



Judicial Conduct  
Investigations Office

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# Annual Report 2020-21

© **Judicial Conduct Investigations Office**

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# Introduction

I am pleased to introduce the 2020-21 annual report of the Judicial Conduct Investigations Office (JCIO), the independent body that supports the Lord Chancellor and Lord Chief Justice in their joint responsibility for judicial discipline. This is my second report as Head of the JCIO.

The JCIO deals with complaints of misconduct against judges and coroners. The disciplinary system also covers complaints about magistrates and tribunal members. Readers can find more information about how the process for considering complaints works at page 6.

In 2020-21, the JCIO received 1,236 complaints, compared to 1,292 in 2019-20. The Lord Chancellor and Lord Chief Justice (or his senior judicial delegate in certain cases) issued 53 disciplinary sanctions, compared to 42 in 2019-20. Although the number of sanctions increased, it is still broadly in line with previous years. With around 21,000 judicial office-holders in post, misconduct remains rare.

In the introduction to last year's report, I mentioned that the JCIO had started to experience the challenges posed by the Covid pandemic. Following government guidance, the team worked primarily from home for most of the reporting year, adapting quickly to this new way of working. As a result, I am pleased to say that the JCIO met all three of its published performance targets (see page 9).

Effective use of technology is crucial to our work. In 2021, we launched a new website. By streamlining and combining our previously separate website with our complaints-portal, we have made it easier for users to find the information they need, submit a complaint and communicate with their caseworker. We also held the first virtual disciplinary panel hearing, avoiding delay by allowing the process to continue in a Covid-safe way. Raising awareness of our role remains another important part of what we do. Technology helped here too, enabling us to talk to judges about our work in virtual events and meetings.

Last year, I mentioned a review of the disciplinary system, overseen by a senior judge-led working group. In the 2021-22 reporting year, the Lord Chancellor and Lord Chief Justice launched a joint 12-week public consultation on just over 40 proposals for improvements to the system. They will publish a joint response to the consultation in Spring 2022.

Looking ahead, my priorities for the JCIO are to continue to deal with complaints efficiently; to build on the lessons learnt from the pandemic by combining home and office working in a way that supports the needs of the business and the team; to continue raising awareness of our role; and to support the next phase of work following the review.

Finally, I would like to thank my team at the JCIO for their hard work and professionalism during an extraordinary year. I would also like to acknowledge the important contribution to the system made by nominated judges, investigating judges, chamber presidents, regional conduct advisory committees and disciplinary panels. All help to ensure that complaints are dealt with properly, and that the Lord Chancellor and Lord Chief Justice receive the advice they need to make sound decisions in disciplinary cases.

**Amy Shaw**

Head of the Judicial Conduct Investigations Office

# The Complaints Handling Process

The JCIO is an independent statutory body of civil servants formed in 2013 to support the Lord Chancellor and Lord Chief Justice in their joint responsibility for judicial discipline. We are based at the Royal Courts of Justice.

Our role is to consider complaints of misconduct on the part of judicial office-holders. Misconduct means how an office-holder has behaved personally, not how they have exercised their judicial powers. The vital principle of judicial independence means that such matters can only be challenged through the courts.

The JCIO cannot consider complaints about magistrates, tribunal judges or tribunal members. Complaints about magistrates are considered by the relevant advisory committee. Complaints about tribunal judges or tribunal members are considered by the chamber president.

The process for considering complaints about misconduct is set down in statutory rules and regulations, which can be viewed on our website: [www.complaints.judicialconduct.gov.uk/](http://www.complaints.judicialconduct.gov.uk/)

The JCIO's part in the process is to consider each complaint it receives and to determine whether further investigation is required. If a complaint does not raise a question of potential misconduct, we are obliged to reject or dismiss it. Complaints may also be dismissed if, for example, they are not serious enough to warrant the Lord Chancellor and Lord Chief Justice taking disciplinary action.

If, following our consideration of a complaint and the enquiries that we have made, it appears that misconduct may have occurred, we refer the complaint to a nominated judge to make a recommendation to the Lord Chancellor and the Lord Chief Justice, as to whether a complaint amounts to misconduct and, if so, what disciplinary sanction would be appropriate. There are currently seven serving nominated judges.

Complaints that are particularly complex or serious may also be referred to an investigating judge, who is nominated by the Lord Chief Justice. Complaints can also be referred to a four-person disciplinary panel composed of two judicial office-holders and two lay persons. Traditionally the panel met in person, however, during Covid-19, panels sat remotely via a secure network.

When the investigation process is complete, the JCIO refers complaints and all the relevant documentation to the Lord Chancellor and Lord Chief Justice, who decide jointly whether misconduct has occurred and, if so, which of the sanctions available to them (formal advice, formal warning, reprimand, and removal from office) should be issued.

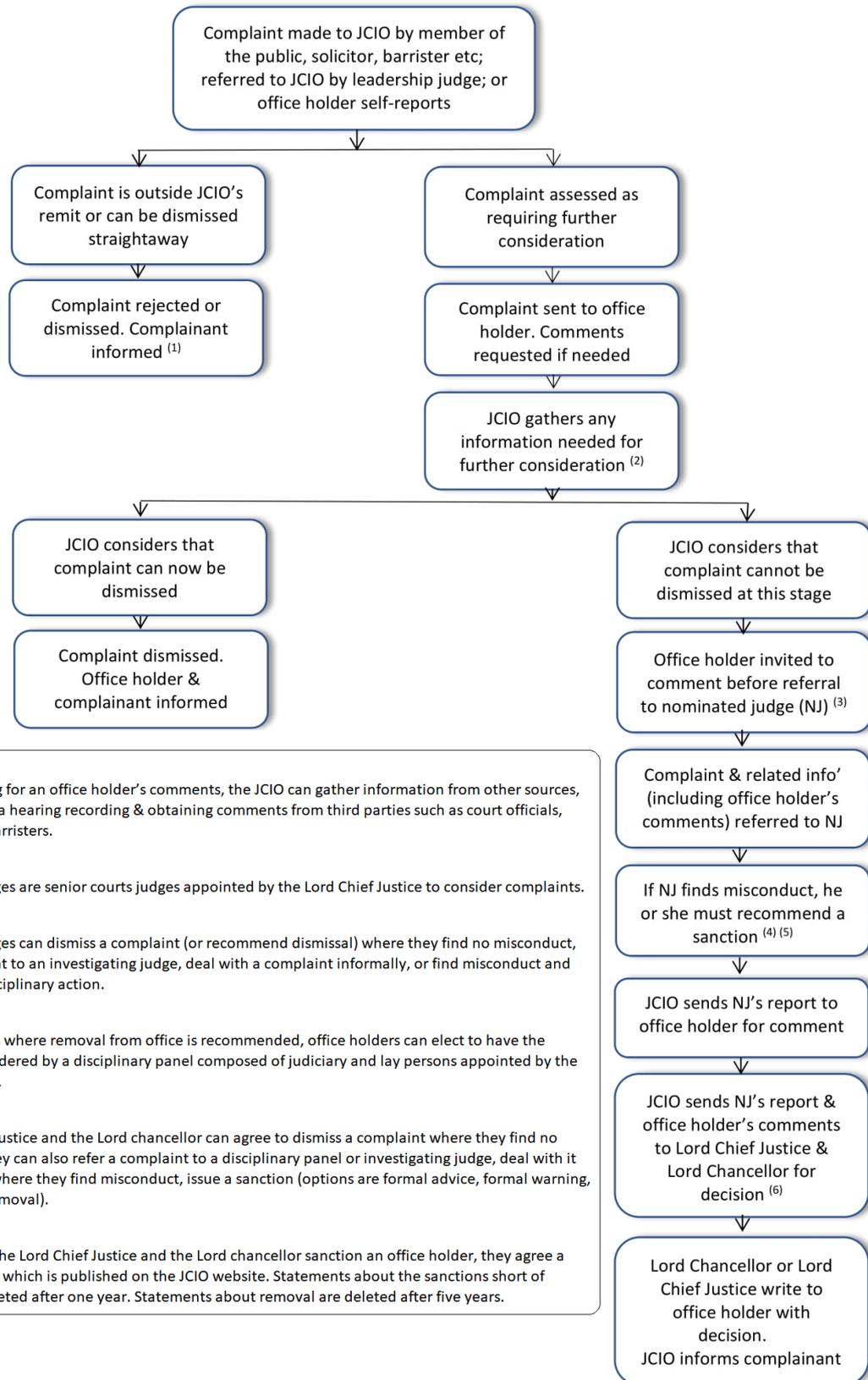
# The Complaints Handling Process (Cont.)

The JCIO will normally publish a statement on its website when a disciplinary sanction has been issued to a judicial office-holder. Statements about sanctions below removal from office are deleted after one year. Statements about removal from office are deleted after five years.

**Fig 1.** contains a diagram which provides an overview of the complaints handling process.

# Overview of the Judicial Disciplinary Process

Fig 1. Judicial Disciplinary Process flowchart



- Notes**
- As well as asking for an office holder's comments, the JCIO can gather information from other sources, e.g. listening to a hearing recording & obtaining comments from third parties such as court officials, solicitors and barristers.
  - Nominated judges are senior courts judges appointed by the Lord Chief Justice to consider complaints.
  - Nominated judges can dismiss a complaint (or recommend dismissal) where they find no misconduct, refer a complaint to an investigating judge, deal with a complaint informally, or find misconduct and recommend disciplinary action.
  - In the rare cases where removal from office is recommended, office holders can elect to have the complaint considered by a disciplinary panel composed of judiciary and lay persons appointed by the Lord Chancellor.
  - The Lord Chief Justice and the Lord Chancellor can agree to dismiss a complaint where they find no misconduct. They can also refer a complaint to a disciplinary panel or investigating judge, deal with it informally, or, where they find misconduct, issue a sanction (options are formal advice, formal warning, reprimand or removal).
  - In cases where the Lord Chief Justice and the Lord Chancellor sanction an office holder, they agree a short statement which is published on the JCIO website. Statements about the sanctions short of removal are deleted after one year. Statements about removal are deleted after five years.

# Performance

## KPI Performance

Action	Target	Performance 19-20	Performance 20-21
1. Notify complainants within two weeks of receipt if a complaint falls outside our remit	90%	90%	91%
2. Conclude complaints accepted for further consideration, including those which proceed to full investigation, within 20 weeks of receipt	85%	93%	90%
3. Provide monthly updates to parties in ongoing investigations	95%	82%	95%

## Performance

We use key performance indicators (“KPIs”) to monitor our performance on an ongoing basis and to ensure that we provide a high-quality service.

The table above shows our performance against our three KPIs during the 2020-21 reporting year.

## Staffing

The JCIO has a staffing complement of 15.

## Finance

The JCIO is not required to produce its own accounts because its expenditure forms part of the Judicial Office’s resource accounts, which are subject to audit. The JCIO manages its public funding responsibly and adheres to the same financial governance requirements as the Judicial Office.

# Receipts

## Receipts received by the JCIO in 2020-21

Category	Receipts	%
Judicial decision and case management	868	70.22%
Inappropriate behaviour and comments	232	18.77%
Judicial delay	27	2.18%
Not specified	9	0.72%
Conflict of Interest	3	0.24%
Failure to meet sitting requirements	27	2.18%
Criminal*	0	0.00%
Motoring offences	4	0.32%
Misuse of judicial status	10	0.80%
Civil proceedings	1	0.08%
Financial fraud	0	0.00%
Other	55	4.44%
<b>Total</b>	<b>1,236</b>	<b>100%</b>

\* This includes criminal allegations, charges and convictions.

The majority of complaints we received were about judges' decisions or how judges managed cases and were therefore either rejected or dismissed. When responding to such complaints, we always explain why we cannot deal with them and, where possible, suggest the proper route for the complainant to follow. If, for example, a complaint is about a judge's decision, we explain that such decisions can only be challenged through the courts and we inform the complainant that they may wish to consider seeking independent advice from a solicitor, law centre or Citizens Advice.

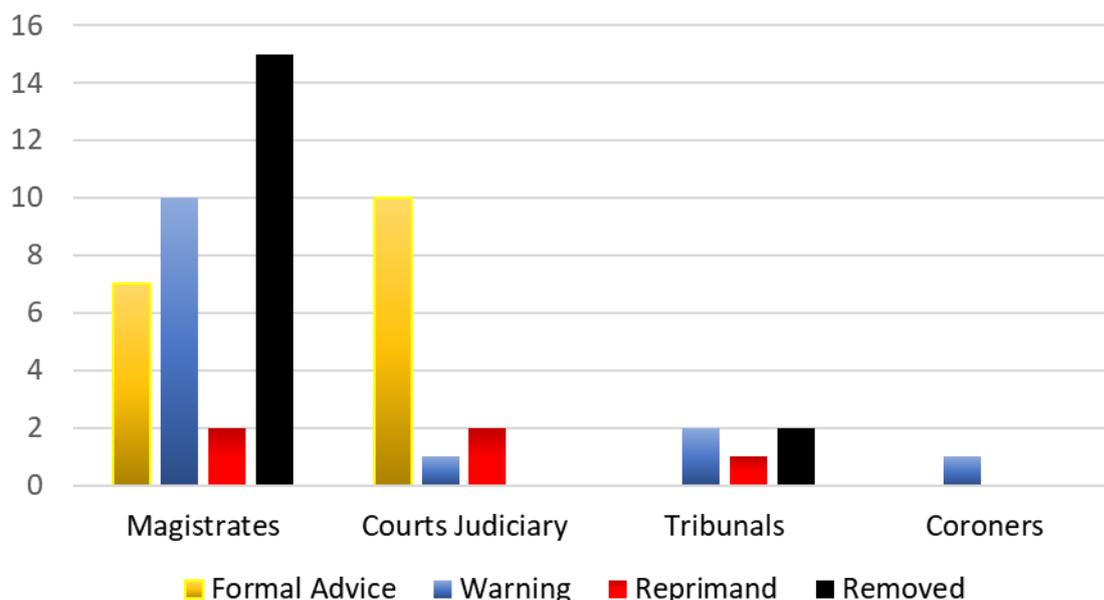
The second most common type of complaint we received related to allegations of inappropriate behaviour of some form. Where a complaint raises a question of potential misconduct, we accept it for further consideration. However, most of these complaints are found to be unsubstantiated or, even if true, insufficiently serious to require disciplinary action to be taken. In the 2020-21 reporting year, 4% of all the complaints we considered resulted in a finding of misconduct.

# Breakdown of Complaint Outcomes

<b>Total Disposals</b>		<b>1110</b>
<b>Not accepted for Investigation</b>		<b>576</b>
Rejected – Complaint does not contain an allegation of misconduct on the part of a named or identifiable person holding judicial office		549
Rejected – Rule 12 (Complaint is made out of time)		18
Complaint withdrawn (and did not make an allegation of misconduct that warranted investigation)		9
<b>Dismissed</b>		<b>481</b>
21(a)	Complaint not adequately particularised	63
21(b)	It is about a judicial decision or judicial case management, and raises no question of misconduct	232
21(c)	The action complained of was not done, or caused to be done, by a person holding an office	9
21(d)	Complaint is vexatious	2
21(e)	Complaint is without substance or, if substantiated, would not require disciplinary action	3
21(f)	Even if true, it would not require any disciplinary action to be taken	58
21(g)	It is untrue, mistaken or misconceived	90
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	6
21(i)	It is about a person who no longer holds an office	14
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	0
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	0
21(l)	For any other reason it does not relate to misconduct by a person holding office	0
41(b)	Dismissed by nominated judge	1
Judicial office-holder ceased to hold office		3
Complaint not upheld by the Lord Chancellor and the Lord Chief Justice following an investigation		0
<b>Upheld</b>		<b>53</b>

# Disciplinary Action

Disciplinary sanctions by judicial office in 2020-21



Office	Formal Advice	Formal Warning	Reprimand	Removed
Magistrates	7	10	2	15
Courts Judiciary	10	1	2	0
Tribunals	0	2	1	2
Coroners	0	1	0	0
<b>Total</b>	<b>17</b>	<b>14</b>	<b>5</b>	<b>17</b>

Only the Lord Chancellor and the Lord Chief Justice (or his judicial delegates)<sup>1</sup> can, by joint agreement, sanction a judicial office-holder. The sanctions available are formal advice, formal warning, reprimand, and removal.<sup>2</sup>

In 2020-21, there were approximately 21,000 judicial office-holders<sup>3</sup>. A total of 53 cases resulted in a finding of misconduct and a disciplinary sanction, representing 0.2% of all judicial office-holders.

<sup>1</sup> The Senior President of Tribunals has delegated authority to consider complaints about judicial office-holders where the recommendation is either formal advice or formal warning. Mrs Justice Cheema-Grubb DBE has delegated authority for complaints about magistrates where the recommendation is formal advice, formal warning or reprimand.

<sup>2</sup> A senior judicial officer-holder, such as a High Court Judge or a Lord Justice of Appeal, can only be removed if the Lord Chancellor moves an Address for their removal by both Houses of Parliament.

<sup>3</sup> Office-holder figures have been derived from the Diversity of the judiciary 2021 statistics, details of which are provided on page 14.

# Judicial Appointments and Conduct Ombudsman (JACO)

The Judicial Appointments and Conduct Ombudsman is an independent authority who is responsible for reviewing how complaints of misconduct have been handled. If the Ombudsman decides that the JCIO has mishandled a complaint, he may refer the matter back to us for re-investigation and/or recommend changes to procedures.

In 2020-21, the Ombudsman determined 38 complaints about the JCIO's handling of complaints. He upheld, or partially upheld, 7 of those complaints. This represents 0.5% of the complaints we received during the reporting year.

Further information about the Judicial Appointments and Conduct Ombudsman can be found here: <https://www.gov.uk/government/organisations/judicial-appointments-and-conduct-ombudsman>

# Appendix: Data Sources and Tables

Data of JCIO receipts and disposals has been acquired from a digital case management system and manually processed. As such, figures may be subject to a degree of error consistent with manual processing. With the exception of coroners, judicial office-holder figures on the number of judicial office-holders in post have been acquired from the Diversity of the judiciary 2021 statistics: <https://www.gov.uk/government/statistics/diversity-of-the-judiciary-2021-statistics>

## Judicial Office-Holder Figures by Appointment Name and JCIO Reporting Bench

Appointment Name	Reporting Bench	Total
Heads of Division	Court of Appeal	5
Lord /Lady Justices of Appeal	Court of Appeal	37
High Court Judges	High Court & Others	105
Deputy High Court Judge	High Court & Others	96
Judge Advocates, Deputy Judge Advocates	High Court & Others	6
Masters, Registrars, Costs Judges	High Court & Others	29
Deputy Masters, Deputy Registrars, Deputy Costs Judges	High Court & Others	41
Circuit Judges	Circuit Bench	660
Recorders	Circuit Bench	987
District Judges (County Courts)	District Bench	403
Deputy District Judges (County Courts)	District Bench	753
District Judges (Magistrates' Courts)	District Bench	18
Deputy District Judges (Magistrates' Courts)	District Bench	74
Tribunal Judges and Non-Legal Members	Tribunal Judges and Non-Legal Members	4,845
Magistrates*	Magistrates	12,651
Coroners**	Coroners	430

Source: Diversity of the judiciary 2021 statistics, table 3.1.

\*Source: Diversity of the judiciary 2021 statistics, table 3.5

\*\*Source: Office of the Chief Coroner.