



Judicial Conduct Investigations Office

Annual Report 2016-17

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Published: 11 September 2017

This publication is available at <http://judicialconduct.judiciary.gov.uk/>

Contents

	Page
Introduction	1
Staffing, finances and performance	3
Receipts	4
Breakdown of complaints by judicial office	5
Breakdown of complaint outcomes	6
Disciplinary action	7
Judicial Appointments & Conduct Ombudsman	8

Introduction



I am pleased to introduce the 2016/17 report of the Judicial Conduct Investigations Office (JCIO). This is my first report as head of the JCIO, a role I took up in November 2016, and hold jointly with my job-share partner, Joanna Otterburn.

The judiciary in this country is regarded as a worldwide benchmark for integrity, excellence and professionalism. A number of factors contribute to this, with the most central being that judicial official holders are, and are seen to be, independent. Another factor is that members of the judiciary are expected to maintain the highest standards of conduct in both their professional and private lives. This is complemented by a disciplinary process which enables allegations of misconduct against judicial office holders to be dealt with consistently, fairly and efficiently.

The JCIO's role is to support the Lord Chancellor and Lord Chief Justice in their joint statutory responsibility for judicial discipline. The JCIO is an advisory body. It provides advice to the Lord Chancellor and Lord Chief Justice on disciplinary issues, but has no power to make a finding that a judicial office holder has committed misconduct or to impose a disciplinary sanction. It is for the Lord Chancellor and Lord Chief Justice to decide jointly whether a judicial office holder's actions amounted to misconduct and, if so, to determine the appropriate sanction.

The judiciary comprises approximately **26,000** individuals serving across a range of jurisdictions. The JCIO received **2,126** complaints in 2016/17, compared to **2,609** in 2015/16. The team also dealt with **526** written enquiries, compared to **662** in 2015/16. It is a testament to the high standards of conduct maintained by judicial office holders that, in 2016/17, only **42** investigations resulted in the Lord Chancellor and Lord Chief Justice taking disciplinary action.

The JCIO can only consider complaints about misconduct; it cannot deal with complaints about the outcome of a case. A significant part of our day to day work therefore involves explaining to complainants that the disciplinary process cannot be used to challenge these sorts of decisions. In addition to dealing with complaints and enquiries, the JCIO provides support to other bodies which have a role in the disciplinary process. In 2016/17, for example, the team provided training to tribunals' presidents' teams on investigative procedures and worked with officials in Her Majesty's Courts and Tribunals Service to develop training for advisory committees on investigating complaints against magistrates.

I am very grateful to the JCIO team for its hard work and professionalism during a challenging year. JCIO staff carried out their work during a period of significant vacancies; nonetheless the JCIO met all of its key performance indicators. Clare Farren, who has acted as joint head of the JCIO during Joanna Otterburn's maternity leave, deserves particular thanks for her efforts. I would also like to thank my predecessor Judith Anckorn who moved on to a new role last year. Judith was highly regarded for her knowledge, expertise and leadership. I am very grateful for Judith's excellent work in this role.

Looking ahead, I am committed to ensure that we continue to meet our targets while improving our processes and enhancing the quality of our work. I also want to look at ways to promote understanding of our role within the judiciary and elsewhere.

Stephanie Hack

Joint Head of the Judicial Conduct Investigations Office

Staffing

The JCIO has a staffing complement of 15. It was operating with two vacant posts at the end of 2016/17.

Finances

The JCIO is not required to produce its own accounts, as its expenditure is part of the Judicial Office’s resource accounts, which are subject to audit. The JCIO is committed to responsible use of public funding and is subject to the same financial governance requirements as the Judicial Office in general.

Performance

In addition to following the statutory rules and regulations applicable to the judicial disciplinary process, the JCIO has three key performance indicators (KPIs) intended to promote the efficient processing of complaints, and to enable monitoring and reporting on levels of service. The table below shows the JCIO’s performance against those KPIs during 2016/17.

Action	Target	Performance
Respond to complaints within two days of receipt	95%	98%
Issue first substantive response to complaints within 15 working days of receipt	85%	93%
Provide monthly updates to parties in ongoing investigations	85%	88%

Receipts

The table below details the various categories of complaints and enquiries the JCIO received in 2016/17.

Complaint Category	Number of Complaints
Civil Proceedings	2
Conflict of Interest	13
Criminal Convictions	6
Failure to meet sitting requirements	13
General enquiries	526
Financial fraud	5
Inappropriate behaviour/ comments	427
Judicial decision/case management	1,220
Judicial delay	9
Misuse of Judicial Status	4
Motoring Offences	5
Not specified	420
Other	2
Total	2,652

Breakdown of complaints by judicial office

The table below contains the number of complaints received about different types of judicial office holder in 2016/17 (where the type of office holder was identifiable). For context, the number of office holders in post at 31 March 2016 is included below the table.

Judicial Office	Number of complaints
Court of Appeal	63
High Court & others*	122
Court of Protection	1
Circuit Bench (including Recorders)	590
District Bench	944
Coroners	70
Tribunals**	12
Magistrates**	47
Not Defined***	277
Total	2,126

Judicial office holders in post at 31 March 2016 by category were: 44 Court of Appeal, 106 High Court, 1,661 Circuit bench (including Recorders), 1,291 district bench (including associated deputies), 380 coroners, 5,442 tribunals and 17,552 magistrates.

* "High Court and others" includes High Court Judges and various other judicial offices including masters, registrars, and costs judges (and associated deputies).

** Complaints about magistrates and tribunals judiciary (except tribunal presidents) are investigated by the relevant local advisory committee or tribunal president. Cases are only referred to the JCIO, and therefore included in the table above, where an investigation results in a recommendation that misconduct has occurred.

*** "Not defined" refers to complaints outside the JCIO's remit, for example complaints about judicial decisions, where the complainant has not specified the type of office holder.

Breakdown of complaint outcomes

The table below contains a breakdown of complaint outcomes. The three main categories are rejected, dismissed or upheld.

Disposals	Number
Not accepted for Investigation	
Rejected - Complaint does not contain an allegation of misconduct on the part of a named or identifiable person holding judicial office	1,193
Rejected - Rule 11 (Complaint is made out of time)	46
Rejected - Other	18
Dismissed	
21(a) - Complaint not adequately particularised	99
21(b) - It is about a judicial decision or judicial case management, and raises no question of misconduct	79
21(c) - The action complained of was not done or caused to be done by a person holding an office	29
21(d) - Complaint is vexatious	10
21(e) - Complaint is without substance or if substantiated would not require disciplinary action	16
21(f) - Even if true, it would not require any disciplinary action to be taken	231
21(g) - It is untrue, mistaken or misconceived	128
21(h) - It raises a matter which has already been dealt with, whether under these Rules or otherwise, and does not present any material new evidence	24
21(i) - It is about a person who no longer holds an office	13
21(j) - Complaint is about the private life of a judicial office holder and could not reasonably be considered to affect suitability to hold judicial office	2
21(k) - Complaint is about professional conduct, in a non-judicial capacity, of a judicial office holder and could not reasonably be considered to affect suitability to hold judicial office	6
21(l) - For any other reason it does not relate to misconduct by a person holding office	3
Complaint not upheld by the Lord Chancellor and Lord Chief Justice following an investigation	20
Miscellaneous (e.g. complaint withdrawn by complainant)	119
Upheld	42
Total	2,078

Disciplinary action

The table below shows the total number of cases, finalised in 2016/17, where the Lord Chancellor and Lord Chief Justice (or his delegate) took disciplinary action. At 42, the total number of such cases represents less than 0.2% of the 26,000 or so judicial office holders.

Of the 19 removals from office, 10 were dealt with under the summary process. This process enables the Lord Chancellor and Lord Chief Justice to consider removing a judicial office holder from office without further investigation in a limited number of circumstances including criminal conviction, bankruptcy, failure to disclose information concerning suitability to hold office and failure to fulfil sitting requirements.

	Courts judiciary	Tribunals	Magistrates	Coroners	Total
Formal Advice	-	1	9	1	11
Warning	-	-	4	-	4
Reprimand	1	1	5	1	8
Suspended	-	-	-	-	-
Removed	3	1	15	-	19
Total	4	3	33	2	42

Judicial Appointments and Conduct Ombudsman

The Judicial Appointments and Conduct Ombudsman's remit includes considering complaints about how the JCIO, a tribunal president or an advisory committee has investigated a complaint about a judicial office holder.

The Ombudsman has no power to investigate the original complaint, but if he decides that the JCIO has mishandled the complaint he can set aside the decision and refer the complaint back to the JCIO for re-investigation and/or he may recommend redress.

In 2016/17, the Ombudsman determined 165 complaints about the JCIO's handling of complaints. He upheld, or partially upheld, nine complaints. This equates to less than 1% of the complaints handled by the JCIO during this period.

Further details of the work of the Ombudsman and his latest annual report can be found on the Ombudsman's website: <http://www.justice.gov.uk/about/jaco>