

How to complain about the judicial appointment process



Welcome

I was appointed as the Judicial Appointments and Conduct Ombudsman on 26 January 2016. My role is to investigate complaints about the way in which ‘first tier’ bodies handled conduct complaints against judicial office holders and also complaints about the judicial appointments process.

This leaflet details my responsibilities concerning the handling of complaints about the *judicial appointments process*.

The role of the Judicial Appointments and Conduct Ombudsman was created by the Constitutional Reform Act 2005. I am independent of Government, the Judiciary and the Judicial Appointments Commission.

This leaflet provides detailed information about the sort of complaints I can look at and provides step-by-step guidance regarding the complaints process. Please take the time to read the leaflet carefully to see if I and my staff are the right people to assist you.

Paul Kernaghan CBE QPM
Ombudsman

How we work

Our principles:

- We are independent of Government, the Ministry of Justice 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 or organisation complained about.
- 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.

The Ombudsman's responsibilities

Who can complain?

The Judicial Appointments and 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 Appointment 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 and/or 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 Selection Exercise in which they were involved.
- Candidates who do not claim to have been adversely affected.

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.
- 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 have been successful).

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: www.gov.uk/government/organisations/judicial-appointments-and-conduct-ombudsman

Please summarise your complaint on the complaint form. You may provide us with supporting documents if the space provided is not adequate.

The complaint form seeks permission to disclose your complaint to the JAC 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.

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 have not already given us your permission to disclose your complaint, we will ask you for 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 to the Lord Chancellor and to take account of any comments received in finalising his views. He is not compelled to alter his findings or conclusions.
- 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 a copy of the report to the complainant at the same time.

Contacting us

- To submit your complaint to the Ombudsman you must complete the Ombudsman's complaint form attached to this booklet.
- Once you have read this booklet, if you have any questions about what the Ombudsman can or cannot do, please contact us (see 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 and our privacy notice can also be found on our website:
<https://www.gov.uk/government/organisations/judicial-appointments-and-conduct-ombudsman>
- If you have a disability, if English is not your first language, or if you need advice on how to complete the complaint form, please contact us to find out how we can help you.

For further information, please contact us at:

Judicial Appointments and Conduct Ombudsman
1.55, 1st Floor, The Tower
102 Petty France
London
SW1H 9AJ

T 020 3334 2900

E headoffice@judicialombudsman.gov.uk

For further information, please contact us at:

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

t 020 3334 2900

e headoffice@judicialombudsman.gov.uk

[www.gov.uk/government/organisations/
judicial-appointments-and-conduct-ombudsman](http://www.gov.uk/government/organisations/judicial-appointments-and-conduct-ombudsman)

