

[Home](#) > ... > [Your Rights](#) > [Fundamental Rights](#) > England and Wales

National courts and other non-judicial bodies

Content provided by:
England and Wales

England and Wales

[National Courts](#)

[National Human Rights Institutions](#)

[Ombudsperson](#)

[Specialised human rights bodies](#)

[Other](#)

National Courts

Her Majesty's Courts & Tribunals Service

Her Majesty's Courts & Tribunals Service is responsible for the administration of the criminal, civil and family courts and tribunals in England and Wales and non-devolved tribunals in Scotland and Northern Ireland. It provides for a fair, efficient and effective justice system delivered by an independent judiciary.

HM Courts & Tribunals Service aims to ensure that all citizens receive timely access to justice according to their different needs, whether as victims or witnesses of crime, defendants accused of crimes, consumers in debt, children at risk of harm, businesses involved in commercial disputes or as individuals asserting their employment rights or challenging the decisions of government bodies.

For information about contacting courts see [Courts contacts](#)

For information about contacting tribunals see [Tribunal contacts](#)

Additional Information

Civil proceedings

1. In England and Wales civil proceedings are instituted by the aggrieved person, who is referred to as the "claimant". No preliminary inquiry on the authenticity of the grievance is required. The usual way to commence civil proceedings, in both the High Court and the County Court, is by issuing a document known as the "claim form". The early stages of civil proceedings are dominated by the exchange of formal statements of case by the respective parties.
2. Civil proceedings can usually be abandoned or ended by compromise at any time. Actions brought to court are usually tried by a judge without a jury. However, subject to the court's agreement there is a right to trial by jury in actions involving claims for deceit, libel, slander, malicious prosecution and false imprisonment. The jury decides questions of fact and damages awarded to the injured party. Verdicts should normally be unanimous, but if a jury cannot agree then majority verdicts may be accepted.
3. If a party refuses to comply with a judgment or order of court, a range of enforcement procedures are available. Where the judgments is for a sum of money, the most common method of enforcement is either

by seizure of the debtor's goods or by an attachment of earnings order. If the judgment takes the form of an injunction, a refusal to obey the injunction may result in imprisonment for contempt of court. Normally the court orders the costs of an action to be paid by the losing party, but in small claims parties are normally expected to pay their own costs, though they can usually recover court fees from the loser. This reflects the fact that small claims procedures are designed so that parties can deal with matters without using lawyers.

Legal aid

1. In all three jurisdictions of the UK there is a comprehensive system whereby a person in need of legal advice or representation in court may receive financial assistance out of public funds. These schemes are referred to as "Legal Aid" and are fundamental to the realisation of each individual's legal rights. Legal aid is aimed at those on low and modest incomes and may be granted in full, or subject to financial contribution by the individual. If legal aid is granted, the case is conducted in the normal way, except that no money passes between the individual and their solicitor: all payments are made through the legal aid fund. Ministerial responsibility for legal aid in England and Wales rests with the Lord Chancellor.
2. In England and Wales the Legal Aid Agency (LAA) administers legal aid for both criminal and civil cases.
3. A network of contracted organisations provide civil legal services. The rules relating to the provision of civil legal aid are principally set out in the Legal Aid, Sentencing and Punishment of Offenders Act 2012 and the secondary legislation and guidance created under that act. An individual will only be granted financial assistance if their case is within the scope of the scheme and passes the means and merits tests. In addition to face-to-face legal assistance the LAA runs a helpline that provides free, confidential and independent legal advice. From April 2013, subject to limited exceptions, clients seeking assistance with Debt, Special Education Needs and Discrimination problems must make any application for legal aid via a central telephone advice line. Any assistance will be provided via the telephone unless the client is assessed as unsuitable for telephone advice.
4. Criminal Legal Aid is available to assist individuals who are under investigation or facing criminal charges. Eligibility for criminal legal aid will be determined by the LAA. In the magistrates court, a defendant will only qualify if they pass a financial means test and satisfy the "interests of justice" test. In the Crown Court, defendants awaiting trial automatically satisfy the "interests of justice" test. While all defendants qualify for legal aid, they are subject to a means test and may be required to contribute towards the costs of their case from income and /or capital. Defendants who have made contributions and are then subsequently acquitted, will have those contributions refunded with interest.
5. If a person feels that their rights under the European Convention on Human Rights have been violated and intend to bring their case before the European Court of Human Rights there are number of schemes available to provide them with legal advice and assistance. Under the legal help scheme, a person may be assisted by an experienced solicitor or legal advisor in the preliminary stages of their application. If the European Court of Human Rights in Strasbourg declares an application admissible, an applicant may get financial assistance directly from Strasbourg. Eligibility is determined on the basis of whether or not an applicant would be eligible for domestic legal aid.
6. In a number of urban areas, law centres provide legal advice and representation which may be free depending on means. Law centres, which are financed from various sources, often including local government authorities, usually employ full-time salaried lawyers; but many also have community workers. Much of their time is devoted to housing, employment, social security and immigration problems. Free advice is also available in Citizens Advice Bureaux, consumer and housing advice centres and in specialist advice centres run by various voluntary organisations. The Refugee Legal Centre and the Immigration Advisory Service, both of which receive government funding, provide free advice and assistance to asylum seekers, and the Immigration Advisory Service also provides free advice and assistance to persons with immigration rights of appeal.

Victims of crime

1. The Code of Practice for Victims of Crime (the "Victims' Code") sets out the information, support and services that victims can expect to receive from criminal justice agencies in England and Wales at every stage of the process. The Victims' Code is written in plain English with victims of crime as the target audience. The code also tells victims how to complain if they do not receive what they are entitled to under the Victims' Code. The introduction of the Witness Charter gave witnesses a similar, but non-statutory, set of standards of service. A separate Code of Practice for victims of crime has been published in Northern Ireland, which sets out the standards of service which victims should receive during their

contact with the NI criminal justice system and how to make a complaint. This will be replaced by a new statutory Victim Charter. All victims of reported crime have access to a "Victims of crime" leaflet which gives practical advice about what to do in the aftermath of a crime. It explains simply the police and court processes, how to apply for compensation and what further help is available.

2. In England and Wales, victims are also entitled to receive support to help them, insofar as is possible, to cope and recover from the impact of the crime. Victims will be referred to these services by the police or can refer themselves. The majority of victims' support services are commissioned locally by Police and Crime Commissioners and funded by the Government.
3. Where the Crown Prosecution Service declines to prosecute, victims may prosecute privately in England and Wales, but in practice seldom do so. Victims may also sue for damages in the civil courts. Court procedure has been simplified so that persons without legal knowledge can bring small claims for loss or damage.
4. The courts may order an offender, on conviction, to pay compensation to the victim for personal injury, loss or damage resulting from an offence. In England and Wales the courts are obliged to consider compensation in every appropriate case and to give reasons where no compensation is awarded. Where the court considers that it would be appropriate to impose a fine and a compensation order but the offender has insufficient means to pay both, priority should be given to compensation. Compensation also takes priority over the victim surcharge where the offender's means are an issue.
5. Victims who have suffered injury as a result of a violent crime in England, Wales or Scotland and who meet residency, nationality or other requirements may apply for compensation from public funds under the Criminal Injuries Compensation Scheme. Compensation is based on a tariff of awards, and payments range from £1,000 to £500,000 for the most seriously injured victim.
6. Separate arrangements exist in Northern Ireland, where compensation can in certain circumstances be paid from public funds for criminal injuries, and for malicious damage to property, including the resulting loss of profits.

National Human Rights Institutions

The Equality and Human Rights Commission

This organisation, which has offices in London, Manchester, Glasgow and Cardiff has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine "protected" grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

It does not normally take on individual legal cases unless these are of strategic significance, for example in clarifying the law, although may be able to provide guidance on the most appropriate place to assist with your particular circumstances.

The EHRC was established on 1 October 2007. Its remit is to champion equality and human rights for all, working to eliminate discrimination, reduce inequality, protect human rights, and build good relations between communities, ensuring that everyone has a fair chance to participate in society. Its remit extends to England and Wales and Scotland however in terms of human rights, Scotland has its own human rights commission - the Scottish Human Rights Commission. The EHRC brings together the work of Great Britain's three previous equality commissions (for racial equality, gender equality, and the rights of disabled people) and also takes on responsibility for new strands of discrimination law (age, sexual orientation and religion or belief), as well as human rights. It has powers to enforce equality legislation, and has a mandate to encourage compliance with the HRA.

[Equality and Human Rights](#)

[Getting Help and Advice](#)

[Equality Advisory and Support Service \(EASS\)](#)

Freephone telephone +44 808 800 0082

Text phone +44 808 800 0084

Freepost address: FREEPOST EASS HELPLINE FPN6521

Ombudsperson

Parliamentary and Health Service Ombudsman

This ombudsman exists to provide a service to the public by undertaking independent investigations into complaints that government departments, a range of other public bodies in the UK, and the NHS in England have not acted properly or fairly or have provided a poor service.

[Parliamentary and Health Service Ombudsman](#)

Customer Helpline +44 345 015 4033 open 8.30am (GMT) to 17.30pm (GMT) Monday to Friday

Specialised human rights bodies

Ombudsperson for rights of the child

1. Children's Commissioner for England

Anne Longfield OBE is the Children's Commissioner for England. The Commissioner and her team make sure that adults in charge listen to children and young people.

The role of the Children's Commissioner was created by the [Children Act 2004](#) and is there to promote the views of children and young people from birth to 18 (up to 21 for young people in care or with learning difficulties).

[The Children's Commissioner for England](#)

Contact details

Children's Commissioner for England
Sanctuary Buildings
20 Great Smith Street
London
SW1P 3BT

Telephone +44 20 7783 8330

2. Children's Commissioner for Wales

Sally Holland is the Children's Commissioner for Wales. Her role is to stand up and speak out for children and young people. She works to make sure that children and young people are kept safe and that they know about and can access their rights. She has to consider children's rights and the United Nations Convention on the Rights of the Child in all the work that he does.

[The Children's Commissioner for Wales](#)

Contact Details

Children's Commissioner for Wales
Oystermouth House
Phoenix Way
Llansamlet
Swansea
SA7 9FS Tel: +44 1792 765600 Fax: +44 1792 765601
Corporate objectives:

- Promote a better understanding of children's rights
- Review the adequacy and effectiveness of law, practice and services relating to children and young

people

- Advise Government and relevant authorities on the rights and best interests of children and young people
- Communicate the functions of the Commissioner among children, their parents or carers and our stakeholders
- Ascertain the views of children and young people in relation to issues which affect their lives
- Maintain and further develop effective governance arrangements in line with best practice to maximise efficient, effective and economical use of our resources

Data Protection Body

1. The Information Commissioner

The Information Commissioner's Office is the UK's independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals

Contact Details

Information Commissioner's Office Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Tel: 0303 123 1113 (or 01625 545745 if you would prefer not to call an '03' number, or +44 1625 545745 if calling from overseas)

[The Information Commissioner's Office](#)

2. Information Commissioner - Regional office

Wales

Information Commissioner's Office - Wales
Cambrian Buildings
Mount Stuart Square
Cardiff CF10 5FL
Tel: 029 2044 8044
Fax: 029 2044 8045
Email: wales@ico.gsi.gov.uk

Other

1. WEBSITE - GOV.UK

The Official UK Government website for citizens of the UK.

Web: GOV.UK

2. Citizens Advice Service

The Citizens Advice service helps people resolve their legal, money and other problems by providing free, independent and confidential advice, and by influencing policy makers.

[Citizens Advice Service](#)

[Citizens Advice Service contact details](#)

3. Civil Legal Advice

Civil Legal Advice (CLA) is a free and confidential advice service in England and Wales if you are eligible for paid for by legal aid. You can get help with legal aid for:

- benefit appeals
- debt, if your home is at risk
- special educational needs
- housing
- discrimination issues
- help and advice if you're a victim of domestic violence
- issues around a child being taken into care

You'll be asked general questions about your legal problem and your financial situation to see if you are eligible for legal aid. From April 2013, subject to limited exceptions, clients seeking assistance with Debt, Special Education Needs and Discrimination problems must make any application for legal aid via a central telephone advice line. Any assistance will be provided via the telephone unless the client is assessed as unsuitable for telephone advice.

Contact details

Telephone: 0845 345 4345 Minicom: 0845 609 6677 Monday to Friday, 9am to 8pm Saturday, 9am to 12:30pm
[Civil legal advice](#)

4. The Victims' Commissioner

[The Victims' Commissioner](#)

The role of the Victims' Commissioner is to promote the interests of victims and witnesses, encourage good practice in their treatment, and regularly review the Code of Practice for Victims which sets out the services victims can expect to receive.

By law, the Commissioner is not allowed to intervene in specific cases but can provide direction on where to get the best advice and support.

5. The Office of the Immigration Services Commissioner

Contact Details:

5th Floor Counting House 53 Tooley Street London SE1 2QN Telephone: 0845 000 0046

The Office of the Immigration Services Commissioner (OISC) is an independent, non-departmental public body set up under the Immigration and Asylum Act 1999.

The OISC's key responsibilities are:

- regulating immigration advisers
- promoting good practice by setting standards
- accepting and addressing complaints about anyone giving immigration advice
- prosecuting those who operate outside of the law
- oversight of the regulation of those who give immigration advice and are regulated by one of the Designated Professional Bodies

The OISC does not provide immigration advice or recommend or endorse a specific adviser.

The OISC works with a wide range of organisations, including professional associations, tribunals, the UK Border Agency and voluntary bodies.

For further information see the [Office of the Immigration Service Commissioner](#)

■ Last update: 10/03/2017

The national language version of this page is maintained by the respective Member State. The translations have been done by the European Commission service. Possible changes introduced in the original by the competent national authority may not be yet reflected in the translations. The European Commission accepts no responsibility or liability whatsoever with regard to any information or data contained or referred to in this document. Please refer to the legal notice to see copyright rules for the Member State responsible for this page.