

OJC4



OJC
Office for
Judicial
Complaints

I want to complain
about a Coroner

www.judicialcomplaints.gov.uk

Coroners always seek to act in accordance with the highest standards of personal and professional conduct. The Lord Chancellor and the Lord Chief Justice take seriously any complaint that a Coroner has in some way fallen short of these standards.

This leaflet explains how to complain and how we will do all we can to ensure that your complaint is dealt with fairly and as quickly as possible.

Complaints

Coroners are independent judicial officers. Their role is to investigate deaths which are reported to them and which appear to be due to violence, to be unnatural or of sudden or unknown cause, or which occur in legal custody; and to carry out certain related responsibilities.

Responsibility for the conduct of enquiries and any inquest hearing is entirely a matter for the Coroner. It is, for example, the Coroner who decides whether a post-mortem examination is needed, whether to hold, adjourn or resume an inquest, the extent to which documents should be disclosed prior to an inquest, what evidence should be submitted, and which witnesses to call.

This sort of decision cannot form the subject of a complaint. If you are unhappy with such a decision, or with the outcome of an inquest, you are advised to seek advice from a solicitor, local law centre, Citizens Advice Bureau or the Community Legal Service as to whether

a legal challenge, by way of an application to the High Court, would be appropriate.

If your complaint is not about a Coroner's decision but about the Coroner's personal conduct, you have the right to complain to the Office for Judicial Complaints (OJC). Examples of potential personal misconduct would be the use of insulting, racist or sexist language, or unreasonable delays in holding an inquest or replying to correspondence.

How to complain

Complaints about the personal conduct of an individual Coroner, a Deputy or Assistant Deputy Coroner, or a member of the Coroner's staff, should normally be raised in the first instance with the Coroner concerned. If the Coroner is unable to deal with your complaint satisfactorily, you may decide to make a complaint to the OJC. Please note that the OJC cannot directly consider complaints about the conduct of Deputy or Assistant Deputy Coroners or Coroners' staff.

Your complaint should be made in writing by post or by email. If for any reason you are unable to do this, please contact the OJC who will do all they can to help you. Our contact details are at the end of this leaflet.

Your letter should state clearly:

- your name, address, and telephone number;
- the name of the Coroner, the name and date of death of the deceased, and the date of any inquest hearing;

- specific details about the grounds of your complaint.

You can download a printable version of the complaints form from the OJC website. Details are at the end of this leaflet.

Your complaint should be made as soon as possible and, in any event, no later than 12 months after the incident that you wish to complain about.

Please bear in mind, however, that it may not always be possible to investigate a complaint while proceedings are ongoing.

Remember that the OJC cannot consider any complaint about a Coroner's decisions in relation to the death concerned or about how the Coroner managed the investigation or any inquest.

What happens next?

When the OJC receives your complaint we will acknowledge it within two working days. To assist with the decision making process we may ask for further details of your complaint and ask others involved, including the Coroner, for their account of events.

The OJC may dismiss a complaint, or part of a complaint, if it fails to meet the criteria set out in the Judicial Discipline Regulations. (These can be found on the OJC website.)

If the case is not dismissed by the OJC, the Lord Chancellor and the Lord Chief Justice will consider the evidence and decide what action, if any, is appropriate.

In certain complex cases the matter may be referred to a senior Judge for a judicial investigation.

At all stages we will keep you fully informed of progress.

If your complaint is upheld the Lord Chief Justice and the Lord Chancellor may decide to take disciplinary action against the Coroner. You should be aware, however, that any such disciplinary action is a separate matter from the proceedings in your case, and it will not alter the outcome of those.

How long will it take to investigate my complaint?

We aim to deal with your complaint and provide you with a full response within three months. However, if a judicial investigation is needed, the process may take several months longer.

What if I am not happy with the way my complaint has been handled?

If you are unhappy with the way your complaint has been dealt with or is being dealt with, you have the right to raise your concerns with the independent Judicial Appointments and Conduct Ombudsman, whose contact details are as follows:

Judicial Appointments and Conduct
Ombudsman
8th Floor, Millbank Tower
Millbank
London SW1P 4QP

Tel: 020 7217 4505

Fax: 020 7217 4262

Website: www.judicialombudsman.gov.uk

The Ombudsman may decide to review how your complaint has been handled and whether the proper procedures were followed. He is not able to investigate whether the decision reached on a complaint is right or not.

Your complaint should normally be made no later than 28 days after you are told by the OJC of the outcome of your original complaint.

The Office for Judicial Complaints

The OJC is an associated office of the Department for Constitutional Affairs. It has been set up to support the Lord Chancellor and the Lord Chief Justice in their joint responsibilities for the system of judicial discipline. Its contact details are as follows:

Office for Judicial Complaints
4th Floor Clive House
70 Petty France
London SW1H 9EX

Tel: 020 7189 2937
Fax: 020 7189 2936
Textphone: 020 789 2941

Website: www.judicialcomplaints.gov.uk
Email: customer@ojc.gsi.gov.uk

Braille, large print and Welsh formats of this leaflet are available from the OJC on request – please see contact details above.