



Judicial Conduct Investigations Office

Annual Report 2015-16

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Foreword



This year, 2016, marks the 10th anniversary of a dedicated, independent office dealing with judicial complaints. There have been significant changes made to the way the office works since the Office for Judicial Complaints was first established in 2006. The new rules and regulations that came into force in 2013 helped to streamline processes and the office was renamed to become the Judicial Conduct Investigations Office. The changes made over the past three years have enabled complaints to be processed in a more timely manner and our ongoing training programme has improved the overall quality of our work. This is supported by the very low number of cases (6) that were upheld by the Judicial Appointment and Conduct Ombudsman during the course of this reporting year.

Despite efforts to explain clearly the remit of the office, the majority of complaints we receive contain no allegation of personal misconduct on the part of a judicial office holder but instead relate to judicial decision and case management which may only be challenged through the court process. A total of 1538 complaints fell into this category during the reporting year and could not therefore be accepted by the office for investigation. This category of complaint equates to over half the total number of complaints received, and, while they cannot be accepted for investigation, each one must be fully considered by JCIO staff before it can be rejected, forming a significant part of the workload within the office.

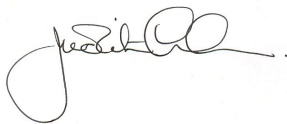
The total number of complaints received (including the 1538 complaints which could not be accepted) amounted to 2609 during the reporting period, an increase of 7% on the previous year. We additionally dealt with 662 written enquiries. However, only 43 investigations resulted in the Lord Chancellor and Lord Chief Justice taking disciplinary action; this represents less than 2% of the total number of receipts. Despite the increase in workload I am pleased to report that our performance against all three of our Key Performance Indicator targets were met and have continued our trend of improving performance. 98% of complaints were acknowledged within two days of receipt, against a target of 95%; 99% of substantive first responses were sent within 15 days against a target of 85%. Finally the 28 day target for updating both complainants and judicial office holders with progress on their case, was achieved in 98% of cases against a target of 85%.

Foreword

In the most serious cases where removal or suspension from office is recommended the judicial office holder may request a review by a disciplinary panel. These panels include a lay membership who are appointed following a full public appointment recruitment exercise. This year we were pleased to welcome eight new lay panel members and the re-appointment of seven of our experienced panel members. Together, these individuals bring a diverse wealth of knowledge and experience representing the public perspective.

We continue to look at ways in which we can improve our service. A review of the JCIO website is in progress and my team has identified areas of improvement through the results of a customer survey sent to both complainants and judges. Changes to the website will be made during the course of 2016-17.

Finally, I would like to thank my staff for their hard work and commitment in this reporting year.

A handwritten signature in black ink, appearing to read 'Judith Anckorn', with a large loop at the end of the line.

Judith Anckorn
Head of the Judicial Conduct Investigations Office

Introduction

Who we are

The Judicial Conduct Investigations Office (JCIO) formerly known as Office for Judicial Complaints, was set up in April 2006 to investigate complaints about the personal conduct of judges in England and Wales. The Constitutional Reform Act 2005 gives the Lord Chancellor and the Lord Chief Justice joint responsibility for disciplining judges. The JCIO supports the Lord Chancellor and the Lord Chief Justice in their joint responsibility.

Our remit

The purpose of the JCIO is to promote public confidence in the judiciary through the effective investigation of complaints about the personal conduct of judicial officeholders. It seeks to ensure that all complaints are dealt with consistently, fairly and effectively.

The JCIO operates in accordance with the Judicial Discipline (Prescribed Procedures) Regulations 2014 and the supporting rules.

These can be found at: <http://judicialconduct.judiciary.gov.uk/rules-regulations/>

The JCIO is only able to investigate complaints about a judicial officeholder's personal conduct both inside and outside of the court environment. It cannot consider complaints about judicial decision or case management.

Complaints about Magistrates and Tribunal judges are considered by the relevant Advisory Committee or Tribunal President in the first instance. If the Advisory Committee or Tribunal President recommends a disciplinary sanction the case is transferred to the JCIO for referral to the Lord Chancellor and the Lord Chief Justice.

Our Values

We work with honesty, integrity and independence, ensuring we are impartial and independent in our decision making. We work to provide our customers with an excellent service. We continue to develop our staff and create an organisation that is open, builds trust, encourages diversity and develops individuals to help meet their own and the organisation's objectives.

Our Aim

We aim to provide a professional and independent service that is able to support the Lord Chancellor and the Lord Chief Justice in the effective and fair handling of complaints against Judicial office holders. We will achieve our aim by:

- providing a timely, consistent, transparent and informative service to all of our customers.
- increasing the awareness and understanding of the role and responsibilities of the JCIO.
- continually improving our service by seeking feedback from our stakeholders and service users and by ensuring all staff have the required knowledge and skills
- ensuring that all complaints and conduct matters are dealt with in accordance with our procedures.

Publication of a decision

Press statements will normally be placed on the JCIO's website in cases where a formal disciplinary sanction has been imposed upon a judicial office holder (including magistrates) following a finding of misconduct.

The full publication policy can be found on our website. Copies of the press notices issued can be viewed or downloaded from our website (<http://judicialconduct.judiciary.gov.uk/975.htm>).

Continuous Improvement

The JCIO is committed to continually improve the service we provide. We conducted a customer survey in the summer of 2015. A random sample of people who had been in contact with our office in the last year were asked what they thought of the service we provided and how it could be improved.

The results of this survey helped us understand the needs of our customers. One of the areas identified for improvement was the JCIO website. The website is currently being reviewed in light of this feedback.

We are currently reviewing the process supporting disciplinary panels to see how we can make it more efficient. This work will be carried out in 2016.

Finance

Expenditure statement

The JCIO is not required to produce its own accounts as expenditure is an integral part of the Judicial Office's resource accounts which are subject to audit.

We are committed to managing our resources efficiently and have in place sound financial governance systems.

Staffing

At the end of the reporting period the JCIO has a staffing complement of 15. It was operating with 2 vacant posts.

Grade	Establishment	Staff at work
Senior Civil Servant	1	1
Band A	2	2
Band B	2	2
Band C	2	2
Band D	7	5
Band E	1	1
Total	15	13

Training and Development

All staff in the JCIO are fully trained to carry out their respective duties. Training sessions were delivered by members of the senior management team for staff in the following areas:

Magistrate complaints	Coroners complaints
Proportionate investigation	Writing submissions
Disciplinary Panel process	JCIO database
Effective time management	

Part of the training also includes visits to courts to allow staff to familiarise themselves with court procedures and to gain a better understanding of the situations which both complainants and judges describe to us.

An external trainer from the Samaritans conducted a tailored one day training event for staff in techniques for dealing with conversations with vulnerable people.

Staff are trained in dealing with Freedom of Information (FOI) and DPA requests. In 2015– 16 the JCIO received 49 requests. We met the statutory deadlines in 44 of these cases. All staff members have completed the mandatory information assurance and counter fraud and corruption training.

Disciplinary Panels

Disciplinary Panels are comprised of:

- A judicial office holder of a higher judicial position than the subject of the disciplinary proceedings
- A judicial office holder of the same judicial rank as the subject of the disciplinary proceedings
- Two lay members, neither of whom has been a judicial office holder or a practising lawyer.

The Lord Chancellor appointed 15 lay members in October 2015, following an open and fair public appointment competition.

A Disciplinary Panel provides advice to the Lord Chancellor and the Lord Chief Justice in cases where removal or suspension from office is being considered. Once convened a panel will usually meet on two occasions within a three month period and may question witnesses in person if additional evidence is required. The disciplinary panel may review any finding of fact and disciplinary sanction recommended.

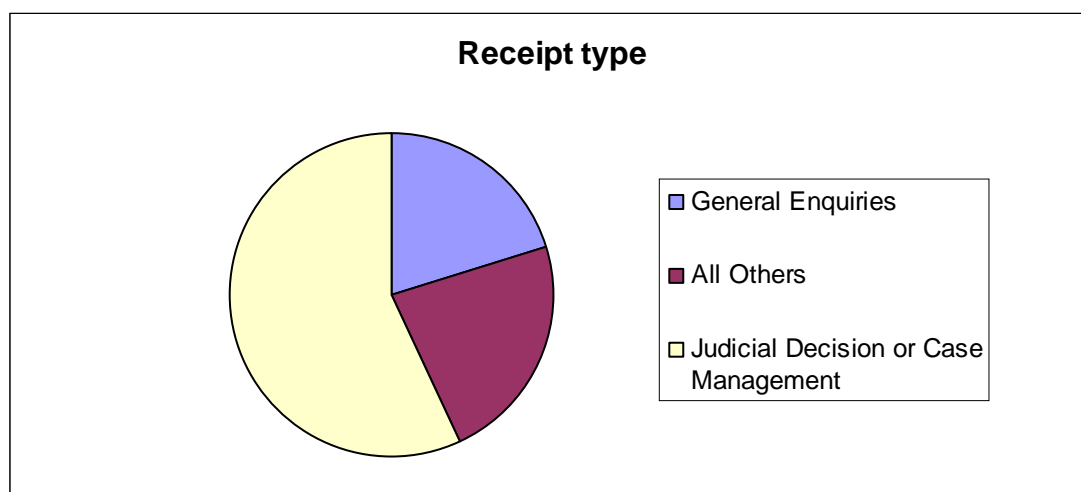
During the period covered by this report **14** disciplinary panels were convened of which **five** had a second meeting. **Two** disciplinary panels are ongoing at the time of this report.

Receipts

Receipts are recorded on the JCIO database. The table below details the categories of those receipts

Total Receipts	3271
Judicial Decision or Case Management	1862
General enquiries	662
Conflict of Interest	23
Court Proceedings & Criminal Convictions	14
Discrimination	10
Inappropriate Behaviour or Comments	549
Bankruptcy / IVA	1
Misuse of Judicial Status	2
Motoring Offences	4
Not Fulfilling Judicial Duty	43
Not Related to Judicial Office-Holder	32
Professional Conduct	13
Other *	56

* this includes cases that do not fall into any of the main categories detailed above.



Type of Judicial Office Holder Complained About

The table below sets out the distribution of complaints about judicial office holders received during the period of this report, where the type of judicial office holder is identified by the complainant or can be readily identified by the JCIO.

Office Held	Number of Complaints
High Court	161
Circuit Bench (including Recorders)	487
Court of Appeal	65
Coroner	556
District Bench	963
Court of Protection	4
Tribunals*	12
Magistrate*	44
Not Defined**	317
Total	2609

*In the case of magistrates and tribunals judiciary (except Tribunal Presidents) the Local Advisory Committee or Tribunal President conducts the initial investigation. Recommendations for disciplinary sanctions are then forwarded to JCIO staff who prepare advice for consideration by the Lord Chancellor and Lord Chief Justice.

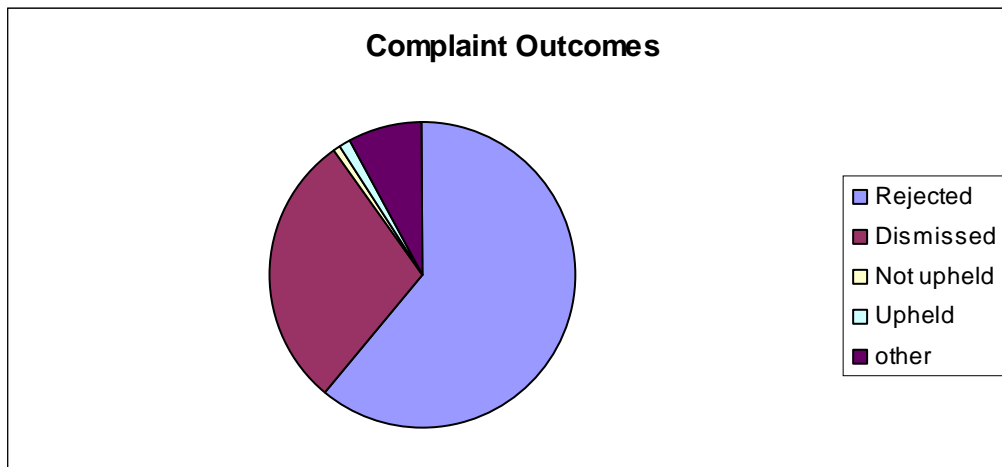
These figures do not therefore reflect the total number of complaints received in respect of tribunals and magistrates and only detail those that are referred to the JCIO from Tribunal Presidents and Advisory Committees respectively.

**Where a complaint is clearly about a judicial decision or does not fall within our remit, we will not usually seek to establish the judicial office held by the subject of the complaint, although we will record this information if it is provided by the complainant.

Disposals

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	1538
Rejected - Rule 11 (Complaint is made out of time)	48
Rejected - Other	29
Dismissed	
21(a) - Complaint not adequately particularised	134
21(b) - It is about a judicial decision or judicial case management, and raises no question of misconduct	127
21(c) - The action complained of was not done or caused to be done by a person holding an office	25
21(d) - Complaint is vexatious	9
21(e) - Complaint is without substance or if substantiated would not require disciplinary action	21
21(f) - Even if true, it would not require any disciplinary action to be taken	201
21(g) - It is untrue, mistaken or misconceived	157
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	43
21(i) - It is about a person who no longer holds an office	51
21(j) - Complaint is about the private life of a judicial office holder and could not reasonably be considered to affect his suitability to hold judicial office	3
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 his suitability to hold judicial office	6
21(l) - For any other reason it does not relate to misconduct by a person holding office	5
Regulation 23 - Judicial office holder ceased to hold judicial office	5
Complaint not upheld by the Lord Chancellor and Lord Chief Justice following an investigation	12
Miscellaneous*	204
Upheld	43
Total - JCIO	2661

Disposals



- * The number of "Miscellaneous" complaints shown in the table include various complaint outcomes which contain a range of reasons including cases which have been created in error, have been withdrawn by the complainant and a duplicate case.

Disciplinary Action

During the period covered by this report there were approximately **3,200** members of the full and part time judiciary, approximately **19,300** Magistrates and **5,600** Tribunal members. **43** cases resulted in formal disciplinary action, 32 less than the previous reporting year. Disciplinary sanctions were issued to less than 0.1% of judicial office holders.

The table below shows the total number of cases, finalised in the reporting period 2015-16, where the Lord Chancellor and Lord Chief Justice have taken disciplinary action.

Of the 16 removals from office, 6 were dealt with under the summary process. The summary process allows for 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	Coroners	Magistrates	Tribunals	Total
JCIO					
Formal Advice	3	1	8	3	15
Warning	1	0	1	1	3
Reprimand	3	0	6	0	9
Suspended	0	0	0	0	0
Removed	0	0	15	1	16
Total	7	1	30	5	43

Our Performance

Acknowledge letters within two working days of receipt - Target - 95%

2,536 acknowledgment letters were issued within the reporting period, of which 2,487 (98%) were issued within target.

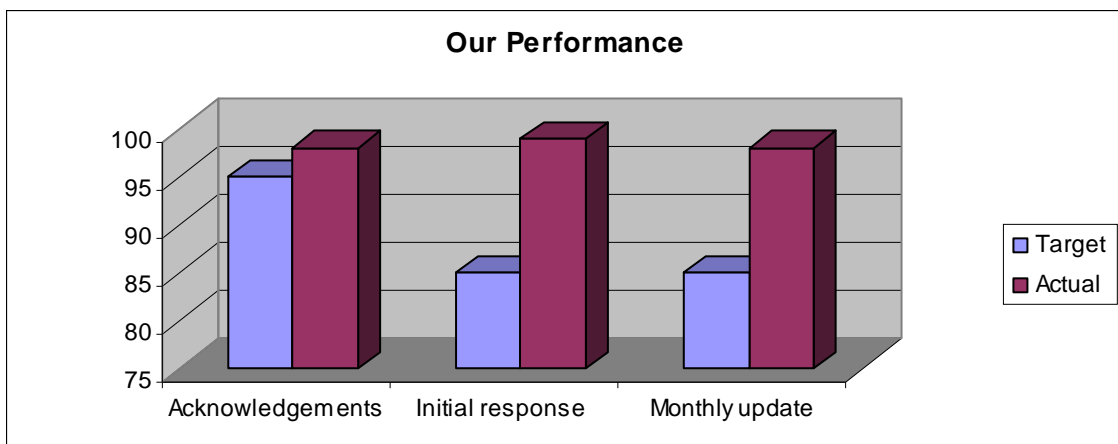
Provide an initial response to complainants within 15 days of receiving a complaint or enquiry - Target - 85%

The 15 day target for providing an initial response to all complaints and enquiries was met in 3,210 of 3,164 cases (99%).

This target is used to record the first detailed response given to a complainant or where a caseworker informs a complainant that further enquiries need to be made. It applies to all complaints and enquiries received directly from members of the public. It does not apply to complaints that have been referred from an Advisory Committee or Tribunal.

Monthly updates - Target 85%

We are required to provide updates on a monthly basis to all parties involved in a complaint, normally the complainant and the judicial office– holder. During the reporting period a total of 3,680 updates were issued, 98% of which were provided in target.



Judicial Appointments & Conduct Ombudsman

Part of the work of the Judicial Appointments and Conduct Ombudsman is to review complaints about the way in which the JCIO, a Tribunal President or Local Advisory Committee has investigated a complaint about the conduct of a judicial office holder. This is to ensure that complaints are being investigated in line with the appropriate procedures as required by the relevant rules and regulations.

If the Ombudsman identifies deficiencies or maladministration in the processes we have followed during our investigation he may set aside our determination and refer a complaint back to us for re-investigation and /or make a recommendation for redress. The Ombudsman cannot investigate the original matter complained of.

During the reporting period the Ombudsman determined **161** complaints about the JCIO's handling of investigations, just over 6% of the total number of complaints received by the JCIO. In **132** cases the Ombudsman did not find that a full investigation was necessary as there was no prospect of a finding of maladministration. The Ombudsman either upheld, or partially upheld, **6** cases. Whilst not directly comparable, the number upheld or partially upheld amounts to approximately **0.2%** of all complaints received and concluded by the JCIO during the same period.

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

Comparative Statistics

Receipts categorised by Judicial office held

Judicial office held	2013-2014	2014-2015	2015- 2016
Court Judiciary	1,093	1694	1680
<i>District Bench</i>	651	971	963
<i>Circuit Bench</i>	329	510	487
<i>High Court</i>	81	152	161
<i>Court of Appeal</i>	30	55	65
<i>Court of Protection</i>	2	6	4
Magistrate Cases referred to the JCIO following an investigation by the A/C	30	55	44
Coroner	51	262	556
Tribunals Cases referred to the JCIO following an investigation by the Tribunal President	15	22	12
None Defined	829	399	317
Total	2,018	2,432	2,609

The figures above reflect the total number of receipts, including those which are rejected or ultimately dismissed as relating to judicial decisions or case management issues.

Complaints about tribunal judges and magistrates are addressed locally by Tribunal Presidents and Local Advisory Committees in the first instance and only referred to the JCIO if a disciplinary sanction is recommended. The figures for the number of receipts in relation to magistrates and tribunal members does not therefore reflect the total number of complaints made.

Comparative Statistics

Receipts categorised by allegation

Allegation	2013-2014	2014– 2015	2015 - 2016
Conflict of interest	13	63	23
Criminal or other court proceedings / convictions	4	14	14
Discrimination	23	51	10
Inappropriate behaviour / comments	596	585	549
Unfair or incorrect Judicial decision / case management	1190	1571	1862
Miscellaneous	32	29	N/A
Misuse of judicial status	10	4	2
Motoring offences	1	7	4
Not fulfilling judicial duty	52	38	43
Not related to a judicial office holder	10	7	32
Not specified	63	41	56
Professional conduct	20	20	13
Bankruptcy / IVA	4	1	1
Financial Fraud	N/A	1	N/A
Total	2,018	2,432	2,609

Comparative Statistics

Reasons for Advice, Warning, Reprimand, Removal, Suspension and Resignation

2013-2014						
	Formal Advice	Warning	Reprimanded	Removed	Suspended	Resigned
Conflict of interest	0	1	2	0	0	1
Criminal / other court proceedings	1	0	0	1	0	2
Not fulfilling judicial duty	3	3	4	7	0	1
Inappropriate behaviour / comments	6	6	5	5	0	2
Misuse of judicial status	1	1	2	0	0	2
Professional Conduct	1	1	0	4	1	1
JCIO - Bankruptcy / IVA	0	0	0	0	1	0
JCIO - Inappropriate behaviour / comments	0	0	1	0	0	2
JCIO - Civil proceedings	0	1	0	0	0	0
Total	12	13	14	17	2	11

2014-2015						
	Formal Advice	Warning	Reprimanded	Removed	Suspended	Resigned
Conflict of interest	2	1	0	0	1	1
Criminal / other court proceedings	0	0	0	1	0	2
Not fulfilling judicial duty	0	3	1	15	0	2
Inappropriate behaviour / comments	11	3	11	9	0	5
Misuse of judicial status	0	1	0	1	0	0
Professional Conduct	2	1	2	3	0	2
Motoring related offences	0	1	1	0	0	1
Bankruptcy / IVA	0	0	0	1	0	0
Criminal Conviction	0	0	0	1	0	0
Financial Fraud	0	0	1	0	0	0
Miscellaneous	0	1	0	1	0	2
Total	15	11	16	35	1	15

Comparative Statistics

Reasons for Advice, Warning, Reprimand, Removal, Suspension and Resignation

2015-2016						
	Formal Advice	Warning	Reprimanded	Removed	Suspended	Resigned
Conflict of interest	0	0	1	0	0	1
Criminal / other court proceedings	0	0	2	1	0	0
Not fulfilling judicial duty	3	1	1	8	0	2
Inappropriate behaviour / comments	9	0	4	5	0	6
Misuse of judicial status	1	0	0	0	0	0
Professional Conduct	2	1	1	0	0	0
Motoring related offences	0	1	0	2	0	0
Bankruptcy / IVA	0	0	0	0	0	0
Criminal Conviction	0	0	0	0	0	0
Financial Fraud	0	0	0	0	0	0
Miscellaneous	0	0	0	0	0	0
Total	15	3	9	16	0	9