



OJC
Office for
Judicial
Complaints

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PERSONAL

Ms N Klosterkotter-Dit-Rawe

(Helpline for the deaf and hard of hearing)

www.judicialcomplaints.gov.uk

5 December 2011

Our ref: 12048/2011

*Contrast my
28 Nov 2011 complaint
with the reply*

Dear Ms Klosterkotter-Dit-Rawe

Your complaint about Lord Justice Mackay

Thank you for your letter and enclosures, which were received on 30 November in which you express concern about Lord Justice Mackay in connection with Claim Number HQ11X01471; Appeal No QB/2011/0483.

Another one!
My Diary 6
May 08

This letter explains that having assessed your complaint we cannot take it further and your complaint has been dismissed. I have provided an explanation for this decision below. I have also provided advice on how to challenge judicial decisions and information on the services of the Judicial Appointments and Conduct Ombudsman.

Our remit

The role of the Office for Judicial Complaints (OJC) is to assist the Lord Chancellor and Lord Chief Justice in their joint responsibilities for judicial conduct and discipline. These responsibilities are set out in the Judicial Discipline (Prescribed Procedures) Regulations 2006 (as amended), a copy of which may be found on our website.

The OJC can only investigate complaints about the personal conduct of judicial office holders, whether inside or outside of the courtroom. Examples of 'personal conduct' include but are not restricted to the use of profane, racist or sexist language or shouting. The OJC cannot investigate complaints relating to judicial decisions and judicial case management. The terms 'judicial decision' and 'case management' include issues relating to the evidence that is considered and/or dismissed. The weight attached to the evidence that is admitted, the final decision and ancillary matters such as costs and sentencing.

** But it evidently "excludes" DISCRIMINATION*

Your complaint

In summary, you have complained that Lord Justice Mackay:

1. Failed to provide reasons for his judgment;
2. Asked you to pay an unspecified amount;

FALSE

3. Refused your application for permission to appeal; and

Linked to #2
above

4. Ordered that you pay an appropriate transcription fee.

You have asked for the OJC to take action to ensure that you receive a reasoned order for the refusal of your application within the next 10 days.

Reasons why your complaint is dismissed

As explained above, the OJC cannot investigate judicial decisions or judicial case management. Regulation 14 (1)(b) requires that the OJC dismiss any allegation that falls into either category.

I have found that points 1 – 4 of your complaint are about judicial decisions and judicial case management. It is for this reason that I cannot take your complaint any further. Matters relating to the evidence and information that the Judge considered in reaching their decision, the decisions that the judge has made and the legitimacy of the decisions fall outside the remit of the OJC.

The way to challenge a judge's decision is by appealing. Although it is not guaranteed that there would be a right of appeal. Alternatively, you may be able to challenge the decision by judicial review. We suggest that you seek legal advice in order to find out what your options are and how to proceed.

You may find it helpful to seek advice from a solicitor, law centre or the Citizens Advice Bureau (<http://www.citizensadvice.org.uk>). The Community Legal Service (CLS) – a Government organisation – might also be able to help. This service helps put people in touch with sources of legal advice in their area. Further details about the CLS can be found on their web-site (<http://www.clsdirect.org.uk>).

As regards the transcription of the judgment, this is the responsibility of Her Majesty's Courts and Tribunals Service. Lord Justice Mackay's decision that you pay an appropriate transcription fee is not one that can be challenged by the OJC. I can only recommend that you contact staff at the High Court for further advice about seeking a transcript.

The Judicial Appointments and Conduct Ombudsman

If you are unhappy with my handling of your complaint, you can contact the Judicial Appointments and Conduct Ombudsman, Sir John Brigstocke KCB. The Ombudsman can only consider complaints about how the OJC has handled your complaint. He has no power to investigate your original complaint about Lord Justice Mackay.

The Ombudsman can consider a complaint if you write to him within 28 days of receiving our final decision. After this time, he will consider whether he is able to investigate it. The Ombudsman can be contacted:

- in writing at: *9th Floor Tower, 9.53, 102 Petty France, London, SW1H 9AJ*
- by e-mail at headoffice@jaco.gsi.gov.uk; and

- by telephone on 0203 334 2900.

Further information about the Ombudsman can be found at www.judicialombudsman.gov.uk.

I am sorry that it has not been possible to investigate your concerns. I know that you will be disappointed with this decision. If you would like any further information about the reasons given, or if you feel that I have failed to address any of the points in your complaint, please contact me.

Yours sincerely

Natasha Kumalo
Office for Judicial Complaints