A copy of the Act is also available via HMSO website at www.legislation.hmso.gov.uk

A request for access to personal data must be dealt with promptly and, in any event, within forty days of receipt of the request. The Ombudsman's office may charge a fee, not exceeding £10.

If you consider that a request by you for access to your personal data was not dealt with in accordance with the Data Protection Act 1998 you may take further action as follows:

- (a) you may apply to the court alleging a failure to comply with the subject access provisions of the 1998 Act.
- (b) you may write to the Information Commissioner, who may make an assessment as to whether it is likely or unlikely that the Judicial Appointments and Conduct Ombudsman's office has complied with the 1998 Act.

PART 7 - COPYRIGHT

The Judicial Appointments and Conduct Ombudsman retains copyright (and database rights, where applicable) in respect of all the material in this Scheme except where individual material shows otherwise e.g. where it is shown as Crown copyright.

Unless any material specifically states otherwise (in which case formal permission is required) material in this Scheme, in which the Judicial Appointments and Conduct Ombudsman will have copyright or database rights, may be copied and reproduced without formal permission, provided: (a) it is copied or reproduced accurately and is not used in a misleading context; and (b) where the material is being copied or reproduced for others, the source of the material is identified and the copyright status acknowledged; and (c) the copying or reproduction is not for financial benefit. This provision does not give a right to use any of the Judicial Appointments and Conduct Ombudsman trademarks or logos.

Some of the material in this Scheme is subject to Crown copyright. Copyright in certain Crown copyright material has been waived, meaning that the material may be freely reproduced. Categories of material for which copyright has been waived include: government press notices, legislation and explanatory notes on the legislation, ministerial speeches, consultation documents, documents featured on official websites (except where expressly indicated otherwise), headline statistics and unpublished public records. For other types of material, the supply of documents under this Scheme does not give the person or organisation who receives them an automatic right to reuse the documents in a way that would infringe copyright, for example, by making multiple copies, publishing and issuing copies to the public.

Some of the material in this Scheme may be subject to copyright owned by third parties (other than the Crown). Formal permission of the third party owner is needed before such material may be copied or reproduced unless the relevant material expressly states that formal permission is not required.

Brief extracts of any of the material included in this Scheme may be reproduced under the fair dealing provisions of the Copyright, Designs and Patents Act 1988 (sections 29 and 30) for the purposes of research, private study, criticism, review and news reporting.

Applications for formal permission to use the Judicial Appointments and Conduct Ombudsman's copyright material (including databases subject to database rights) must be made to the Judicial Appointments and Conduct Ombudsman at the address shown in part 3 above and applications for permission to use Crown copyright material must be made to OPSI's Licensing Division at St Clements House, 2-16 Colegate, Norwich NR3 1BQ. Applications for permission to use other copyright material, where no waiver of copyright is stated, must be made to the appropriate copyright owner. If in doubt, users should contact the Office of the Judicial Appointments and Conduct Ombudsman in the first instance.

PART 8 - COMMENTS AND COMPLAINTS ABOUT THE PUBLICATION SCHEME

If you have any comments about our Publication Scheme or if you think we have not supplied information in accordance with our scheme then you should write, in the first instance, to:

Head of Office
Judicial Appointments and Conduct Ombudsman
9.53, 9th floor, The Tower
102 Petty France
London SW1H 9AJ

If, after the investigation of your complaint, you remain dissatisfied then you may ask for the matter to be reviewed internally. If you are still dissatisfied then you may refer your complaint to the Information Commissioner.

We aim to deal with the investigation of complaints within twenty working days and we aim to complete internal reviews also within twenty working days.

PART 9 – REVIEW OF THE PUBLICATION SCHEME

We will review our Publication Scheme in December 2010.

Judicial Appointments and Conduct Ombudsman's Office
December 2008