

Complaints about court

This factsheet looks at how you can complain about court. It explains when you can complain, who can help you and what you can do if you are still not happy once you have complained. This factsheet only looks at complaints about the crown and magistrates' courts of the criminal court system in England and Wales.

 KEY POINTS

- There are different reasons you may want to complain about the court system. For example, you may feel that the court did not follow the rules. Or you are unhappy with how a judge has behaved.
- You can challenge the outcome of your court case. This is called an appeal.
- There are different processes for complaining. The one you need will depend on what you are unhappy with.
- There are some time limits if you want to complain. You should always complain about something as soon as you can.
- If you are not 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.

This factsheet covers:

1. [Why might I want to complain?](#)
2. [What can I complain about?](#)
3. [How do I complain about court facilities, court services or administrative problems \(for example, delays or errors\)?](#)
4. [How do I complain about the behaviour of a judge or magistrate?](#)
5. [How do I complain about a court decision?](#)
6. [Can anyone help me to complain?](#)
7. [How do I complain about a relative or friend's experience?](#)

1. Why might I want to complain?

It can be a very stressful experience to be involved in the court system.

You may feel that the:

- court staff caused a delay or made a mistake,
- judge did not behave properly towards you, or
- court made the wrong decision.

You can complain about the court. There are different complaint processes depending on what you are unhappy about.

Below are some of the things you need to include when you complain.

- Which court are you complaining about?
- Where and when were the event(s) you are complaining about?
- Who was involved?
- What was said and done?
- Was there any damage or injury?
- Details of any witnesses.
- Your case reference number.

If you are not happy with the service from your solicitor in court, you can complain about this. You may have spent time in hospital because of your mental illness while in the criminal justice system. If you would like to complain about your care and treatment in hospital, you can use the NHS complaints procedure.

Go to www.rethink.org for information on these topics.

- Legal advice
- Complaints – NHS and social services

Or call 0121 522 7007 and ask us to send you a copy.

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2. What can I complain about?

You can complain about:

- court facilities, such as toilets, waiting area or smoking area,
- court services,
- administrative problems with court staff, such as delays, mistakes or wrong information,
- the behaviour of a judge or magistrate, or
- the outcome of your court case.

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

The HM Courts & Tribunal Service complaints procedure covers the services and facilities that courts provide. This includes magistrates' and crown courts. You can complain about administrative problems with the court staff such as delays, mistakes and wrong information.

Who do I complain to?¹

You should complain to the court office. You can do this in person, on the telephone or in writing. You can also use the complaints form on the HM Courts website:

http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=256

What happens after I complain?²

The court should look into your complaint and try to sort it out immediately. If they need to look into it further, they aim to get back to you within 10 working days.

The court should look into all your points and explain what they are doing to make the situation right. They should give you the contact details of who can look at your complaint again if you are still unhappy.

What if I am unhappy with the response?³

You can write to the senior manager in the court office. The court should have given you their details when they answered your complaint.

You should explain why you are still not happy and ask them to look at it again. This is called a review. They aim to get back to you in 10 working days and should let you know the outcome of the review. This includes what they have done to make the situation right and the details of the team you can contact if you are still not happy.

If you are not happy with the review, you can ask the Customer Service Team to look at your complaint. This is called an appeal. The team will look at how the court handled your complaint and the decision they made. They should get back to you within 15 working days.

If you are still not happy, you can ask the Parliamentary and Health Service Ombudsman (PHSO) to investigate. They are completely independent from the court.

A court is a government organisation. The PHSO needs a Member of Parliament (MP) to pass along any complaints about government organisations. You cannot pass your court complaint to the PHSO yourself.

You can find out who your local MP is by going to the website www.parliament.uk/mps-lords-and-offices/mps/ or 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 (Monday to Friday 8.30am to 5.30pm)

Website: www.ombudsman.org.uk

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4. How do I complain about the behaviour of a judge or magistrate?

You need to use a different process if you want to complain about how a judge or magistrate has behaved towards you.

Anna's story

Anna's solicitor told the judge about her mental health and that she finds it difficult to communicate with people, especially in stressful situations. But the judge ignored this and asked her several questions at once. Then they got angry when she did not answer.

The judge's behaviour could be unfair. They should have asked Anna one question at a time and given her time to answer.

A judge's behaviour

Who do I complain to?

If you are complaining about a judge, you should contact the Judicial Conduct Investigations Office (JCIO). You should complain in writing and include the name of the judge, the court, the case number and the date of your court hearing. You should also give details of the behaviour you are complaining about.⁴

Judicial Conduct Investigations Office (JCIO)

This is a government body that handles complaints about judges.

Telephone: 020 7073 4719

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

Email: inbox@jcio.gsi.gov.uk

Web: <http://judicialconduct.judiciary.gov.uk/>

What happens when I complain?

The JCIO should let you know they got your complaint within 2 working days. A caseworker will take on your complaint and write to you within 15 working days. They may contact you to ask you for more information. They may decide you don't have a good reason to complain. If this happens they will let you know that they are not looking into the complaint.

If they can deal with your complaint, the JCIO will look into it. Your caseworker should send you written progress updates every four weeks. If they agree with your complaint, they can take disciplinary action against the judge. This will not change the outcome or any other aspect of your

court case. If you want to change the outcome of your case you may be able to appeal. See section 5 for more information on this.

Is there a time limit for complaining?

You should complain within 3 months of the thing you are complaining about happening.⁵ Sometimes you can complain after this but you have to have a good reason.⁶

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

You can complain to the Judicial Appointment and Conduct Ombudsman (JACO). They do not comment on the final decision but can look at the way the JCIO handled your complaint. This can include delay, rudeness, wrong advice, refusing to answer questions or treating you unfairly. They may think that the way that the JCIO handled your complaint meant that they might have made the wrong decision. If this happens they can tell the JCIO to look at your complaint again.⁷

When the JCIO tells you it has finished dealing with your complaint, you have 28 days to complain to the JACO. It will only investigate outside 28 days in exceptional circumstances and you would need to give reasons for this.⁸

You can use the complaints form on the Ombudsman website:
www.justice.gov.uk/downloads/forms/jaco/conduct-complaint-form.pdf.

Judicial Appointments & Conduct Ombudsman

Investigates complaints about the JCIO

Telephone: 020 3334 2900

Address: 9.53, 9th Floor, The Tower, 102 Petty France, London, SW1H 9AJ

Email: headoffice@jaco.gsi.gov.uk

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

A magistrate's behaviour

If you are complaining about a magistrate's behaviour, you should contact the local Advisory Committee. Your local magistrates' court can give you the contact details for your Advisory Committee.

What happens when I complain?

The Advisory Committee will think about your complaint. If they think you have a good reason to complain they will think about how serious the complaint is. If they think it is very serious they will tell a conduct panel to investigate the complaint.⁹ The conduct panel can take disciplinary action against the magistrate such as suspending them.¹⁰

If the Advisory Committee think the complaint is less serious, they can ask the bench chairman to investigate. The bench chairman is the leader of the magistrates in the local area.¹¹ If they agree with your complaint the bench chairman can take action. For example, they might ask the magistrate to change their behaviour in the future.¹²

Is there a time limit for complaining?

You have to complain within 3 months of the incident.¹³ If you don't, you need a good reason why or the Advisory Committee will not look into your complaint.¹⁴

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

You can complain to the Judicial Appointment and Contact Ombudsman. You can find their contact details in section 4 of this factsheet. They do not comment on the final decision. But they can look at the way the Advisory Committee handled your complaint. This can include delay, rudeness, bad advice, refusing to answer questions or treating you unfairly.

You can use the complaints form on the Ombudsman website:
www.justice.gov.uk/downloads/forms/jaco/conduct-complaint-form.pdf.

You have to complain within 28 days of the Advisory Committee answering your complaint.¹⁵

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5. How do I complain about a court decision?

You may want to complain about a judge or magistrate's decision. For example, you may have been found guilty of an offence you feel you did not commit. You may feel your sentence is unfair. If you challenge a judge or magistrate's decision, this is called an appeal.

If the magistrates' court heard your case, you would need to fill out a form to ask for the Crown Court to hear your appeal. You can download the form from court service website:

www.justice.gov.uk/courts/procedure-rules/criminal/docs/crimpr-part63-appealnotice.pdf

You send the form to the magistrates' court that made the decision.¹⁶ If the Crown Court heard your case, you need to appeal using form NG.

You can find this form on the court service website:

www.justice.gov.uk/courts/procedure-rules/criminal/docs/crim-pr-form-part68-rule68-3-Notice-and-Grounds-of-Appeal-against-conviction-or-sentence.pdf

You need to send the form to the Criminal Appeal Office.

A solicitor can advise you on how to make an appeal. Appealing your sentence or conviction could be very costly, so it is worth seeking legal advice to see if you have a good case. The Law Society can help you find a solicitor. Their contact details are at the end of this factsheet.

Is there a time limit for appealing?

If you want to appeal a conviction in a Crown Court case, you must do so within 28 days of your conviction. You have to do this even if you were

sentenced at a later date). If you want to appeal your sentence you have 28 days from the date that you were sentenced.¹⁷

If you want to appeal the outcome of a magistrates' court case, you have 21 days from when you were sentenced.¹⁸

If you have already appealed and were unsuccessful, the Criminal Cases Review Commission (CCRC) may be able to help you.¹⁹ Their contact details are at the end of this factsheet.

You can find out more about:

- Criminal courts and mental health
- Legal advice

at www.rethink.org or call 0121 522 7007 and ask us to send you a copy.

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6. Can anyone help me to complain?

A friend or relative could 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.

Advocacy

There may be advocacy services that could help get your voice heard and make a complaint on your behalf. You can search online for a local advocacy service or call our advice service on 0300 5000 927 and we can search for an advocate for you. You can find out more about '**Advocacy**' at www.rethink.org. Or call 0121 522 7007 and ask us to send you a copy.

MP

You could ask your local MP to help you make a complaint. They could either help you to complete forms or perhaps make a complaint on your behalf. You can find out who your local MP is by going to the website <http://findyourmp.parliament.uk/> or 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 <https://www.citizensadvice.org.uk/> or call 08444 111 444.

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7. How do I complain about a relative or friend's experience?

If you are a relative or friend of someone who has had a problem with the court, you can help them to complain. You could help them by finding out about the complaints process and the local contact details. You may help them put the complaint together.

Before you complain on your relative or friend's behalf, they should agree. They need to write down that they are happy for you to do this. Otherwise, the office may not accept your complaint.

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You can find more information about:



- Complaints about the police
- Complaints about prison
- Complaints about probation
- Complaining about the NHS or Social Services
- Police stations – what happens when you are arrested
- Appropriate adult
- Criminal courts and mental health
- Prison – what happens when I am in prison

at www.rethink.org. Or call 0121 522 7007 and ask us to send you a copy. For advice please call 0300 5000 927.



Civil Legal Advice

Offers free, confidential and independent legal advice for people on a low income in England and Wales.

Telephone: 0845 345 4 345 (Monday –Friday 9am-8pm and Saturday 9am-12:30pm)

Website: <https://www.gov.uk/civil-legal-advice>

The Law Society

Can help you find a solicitor.

Telephone: 020 7320 5650 (Monday – Friday 9am – 5:30pm)

Email: findasolicitor@lawsociety.org.uk

Website: www.lawsociety.org.uk/find-a-solicitor/

Criminal Cases Review Commission

The independent public body set up to look into cases where someone in England, Wales and Northern Ireland has been convicted of a crime they did not commit. The Commission looks at whether convictions or sentences should be referred to a court of appeal.

Telephone: 0121 233 1473

Address: 5 St Philip's Place, Birmingham, B3 2PW

Email: info@ccrc.x.gsi.gov.uk

Website: www.ccrcc.gov.uk

Equality Advisory Support Service (EASS)

Gives information and advice on discrimination.

Textphone: 0808 800 0084

Telephone: 0808 800 0082 (Mon-Fri 9am-7pm and Sat 10am-2pm)

Address: FREEPOST EASS HELPLINE FPN6521

Email: Online form [here](#)

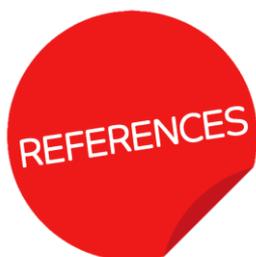
Website: www.equalityadvisoryservice.com

The Criminal Injuries Compensation Authority

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

Telephone: 0300 003 3601 (Monday to Friday 8.30am – 5pm, except Wednesday 10am – 5pm)

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



¹ HM Courts and Tribunals Service. *Unhappy with our service – what can you do?* Pg 1. <http://s3-eu-west-1.amazonaws.com/hmctsformfinder/ex343-eng.pdf> [Accessed 5 May 2016]

² As note 1. Pg 1. [Accessed 5 May 2016]

³ As note 1. Pg 1-2. [Accessed 5 May 2016]

⁴ Judicial Conduct Investigations Office. *What do we need from you?*

<http://judicialconduct.judiciary.gov.uk/making-a-complaint/what-do-we-need-from-you/> [Accessed 5 May 2016]

⁵ Rule 11 *The Judicial Conduct (Judicial and other office holders) Rules 2014*

⁶ As note 5. Rule 14

⁷ Judicial Appointments and Conduct Ombudsman. *About us.*

www.gov.uk/government/organisations/judicial-appointments-and-conduct-ombudsman/about [accessed 5 May 2016]

⁸ Judicial Appointments and Conduct Ombudsman *How to complain about the Judicial Conduct Investigation Process.* pg 5.

www.gov.uk/government/uploads/system/uploads/attachment_data/file/519847/jaco-how-to-complain-judicial-conduct-investigation.pdf [accessed 5 May 2016]

⁹ Rule 36 *The Judicial Conduct (Magistrates) Rules 2014*

¹⁰ As note 9. Rule 81

¹¹ Courts and Tribunals Judiciary. *Magistrates.* <https://www.judiciary.gov.uk/about-the-judiciary/who-are-the-judiciary/judicial-roles/magistrates/> [accessed 4 May 2016]

¹² As note 9. Rule 31(d)

¹³ As note 9. Rule 15

¹⁴ As note 9. Rule 18

¹⁵ As note 8. pgs 4-5

¹⁶ Gov.uk. *Appeal or dispute a sentence or conviction 1. Magistrates' court verdict*

www.gov.uk/appeal-against-sentence-conviction/magistrates-court-verdict [accessed 5 May 2016]

¹⁷ Gov.uk. *Appeal or dispute a sentence or conviction 2. Crown Court verdict*

www.gov.uk/appeal-against-sentence-conviction/crown-court-verdict [accessed 9 June 2016]

¹⁸ As note 16

¹⁹ Criminal Cases Review Commission. *Can I apply?* www.ccr.gov.uk/making-application/can-i-apply/ [accessed 9 June 2016]

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This factsheet is available
in large print.

Rethink Mental Illness Advice Service

Phone 0300 5000 927

**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 17106

Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm

Monday to Friday (excluding bank holidays)



**Leading the way to a better
quality of life for everyone
affected by severe mental illness.**

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



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twitter.com/rethink_



www.rethink.org

Need more help?

Go to www.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 0300 5000 927 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 www.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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