

Complaints about criminal courts

This factsheet looks at how and when you can complain about court or officials working there. This factsheet only looks at complaints about the Crown and magistrates' courts of the criminal court system in England and Wales. It is for anyone who lives with mental illness and has experienced the court system, and their friends, family and carers.

Key Points.

- There are different reasons you may want to complain about the court system. For example, you may feel that the court didn't follow the rules. Or you may be unhappy with how a judge behaved.
- There are different processes for complaining. The process you need will depend on what you are unhappy with.
- There are time limits if you want to complain.
- If you aren't happy with how a court deals with your complaint, you can go to other organisations such as the Ombudsman.
- You may be able to get help with making a complaint about the court.
- If you want to challenge the outcome of your court case this is called an appeal. This is different to making a complaint

This factsheet covers:

1. [Why might I want to complain?](#)
2. [What information should I put in my complaint?](#)
3. [How do I complain about court facilities, services or administrative problems?](#)
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1. Why might I want to complain?

You can make a complaint if you are unhappy with something to do with your court experience, such as:

- court staff caused a delay or made a mistake,
- judge didn't behave properly towards you, or
- court made the wrong decision.

There are 4 different complaint processes to use, depending on what you are unhappy about. The things you might want to complain about are:

- court facilities, court services or administrative problems,
- the behaviour of a judge or magistrate,
- a court decision, or
- your solicitor.

There is a different process for each of these things. These 4 processes are explained in this factsheet.

If you would like to complain about your care and treatment in hospital, you can use the NHS complaints procedure. A court may have sent you to hospital.

You can find more information about '**Complaints - NHS and social services**' at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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2. What information should I put in my complaint?

Depending on what you're complaining about, you can include information in your complaint on things like.

- The court in question.
- What happened.
- How it affected you.
- Where it happened.
- When it happened.
- What people were involved.
- If there was any damage or injury.
- Details of any witnesses.
- Your case reference number.
- What you would like to see as an outcome of your complaint.

3. How do I complain about court facilities, services, security or administrative problems?

The HM Courts & Tribunal Service complaints procedure covers the court facilities, court services, security, and administrative problems.¹ This includes staff at court, other than judges and magistrates.

Who do I complain to?

You should complain to the court office.² You can do this in person, by phone, in writing or online.

If you want to complain online, you will need to use Resolver. Resolver is a free online tool that helps you through the complaints process. The website link for Resolver is below.

www.resolver.co.uk/hmcts-complaints

What happens after I complain?

The court should look at your complaint and get back to you within 10 working days.³

The court should explain how they are dealing with your complaint. The outcome of your complaint could mean the following things happen.

- You get an apology
- A change to policy or process
- Disciplinary action for staff involved
- The court don't agree with you, and they explain why

What if I am unhappy with the response from the court?

Ask for a review⁴

If you're not happy with the reply to your complaint or the way it was handled, you can ask for a review. Details about how to do this will be included in the court's response to you. The court aim to reply within 10 working days.

Ask the Customer Investigation Team to look at your complaint again

If you're not satisfied with the review, you can ask the court's Customer Investigations Team to look at your complaint again. The senior manager dealing with your review can provide details on how to do this. The Team aim to reply to your appeal within 15 working days.

Contact your MP

You can contact your MP if you aren't happy with the outcome of your appeal. Your MP can refer your complaint to the Parliamentary and Health Service Ombudsman (PHSO) to investigate.

The PHSO are completely independent from the court.

You can't complain to the PHSO yourself.

How do I find out who my MP is?

You can find out who your local MP is through the below website link:

<https://members.parliament.uk/members/commons>

Or you can contact the House of Commons Enquiry Service on 020 7219 4272.

The Parliamentary and Health Service Ombudsman (PHSO)

The PHSO makes final decisions on complaints about government organisations.

Telephone: 0345 015 4033

Website: www.ombudsman.org.uk

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4. When can I complain about a judge or magistrate?

You can complain if you're unhappy with a judge or magistrate's:⁵

- behaviour
- language, or
- conduct.

Anna's story

Anna's solicitor told the judge about how Anna's mental health affects her. Anna finds it difficult to process lots of information at once and communicate with people. Her symptoms are more difficult to deal with in stressful situations.

The judge ignored the information and asked Anna several questions at once. And got angry when she didn't answer.

The judge's behaviour could be unfair. They could have asked Anna one question at a time and given her time to process the information. This would've helped her to answer the questions.

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5. How do I complain about a judge?

Who do I complain to?

You can complain to the Judicial Conduct Investigations Office (JCIO).

You can complain to the JCIO about the following people.⁶

- Deputy District Judge
- District Judge
- High Court Judge
- Circuit Judge
- Master
- Recorder
- Coroner or Assistant Coroner
- Lord Justice

Judicial Conduct Investigations Office (JCIO)

This is a government body that handles complaints about judges and the court staff mentioned above.

Address: Judicial Conduct Investigations Office, 81-82 Queens Building, Royal Courts of Justice, Strand, WC2A 2LL

Email: www.complaints.judicialconduct.gov.uk/contact-us/

Web: www.complaints.judicialconduct.gov.uk

How do I complain?

You must complain in writing. Include the following things:⁷

- Your name
- Your address
- The name of the person you are complaining about
- Date of the incident you are complaining about
- Time of when the hearing or incident took place
- Where the incident took place
- Your case number
- Details of any witnesses
- Detail of your complaint

What should I write in my complaint?

The JCIO will only investigate your complaint if you give them enough information. You need to explain:⁸

- exactly what the judge or other person said or did,
- the language that was used, and
- the action or behaviour.

This is a bad example:

The judge was rude to me.

This is a good example:

I felt that the judge was rude to me because she said that, 'people with my mental health diagnosis are always overly dramatic and I am no exception.' I asked the judge to explain what she meant by the comment. She dismissed me by:

- avoiding my question
- rolling her eyes
- sharply inhaling
- avoiding eye contact with me

What happens when I complain?

The JCIO will:⁹

- Let you know they got your complaint within 2 working days
- Look at your complaint and aim to get back to you in 15 working days
- Explain why they can't accept your complaint within 10 days, if that's the case
- Give you an update on your complaint every 4 weeks
- Write to you, explaining the outcome, following their investigation
- Tell you how to contact the Judicial Appointments & Conduct Ombudsman if you think that they have mishandled your complaint
- Try to direct you to other organisations that may be able to help if they are unable to help you.

If they agree with your complaint, they can take disciplinary action against the judge or other person.

This won't change the decision of your court case. If you want to change the outcome of your case, you may be able to appeal. See [section 7](#) of this factsheet for more information on this.

Is there a time limit for complaining?

You should complain within 3 months of the event happening.¹⁰ You may be able to complain after this time if you have a good reason why you missed the deadline.¹¹

What if I am unhappy with how the JCIO handled my complaint?

You can complain to the Judicial Appointment and Conduct Ombudsman (JACO). You need to make your complaint within 28 days of the final letter that you received from the JCIO.¹²

The JACO don't comment on the final decision, but they can look at the way the JCIO handled your complaint.¹³ This can include delay, rudeness, wrong advice, refusing to answer questions or treating you unfairly.

The JACO can:¹⁴

- ask the Judicial Conduct Investigations Office to re-investigate your complaint, if appropriate,
- recommend changes to procedures to try and stop the same issue from happening again, or
- advise that compensation should be paid. They may do this if they think that you have suffered because of maladministration. Maladministration means lots of things such as delay, bad procedures, being given misleading advice or not being told about your rights.

You can use the complaints form on the Ombudsman website:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/614216/conduct-complaint-form.pdf

Judicial Appointments & Conduct Ombudsman

Investigates complaints about the JCIO

Address: Postal point 1.55, 1st Floor, the Tower, 102 Petty France, London SW1H 9AJ

Email: Headoffice@judicialombudsman.gov.uk

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

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6. How do I complain about a magistrate?

You need to complain to the local Advisory Committee.¹⁵

How do I find out who my Advisory Committee is?

Your local magistrates' court can give you the contact details for your local Advisory Committee.

What happens when I complain?

The Advisory Committee will assess your complaint. If they think you have a serious complaint about a magistrate's conduct or behaviour, they will investigate your complaint.¹⁶

The Advisory Committee can take disciplinary action against the magistrate, such as suspending them.¹⁷

If your complaint isn't about a magistrate's conduct or behaviour, they won't be able to deal with your complaint. They will explain this to you.¹⁸

If the Advisory Committee think your complaint is less serious, they may refer it to the Bench Chair to deal with.¹⁹

Who is the Bench Chair?

The Bench Chair is the leader of the magistrates in the local area.²⁰

The Bench Chair will tell you and the Advisory Committee when your complaint has been dealt with. If they agree with your complaint the Bench Chair can take action. For example, they might ask the magistrate to change their behaviour in the future.²¹

Is there a time limit for complaining?

You must complain within 3 months of the incident.²² The time limit can only be extended if you have a good reason for missing the deadline.²³

What if I am unhappy with how the Advisory Committee handled my complaint?

You can complain to the Judicial Appointment and Contact Ombudsman. You must complain within 28 days of the Advisory Committee answering your complaint.²⁴

You can find their contact details in [section 5](#) of this factsheet.

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7. How can I appeal a court decision?

If you're unhappy about a judge or magistrate's decision you can appeal it.

You might be able appeal the following decisions.

- Your conviction. This is when you have been found guilty of a crime.
- Your sentence. This is the punishment that you are given for a crime.

It is important to be aware that if your appeal fails:²⁵

- the court may change your original sentence or conviction, and
- make you pay the court costs.

You can seek advice from a solicitor before you appeal. Appealing your sentence or conviction can be very costly. A solicitor will tell you if you have a good case.

The Law Society can help you find a solicitor. You can find their contact details in the [Useful contacts](#) section at the end of this factsheet.

An appeal hearing can go ahead even if you don't attend.²⁶

How do I appeal a magistrates' court decision?

You can appeal against your conviction or sentence, or both, if you pleaded not guilty at your trial.²⁷

If you pleaded guilty, you can only appeal against your sentence.²⁸

If the court doesn't change their decision you can appeal to the Crown Court. They will decide whether to hear your appeal.

You can download the form from the court service website:

www.gov.uk/guidance/rules-and-practice-directions-2020#appeal

You should send the form to the magistrates' court that made the decision.

How do I appeal against a Crown Court decision?

You can appeal against your conviction or sentence or both. You can do this if you pleaded guilty or not guilty.²⁹

If your case was heard in a Crown Court, you need to appeal to The Court of Appeal Criminal Division.

You can download the forms from the website below. There are lots of forms through the below link. The forms that you need will be under the heading of 'Part 34 Appeal to the Crown Court.'

www.gov.uk/guidance/criminal-procedure-rules-forms#Anchor9

The staff at the Court of Appeal can give you information on the appeal procedures. But they can't give you legal advice or advise you about your appeal. Their contact details are below.

Court of Appeal Criminal Division

Telephone: 020 7947 6011

Address: Criminal Appeal Office, Court of Appeal, Royal Courts of Justice, Strand, London, WC2A 2LL

Email: generaloffice@criminalappealoffice.justice.gov.uk

Website: www.gov.uk/courts-tribunals/court-of-appeal-criminal-division

What is the time limit for appealing?

In a magistrates' court

You have 21 days from when you were sentenced to appeal a magistrates' court decision.³⁰

If you miss the deadline, you must ask the Crown Court for permission before you can appeal. The magistrates' court where you had your trial will tell you how to do this.

In a Crown Court

You have 28 days to apply for an appeal from:³¹

- the date you were convicted if you are appealing your conviction, even if you were sentenced later, or
- the date you were sentenced, if you're appealing your sentence.

You must first apply for permission to appeal. A judge will look at your application and decide whether to give you permission.

If you apply later, you'll need to explain why you couldn't apply in time. You may get an extension.³²

What happens if I have already appealed and I was unsuccessful?

You can contact the Criminal Cases Review Commission (CCRC). They may be able to help you.³³

Criminal Cases Review Commission

The independent public body set up to look into miscarriages of justice. The Commission looks at whether convictions or sentences should be referred to a court of appeal.

Telephone: 0300 456 2669

Address: 23 Stephenson Street, Birmingham, B2 4BH

Email: info@ccrc.gov.uk

Website: www.ccr.gov.uk

What happens if I change my mind about my appeal?

You can withdraw your appeal at any time before your court date.³⁴ You need to fill out a 'notice of abandonment of appeal.' The below weblink will take you to the form that you need to fill in:

www.justice.gov.uk/courts/procedure-rules/criminal/docs/october-2015/form-acpr-eng.pdf

You can find more information about:

- Criminal courts and mental health
- Legal advice

at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

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8. How can I complain about my solicitor?

If you have an issue with your solicitor you can try to sort it out by speaking or writing to them, or someone else in the firm. But if that doesn't work you can make a complaint if you want to.

How can I complaint about poor service?

If you want to complain about a solicitor, to begin with you can complain directly to the solicitor's practice. All solicitors have a procedure for handling complaints.

You can find more information about problems with solicitors on the Solicitors Regulation Authority website at:

www.sra.org.uk/consumers/problems

If you've completed the practice's complaints procedures and you still aren't satisfied with your solicitor's response, you can contact the Legal Ombudsman. They can help to resolve your complaint for you.

Legal Ombudsman

The Legal Ombudsman can investigate your complaint about a solicitor if you have already complained to the solicitor directly and if you are unhappy with their response.

Telephone: 0300 555 0333.

Address: PO Box 6806, Wolverhampton, WV1 9WJ

Email: enquiries@legalombudsman.org.uk

Website: www.legalombudsman.org.uk

How can I complain about a solicitor's behaviour?

You can complain to the Solicitors Regulation Authority (SRA) when solicitors do things like:

- tell lies,
- steal from you,
- shut down their practice without telling you, or
- break their rules.

They take any necessary action against solicitors.

If you complain about a solicitor to the Legal Ombudsman, they might report the solicitor to the SRA, if appropriate. They will do this if they think the solicitor has breached the SRA principles or code of conduct.

But you can report the solicitor directly to the SRA if you think the solicitor has breached the SRA principles or code of conduct.

You can read more about the SRA principles and code of conduct here:

www.sra.org.uk/consumers/sra-regulate/sra-regulate.page#principles

You can get information about how to report the solicitor to the SRA from the link below. Please scroll down to the heading, 'How to report a solicitor or firm to the SRA: www.sra.org.uk/consumers/problems/report-solicitor.page#when-report-sra

9. Can someone help me to complain?

A friend or relative can help you to complain.

If you are in prison, you could ask your Personal Officer, another member of prison staff or another inmate for help.

You may be able to get help from:

- an advocacy service,
- Your Member of Parliament (MP), or
- Citizens Advice.

Advocacy services

There may be advocacy services that could help you to make a complaint. Advocacy services are independent to the courts. They should be free to use.

You might be detained in hospital under a forensic section of the Mental Health Act, such as section 37. An Independent Mental Health Advocate (IMHA) may be able to help you.³⁵ This type of advocate will exist in all areas of England. You can ask staff in the hospital if you want to see an IMHA.

If you aren't detained under the Mental Health Act you may be able to get help from a community advocate. They are sometimes called mental health advocates. But they won't exist in all areas of England.

You can find more information about '**Advocacy**', including how to find a local service, at www.rethink.org. Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

Member of Parliament (MP)

You could ask your local MP to help you make a complaint.

You can find out who your local MP is by going to the website <http://findyourmp.parliament.uk/>

Or you can contact the House of Commons Information Office on 020 7219 4272.

Citizen's Advice

Your local Citizen's Advice may be able to help you complain.

You can find your local office at www.citizensadvice.org.uk or call 0800 144 8848

10. Can I complain for a relative or friend?

You can complain for a relative or friend if they consent in writing.

You can also help a relative or friend to complain for themselves.

You could:

- give them information about how the complaints process works,
- explain to your relative or friend how the complaints process works,
- help them to write their complaint,
- find out who to send the complaint to, and
- help to monitor progress of the complaint.

You can make a complaint about something that has affected you personally without your relative's consent.

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Further Reading

Criminal legal aid: means testing

Calculator to help you to work out if you qualify for legal aid.

Website: www.gov.uk/guidance/criminal-legal-aid-means-testing

Useful Contacts

The Law Society

Can help you find a solicitor.

Telephone: 020 7320 5650

Email: Online form [on website](#)

Website: www.lawsociety.org.uk

Equality Advisory Support Service (EASS)

Gives information and advice on discrimination and human rights

Telephone: 0808 800 0082 (Monday-Friday 9am-7pm and Saturday 10am-2pm)

Textphone: 0808 800 0084

Address: FREEPOST EASS HELPLINE FPN6521

Email: Online form www.equalityadvisoryservice.com/app/ask

Website: www.equalityadvisoryservice.com

The Criminal Injuries Compensation Authority

A government organisation that can pay money to people who have been physically or mentally injured because they were the blameless victim of a violent crime.

Telephone: 0300 003 3601

Address: Alexander Bain House, Atlantic Quay, 15 York Street, Glasgow G2 8JQ, United Kingdom

Website: www.gov.uk/government/organisations/criminal-injuries-compensation-authority

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- ¹⁵ GOV.UK. *Complain about a Judge, Magistrate, tribunal member or coroner*. www.gov.uk/complain-judge-magistrate-tribunal-coroner (accessed 25th November 2021).
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- ¹⁸ Rule 32 *The Judicial Conduct (Magistrates) Rules 2014*. Page 6
- ¹⁹ Rule 25 *The Judicial Conduct (Magistrates) Rules 2014*. Page 6

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- ²⁰ Courts and Tribunals Judiciary. *Magistrates*. www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/magistrates/ [accessed 25th November 2021]
- ²¹ Rule 25 *The Judicial Conduct (Magistrates) Rules* 2014. Page 6
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- ²⁴ GOV.UK. *Judicial Conduct: complain to the ombudsman*. <https://www.gov.uk/guidance/judicial-conduct-complain-to-the-ombudsman> (accessed 25th November 2021).
- ²⁵ GOV.UK. *Appeal a Magistrate's court decision*. www.gov.uk/appeal-magistrates-court-decision/when-to-appeal-to-the-crown-court (accessed 25th November 2021).
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Rethink Mental Illness Advice Service

Phone 0808 801 0525
Monday to Friday, 9:30am to 4pm
(excluding bank holidays)

Email advice@rethink.org



Did this help?

We'd love to know if this Information helped you

Drop us a line at: feedback@rethink.org

or write to us at Rethink Mental Illness:

RAIS
PO Box 18252
Solihull
B91 9BA

or call us on 0808 801 0525

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)

Equality, rights, fair treatment, and the maximum quality of life for all those severely affected by mental illness.

For further information on Rethink Mental Illness Phone 0121 522 7007
Email info@rethink.org



rethink.org

Need more help?

Go to rethink.org for information on symptoms, treatments, money and benefits and your rights.

Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

Need to talk to an adviser?

If you need practical advice, call us on: 0808 801 0525 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to rethink.org/donate or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.



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