

Courts Charter - The Court of Protection

This leaflet sets out the standard of service you can expect from the Court of Protection. We have set these standards after talking to people who have used the court. We aim to provide an excellent, courteous service and when you come to court you can expect fair and equal treatment, no matter what your age, ethnic origin, sexual orientation, disability, gender or religious beliefs.

This Charter is about the administration of the court and not the decisions made by judges. You may be able to appeal to a higher court if you are unhappy about the outcome of your case. If you want to do so you should get legal advice. Please note that court staff are unable to give legal advice to customers.

If you are coming to court

When you are first asked to come to court we will send you, or your solicitor:

- directions about how to get to court;
- details of public transport and any car parks near the court;
- details of the times the court is open;
- information on the availability of refreshments and telephones;
- The contact details of the Listing and Appeals Office should you need to contact us.

The use of video conferencing facilities is available with the judge's permission.

If you have a disability and you need help at your court hearing, please let us know in advance by speaking to the manager of the Court Public Counter who will tell you how we can help you.

Please tell the Listing and Appeals Team in advance if you need a foreign language interpreter. You may need to arrange and pay for this yourself.

The main building is open from 9am. The public counter is open from 10am to 4pm. Please note that smoking is strictly prohibited in any part of our building.

When you come to court you will find:

- courteous, polite, helpful staff;
- clear signs to help you find your way around;
- a list of cases to be heard that day and information leaflets on display;
- a notice giving details of the Public Counter Manager who will be pleased to help you with any special needs, suggestions or complaints.

When you go to the public counter we will:

- respect your privacy;
- talk to you out of the hearing of other members of the public, if you prefer;
- use simple clear language and ensure all technical terms are explained;
- attend to your enquiry within 10 minutes or explain the delay if you have to wait longer.

You can contact us by phone Monday to Friday between 9am and 5pm and we will:

- answer the phone promptly and helpfully;
- give you a clear and helpful answer

When you write to the court, and we need to reply, we will:

- write to you or phone you within 10 working days of receiving your letter:
- tell you who is writing and provide a phone number to contact them if you wish.

If you want to start a case we will:

- contact the applicant within 25 working days of receipt of the formal application;
- where no oral hearing is directed, the court will give a direction within 21 weeks of receipt of the application;
- where an oral hearing is directed by the court we will set the hearing within 15 weeks of the direction.

If you request application forms or printed advice we will post them within one working day. We can give you forms and offer guidance on how to complete them but we cannot give you legal advice or tell you what to say. We won't be able to say if your case is likely to succeed, or tell you what the court will decide.

Community Legal Advice

Community Legal Advice, a free government funded service, will provide information on where you can obtain the type of legal advice you need.

Telephone: 0845 345 4345

Website: www.communitylegaladvice.org.uk

Citizens Advice Bureau

The CAB gives free, confidential, impartial and independent advice on a wide range of subjects. You can contact the CAB regional office at:

Citizens Advice
Myddelton House
115-123 Pentonville Road
London N1 9LZ

website: www.citizensadvice.org.uk

Your Court hearing

When you arrive at court we will:

- show on a notice board in the foyer and at the Public Counter where your case will be heard;
- arrange for you to wait apart from the other side's witnesses if there is no separate area. Please ask the court if you would prefer this;
- deal with your case as soon as possible. However, delays can happen, for example if the case before yours takes longer than planned.

If you have to wait we will:

- tell you regularly how much longer you may have to wait;
- tell you as quickly as possible if your case cannot be heard that day.

If we have to change the date of your hearing we will let you know as soon as we can.

Court decisions and orders

The judge may hear your case in court or make a decision based on the documents relating to your case. The judiciary are wholly independent and we cannot investigate, reverse or alter judicial decisions. Judicial decisions can only be challenged through the reconsideration and appeal process.

Listening to you

We welcome your comments and suggestions on how we could improve our service to you. If you have a complaint, please tell us as soon as possible and we will do our best to sort out the problem there and then. If you are still not happy, you can speak to a member of our Performance and Delivery Team or write to the Manager of our Performance and Delivery Team. We aim to resolve and respond to the complaint, giving you a full answer within 10 working days of receipt.

If you are still dissatisfied with the response given you may write to the Head of Court Administration at:

Court of Protection
Level 9
Archway Tower
2 Junction Road
London N19 5SZ

Telephone: 0845 330 2900

The Head of Court Administration aims to resolve and respond to the complaint, giving you a full answer within 10 working days.

A leaflet called 'I want to complain – what should I do' is available. For more information please ask one of the court staff or visit our website at:

www.hmcourts-service.gov.uk

We welcome suggestions and compliments too.

Whilst we can investigate complaints about how a judge behaved in court we cannot investigate anything to do with their judgment, their assessment of a case or overturn any of their decisions.

Information about how to make a complaint about the personal conduct of the judiciary is available on the web:

www.judicialcomplaints.gov.uk

Such complaints may be sent in writing to:

Office for Judicial Complaints (OJC)
4th Floor, Clive House
70 Petty France
London SW1H 9HD

Telephone: 020 7189 2937
Fax: 020 7189 2936

Your letter should include the name of the judge and court, your case number and the hearing date together with the specific details of the conduct about which you are complaining.

Although we cannot look into complaints about solicitors, barristers or any other organisation, you may find the following addresses useful:

Solicitors

Consumer Complaints Service
The Law Society
Victoria Court
8 Dormer Place
Leamington Spa
Warwickshire CV32 5AE

Helpline: 0845 608 6565
Textphone: 0845 601 1682
Fax: 01926 431435

email: enquiries@lawsociety.org.uk
website: www.oss.lawsociety.org.uk

Barristers

If you would like a complaint form please write to:

The Complaints Department
The General Council of the Bar
Northumberland House
289-293 High Holborn
London WC1V 7HZ

Telephone: 020 7242 0082
Fax: 020 7611 1342

email: complaints@barcouncil.org.uk
website: www.barcouncil.org.uk