

# **I want to complain - What do I do?**

## **About this leaflet**

This leaflet explains what you can do if you are unhappy about the service you have received from staff working in:

- a County Court;
- a Crown Court;
- a Magistrates' Court;
- the Probate Service;
- the Royal Courts of Justice;
- the Court of Protection;
- an Area Directors Office;
- the Customer Service Unit.

Please do **not** use the procedure described in this leaflet if your complaint is about:

- a **decision** a judge, a magistrate or a tribunal has made; or,
- the **conduct** of a judge, magistrate, tribunal member, solicitor or barrister.

You will find details about who to contact in each of these cases on pages 7, 8 and 9 of this leaflet, together with other information you may find useful.

## **How can I make my complaint?**

You can make your complaint:

- in person, to staff in the office where the problem arose.
- by telephone to the office where the problem arose.
- in writing, either by letter, e-mail or by filling out the complaint form (EX343A) attached.

You should expect to receive a reply to your complaint within 10 working days from the date your complaint was received (in writing or verbally).

Make sure that you:

- explain clearly the nature of your complaint;
- describe any facts and events relating to it;
- say why you think that a member of staff has made a mistake; and
- what loss (if any) you have incurred as a result.

## **Can I include a claim for compensation with my complaint?**

Yes, you can. However, you should remember that Her Majesty's Courts Service (HMCS) will only pay compensation where you can show that you have lost money, or incurred additional expense, as a direct result of a mistake (called 'maladministration') made by a member of staff. If you are claiming compensation, it is important that you provide any documents you have to prove your loss, for example, invoices for any solicitor charges, details of additional travel expenses, wage slips, receipts, etc.

## **What will happen when your complaint is received?**

Your complaint will be investigated by obtaining information from all relevant sources, such as:

- interviewing members of staff;
- looking through the file; and
- checking procedural rules.

If your complaint is found to be justified, you will receive an apology and you will be told what will be done to put matters right.

## **Is there anything I can do if I disagree with the reply I receive?**

Yes, there is. However, it is important that you understand that further consideration of your complaint will not necessarily result in a different outcome.

If you are dissatisfied with the reply you can ask for it to be reconsidered by the Area Director. The Area Director is the person who is responsible for the administration of all the courts/probate registries within a geographical area. The Area Director's address can be obtained from the court/probate registry.

In your letter to the Area Director you should explain that you have already complained to the court/probate registry, but that you are not happy with their decision. It will help with the reconsideration if you make sure you have set out all relevant facts and arguments, why you disagree with the decision and any additional information that might be relevant. Staff in the Area Director's Office will obtain all the previous papers from the court and a further investigation will be carried out.

You can expect to receive a full reply within 10 working days from the date your complaint was received (in writing or verbally).

## **Is there anything I can do if I disagree with the decision of the Area Director?**

Yes, there is. If you are still not satisfied after receiving the reply from the Area Director, you can ask for your complaint to be considered by the Customer Service Unit. This Unit is the final tier of complaint handling within HMCS. You should write to:

The Customer Service Unit  
Zone C, 1<sup>st</sup> Floor  
102 Petty France  
London  
SW1H 9AJ

Telephone: 0845 4568770

Fax number: 020 3334 4087

Disability Helpline/Textphone: Freephone 0800 358 3506

e-mail: [customerservicecshq@hmcourts-service.gsi.gov.uk](mailto:customerservicecshq@hmcourts-service.gsi.gov.uk)

You should expect to receive a full reply within 15 working days from the date your complaint was received. When investigating your complaint, the Unit will obtain copies of all the documents considered by the court and the Area Director and make any other enquiries it feels are necessary.

## **Other information you may find useful**

### **The Parliamentary and Health Service Ombudsman**

If you are not satisfied with the response you have received, after your complaint has been considered at every level within HMCS, you may ask the Ombudsman to investigate.

The Ombudsman is completely independent from Government and the Civil Service. They investigate claims that individuals have suffered because a government department, agency or other public bodies have not acted properly or fairly or have provided a poor service.

You cannot approach the Ombudsman yourself, but may ask a Member of Parliament (MP) to do this for you. You can get a leaflet which explains how the Ombudsman might be able to help you by telephoning their helpline on 0845 015 4033. More details can be found on their website [www.ombudsman.org.uk](http://www.ombudsman.org.uk)

### **Complaints about judicial decisions**

If you are dissatisfied with a decision made by a judge, or magistrate, it can only be changed by asking a judge in a higher court to consider whether the decision was correct. This process is called 'making an appeal'. The time for making an appeal is fairly short. You can get the forms you will need and details of any fees, from the court where the decision was made. Please note that court/probate registry staff cannot advise you:

- whether you should appeal;
- whether you have the right to appeal; and
- the likelihood of any appeal succeeding.

## **Complaints about a judge's conduct**

Complaints about a judge's conduct are dealt with by the:

Office for Judicial Complaints

10<sup>th</sup> Floor, Tower

Post point 10.52

102 Petty France

London

SW1H 9AJ

Telephone number: 020 3334 2555

Fax: 020 3334 2541

Textphone: 020 3334 2668

email: [customer@ojc.gsi.gov.uk](mailto:customer@ojc.gsi.gov.uk)

[www.judicialcomplaints.gov.uk](http://www.judicialcomplaints.gov.uk)

When writing to them please make sure you include:

- the name of the court or probate registry where the hearing or trial took place;
- your case number;
- the name of the judge or magistrate, if known;
- the date the hearing took place;
- your reasons for complaining about the judge's/magistrate's conduct;
- name of deceased (Probate cases only); and
- any other information you feel relevant.

## **Complaints about a Magistrate's conduct**

If your complaint is about a magistrate's conduct, you must first make your complaint to the local Advisory Committee and within 12 months of the hearing. The court will be able to tell you the address to write to. If you are not satisfied with the Committee's decision, you can then write to the Office for Judicial Complaints.

## **Complaints about the conduct of a Tribunal Member**

If your complaint is about a tribunal member(s) conduct, you should make your complaint, in writing, to the Tribunal where your hearing took place.

### **Complaints about a solicitor's conduct**

If you have a complaint about a solicitor's conduct, you should first contact the firm's Senior Partner.

If you are not happy with his or her response, you can write to:

The Legal Complaints Service

The Law Society

Victoria Court

8 Dormer Place

Leamington Spa

Warwickshire CV32 5AE

Telephone: 0845 608 6565

Fax number: 01926 431 435

Textphone: 0845 601 1682

More information is available on their website at [www.lawsociety.org.uk](http://www.lawsociety.org.uk).

### **Complaints about a barrister's conduct**

If you have a complaint about a barrister's conduct, you should write to:

The Bar Standards Board

289-293 High Holborn

London

WC1V 7HZ

Telephone number: 020 7611 1444

Fax: 020 7831 9217

[www.barcouncil.org.uk](http://www.barcouncil.org.uk)

## **If you need legal advice**

Any Citizens Advice Bureau gives free, confidential and impartial advice on a range of matters. Their contact details can be found in the telephone directory or on their website at [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

You can also contact Community Legal Advice on their telephone helpline on 0845 345 4345 or find out more about the service they provide on their website at [www.clsdirect.org.uk](http://www.clsdirect.org.uk)

## **Information in alternative formats**

If you cannot write or require this information in large print, Braille or sign language video, please contact the HMCS Disability Helpline on 0800 358 3506.

# Complaint

- The court/probate registry **cannot consider complaints about** a decision a judge, a magistrate or a tribunal member has made, or the conduct of a judge, magistrate or tribunal member.
- Please use black ink as the form may be copied. Please return the completed form to the court/probate registry.

## For official use

Date received

Reference number

### The court/probate registry

The name and address of the court/probate registry about which you are complaining.

### About you

Name

Address

Daytime telephone number

e-mail (if any)

### Your case

Case/Claim number

Names of parties (or full name of deceased)

v

### Your complaint

Please:

- explain clearly the nature of your complaint;
- describe any facts and events relating to it;
- say why you think a member of staff has made a mistake; and
- what loss if any, you have incurred as a result

**Please continue on a separate sheet if necessary.**

Your signature

Date

Do you have any suggestions to improve the service you have received?