



# Judicial Conduct Investigations Office

**Annual Report 2013-14**



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## Review of the Year - Judith Anckorn, Head of the JCIO

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I am pleased to present the first Annual Report of the Judicial Conduct Investigations Office ( JCIO) for the period October 2013 to April 2014. This report incorporates the work of the JCIO's predecessor the Office for Judicial Complaints (OJC) for the period April to September 2013.

Last year I reported that the Lord Chancellor and the Lord Chief Justice, who share responsibility for Judicial Discipline, had approved proposals for streamlining the procedures for dealing with allegations of judicial misconduct. I am pleased to report that the new rules and regulations governing judicial discipline were approved by Parliament resulting in the launch of the Judicial Conduct Investigations Office on 1 October 2013.

This has therefore been a year of considerable change for the organisation. The introduction of our new rules and regulations brought many changes to the way that we work. Not only have we amended many of our internal processes to reflect the new rules, we also overhauled our website and leaflets and spent time over the summer training our staff and informing others with responsibilities for judicial discipline about the new practices and procedures. The office has only 15 full-time members of staff and the additional work over this period placed considerable pressure on them. I am grateful to them for the commitment they demonstrated during this period in ensuring that this major project was delivered on time and with minimal impact to the level of service provided to complainants and judicial office holders.

The target for acknowledging complaints within two days of receipt was narrowly missed achieving **93%** against the **95%** target. However, our other targets were exceeded by a significant margin: first substantive responses were sent within 15 days in **94%** of cases against a target of **85%**; and the 28 day target for updating both complainants and judicial office-holders with progress of their case was achieved in **95%** of cases against a target of **85%**.

During the reporting period we received **2,018** complaints, a slight decrease compared to the **2,154** complaints received during the previous year. In addition to the **2,018** complaints we also dealt with **574** written enquiries and a large number of telephone queries.

There was a very small increase in the number cases requiring disciplinary sanction this year, from **55** in 2012/2013 to **58** for the current reporting year. This reflects a very small proportion, less than **3%**, of the total number of complaints concluded in the year. A significant number (almost half) of the **2,105** complaints concluded within the reporting period, related to a judge's decision or management of a case and were either dismissed or rejected as they contained no allegation of misconduct. The JCIO cannot comment upon or intervene in such matters and these cases fall to be dismissed. A full break down of the outcome of all complaints on pages 9 - 11.

## Review of the Year - Judith Anckorn, Head of the JCIO

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My team is committed to dealing with all complaints impartially and professionally and therefore we continually review our internal practices to ensure that we are operating in the most efficient and effective manner. This year we have concentrated on the training of our staff to ensure that they apply the new regulations and rules correctly and have a full understanding of our work processes and how these should be reflected in our Case-work Management System.

This has been an interesting and challenging year for the OJC/JCIO and I would like once again to thank my team for the continued support they give to me and for the efforts they continue to make to help both our complainants and judicial office-holders alike.



Judith Anckorn  
**Head of the Judicial Conduct Investigations Office**

## Disciplinary Action

There are **3,600** members of the full and part time judiciary, approximately **29,000** Magistrates and **7,000** Tribunal members. Only **58** cases resulted in formal disciplinary action, **3** more than reported in our last annual report and it remains a very small number when the total number of the judiciary is taken into consideration.

The table below shows the total number of cases, finalised in the reporting period 2013-14, where the Lord Chancellor and Lord Chief Justice have taken disciplinary or other action.

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; or, where a judicial office-holder requests the Lord Chief Justice and the Lord Chancellor to do so. 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/816.htm>).

	Courts Judiciary	Coroners	Magistrates	Tribunals	Total
<b>OJC</b>					
<b>Formal Advice</b>	4	1	1	0	<b>6</b>
<b>Warning</b>	2	2	7	2	<b>13</b>
<b>Reprimand</b>	2	1	3	0	<b>6</b>
<b>Suspended</b>	1	0	0	0	<b>1</b>
<b>Removed</b>	3	0	4	1	<b>8</b>
<b>Sub-total</b>	<b>12</b>	<b>4</b>	<b>15</b>	<b>3</b>	<b>34</b>
<b>JCIO</b>					
<b>Formal Advice</b>	6	0	0	0	<b>6</b>
<b>Warning</b>	0	0	0	0	<b>0</b>
<b>Reprimand</b>	0	0	7	1	<b>8</b>
<b>Suspended</b>	0	0	1	0	<b>1</b>
<b>Removed</b>	1	0	1	7	<b>9</b>
<b>Sub-total</b>	<b>7</b>	<b>0</b>	<b>9</b>	<b>8</b>	<b>24</b>
<b>Total</b>	<b>19</b>	<b>4</b>	<b>24</b>	<b>11</b>	<b>58</b>

## Disciplinary Action

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In addition to the disciplinary action indicated in the previous table **12** judicial office holders were provided with informal advice or guidance and **11** resigned during the course of disciplinary proceedings.

	Courts Judiciary	Coroners	Magistrates	Tribunals	Total
<b>OJC</b>					
<b>Guidance</b>	5	3	1	1	<b>10</b>
<b>Resignation</b>	1	0	5	0	<b>6</b>
<b>Sub-total</b>	<b>6</b>	<b>3</b>	<b>6</b>	<b>1</b>	<b>16</b>
<b>JCIO</b>					
<b>Informal Advice*</b>	1	1	0	0	<b>2</b>
<b>Resignation</b>	2	1	0	2	<b>5</b>
<b>Sub-total</b>	<b>3</b>	<b>2</b>	<b>0</b>	<b>2</b>	<b>7</b>
<b>Total</b>	<b>9</b>	<b>5</b>	<b>6</b>	<b>3</b>	<b>23</b>

\* Formerly reported as "Guidance".

## Type of Judicial Office Holder Complained About

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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.

If 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.

Office Held	Number of Complaints
High Court	81
Circuit Bench (including Recorders)	329
Court of Appeal	30
Coroner	51
District Bench	651
Court of Protection	2
Tribunals (combined)*	15
Magistrate*	30
Not Defined	829
<b>Total</b>	<b>2,018</b>

In the case of magistrates and tribunals judiciary (except Presidents) the Local Advisory Committee or Tribunal President conducts the initial investigation. Recommendations for disciplinary sanctions are then forwarded to JCIO. These figures do not therefore reflect the total number of complaints received in respect of magistrates and tribunals.

Where a disciplinary sanction is recommended JCIO staff review the findings of Advisory Committees and the recommendations made by the Tribunals Presidents for consistency and prepare advice for consideration by the Lord Chancellor and Lord Chief Justice.



## Complaint Type

Complaint Type	Number of Complaints	
	OJC	JCIO
Not Specified	63	
Conflict of Interest	9	4
Court Proceedings & Criminal Convictions	3	-
Discrimination	23	-
Inappropriate Behaviour or Comments	343	253
Bankruptcy / IVA	-	4
Civil Proceedings	-	1
Judicial Decision or Case Management	688	502
Misuse of Judicial Status	10	-
Motoring Offences	1	-
Not Fulfilling Judicial Duty	52	-
Not Related to Judicial Office Holder	10	-
Professional Conduct	20	-
Miscellaneous	32	
<b>Total</b>	<b>2,018</b>	

## Complaint Outcomes

Outcome of Complaint	Number of Complaints
<b>Office for Judicial Complaints</b>	
Dismissed under Regulation:	
14(1)(a) - Complaint not adequately particularised	109
14(1)(b) - Complaint is about judicial decision or case management decision	489
14(1)(c) - Action complained of was not done by a judicial office-holder	12
14(1)(e) - Complaint is without substance or if substantiated would not require disciplinary action	78
14(1)(f) - Complaint is untrue, mistaken or misconceived	87
14(1)(g) - It raises a matter which has already been dealt with, whether under these Regulations or otherwise, and does not present any new material evidence	6
14(1)(h) - Complaint is about a person who no longer holds judicial office	19
14(1)(i) - 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	2
14(1)(j) - 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	2
14(1)(k) - For any other reason, not specified in the Regulations, the complaint does not relate to misconduct by a judicial office-holder	5
Dismissed under Regulation 4 (the complaint is made out of time)	72
Section 2 (5) CPA	2
Complaint not upheld by the Lord Chancellor and Lord Chief Justice following an investigation	9
<b>Total - OJC</b>	<b>892</b>

## Complaint Outcomes

Outcome of Complaint	Number of Complaints
<b>Judicial Conduct Investigations Office</b>	
Rejected - Rule 11 (Complaint is made out of time)	90
Rejected - Complaint is illegible	6
Rejected - Judicial office-holder is neither identified nor identifiable	11
Rejected - Complaint does not contain an allegation of misconduct on the part of a named or identifiable person holding judicial office	415
Rejected - Does not provide the date, or dates, the alleged misconduct took place	15
Rejected - Other	10
Dismissed under Rule / Reason for rejection:	
21(a) - It does not adequately particularise the matter complained of	91
21(b) - It is about a judicial decision or judicial case management, and raises no question of misconduct	112
21(c) - The action complained of was not done or caused to be done by a person holding an office	3
21(e) - It is without substance	13
21(f) - Even if true, it would not require any disciplinary action to be taken	98
21(g) - It is untrue, mistaken or misconceived	91
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	6
21(l) - For any other reason it does not relate to misconduct by a person holding office	1
Regulation 23 - Judicial office holder ceased to hold judicial office	1
<b>Total - JCIO</b>	<b>969</b>
<b>Outcomes common across OJC &amp; JCIO</b>	
N/A	112
Upheld	132
<b>Total - OJC &amp; JCIO</b>	<b>244</b>

## Complaint Outcomes

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- Complaints recorded as dismissed under this category include those complaints received by the JCIO but which do not fall to the JCIO to investigate e.g. complaints about tribunal judges, magistrates or court staff.
- \*\* The number of “upheld” complaints shown in this table will differ from that reported elsewhere in the report as it includes multiple complaints made about a single judicial office-holder. If the complaint was upheld, each individual complaint will be recorded in the table above but only one ‘outcome’ would be recorded in the tables elsewhere in this report.

## **Our Performance**

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

- **1,952** acknowledgment letters were due to be issued within the reporting period, of which **1,818 (93%)** were issued within the target period.

### **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 **2,307** of **2,467** cases (**94%**).
- 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 **95%** of updates were provided on time and within the target period.

## Review Bodies & Disciplinary Panels

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### Review Bodies

For the period to October 2013 a judicial office holder could make a request for a Review Body to consider the matter once the Lord Chancellor and the Lord Chief Justice have indicated their intention to issue a disciplinary sanction. A Nominated Judge was then asked to consider whether the application for a review is “totally without merit” and, only in those cases where the application is judged not to be totally without merit, would the Lord Chancellor and Lord Chief Justice agree to convene a Review Body panel.

The Lord Chancellor and Lord Chief Justice could themselves also request that a Review Body consider a complaint and prepare a report for their consideration.

During the period covered by this report **seven** Review Body cases were heard.

### Disciplinary Panels

Since October 2013 Disciplinary Panels have replaced Review Bodies. They are comprised of two judicial office holders and two lay members as before and could meet on several occasions over a period of weeks or months and will often question witnesses in person if additional evidence is required. The Panel provides advice to the Lord Chancellor and Lord Chief Justice in cases where removal or suspension from office is being considered.

During the period covered by this report **six** Disciplinary Panels were convened, each of which is ongoing at the time of writing.

## Judicial Appointments & Conduct Ombudsman

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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 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 received **418** complaints about the JCIO's handling of investigations. Of these the Ombudsman either upheld, or partially upheld, **17 (4%)**. Whilst not directly comparable it is, nonetheless, pleasing to note that this amounts to less than **1%** of all complaints considered 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>

## Staffing

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At the end of the reporting period the JCIO had a total of **13** staff members at work at the following grades.

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	6
Band E	1	0
<b>Total</b>	<b>15</b>	<b>13</b>

### Information assurance

All staff members have completed the mandatory information assurance and counter fraud and corruption training.

## Finance

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### Expenditure statement

The JCIO is not required to produce its own accounts; however, our 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.



## Comparative Statistics

Number of complaints			
Judicial office held	2011-2012	2012-2013	2013-2014
<b>Court Judiciary</b>	922	1,340	1,093
<i>District Bench</i>	556	754	651
<i>Circuit Bench</i>	266	435	329
<i>High Court</i>	80	119	81
<i>Court of Appeal</i>	19	30	30
<i>Court of Protection</i>	1	2	2
<b>Magistrate</b>	43	28	30
<b>Coroner</b>	32	44	51
<b>Tribunals</b>	16	14	15
<b>None Defined</b>	602	728	829
<b>Total</b>	<b>1,615</b>	<b>2,154</b>	<b>2,018</b>

- Complaints about tribunal judges and magistrates are addressed locally by Tribunal Presidents and Local Advisory Committees in the first instance and only referred to OJC if a disciplinary sanction is recommended. The figures for number of complaints made against magistrates and tribunal members does not therefore reflect the total number of complaints made.
- The figures above reflect the total number of complaints received by OJC/JCIO including those which are rejected or ultimately dismissed as relating to judicial decisions or case management issues.

## Comparative Statistics

Number of complaints by category of complaint			
Type of Complaint	2011-2012	2012-2013	2013-2014
Conflict of interest	17	21	9
Criminal or other court proceedings / convictions	24	11	3
Discrimination	34	40	23
Inappropriate behaviour / comments	601	885	343
Judicial decision / case management	789	1,039	688
Miscellaneous	32	19	32
Misuse of judicial status	18	13	10
Motoring offences	1	1	1
Not fulfilling judicial duty	27	29	52
Not related to a judicial office holder	0	0	10
Not specified	64	79	63
Professional conduct	8	17	20
JCIO - Bankruptcy / IVA	N/A	N/A	4
JCIO - Civil proceedings	N/A	N/A	1
JCIO - Conflict of interest	N/A	N/A	4
JCIO - Inappropriate behaviour or comments	N/A	N/A	253
JCIO - Judicial decision / case management	N/A	N/A	502
<b>Total</b>	<b>1,615</b>	<b>2,154</b>	<b>2,018</b>

## Comparative Statistics

### Reasons for Reprimand, Removal, Suspension and Resignation

2011-2012				
	Reprimanded	Removed	Suspended	Resigned
Criminal / other court proceedings	2	5	0	3
Not fulfilling judicial duty	3	9	0	4
Inappropriate behaviour / comments	19	7	0	15
Misuse of judicial status	2	1	0	2
Motoring offences	1	2	0	0
Professional Conduct	1	5	0	1
<b>Total</b>	<b>28</b>	<b>29</b>	<b>0</b>	<b>25</b>

2012-2013				
	Reprimanded	Removed	Suspended	Resigned
Criminal / other court proceedings	0	3	0	2
Not fulfilling judicial duty	1	9	0	1
Inappropriate behaviour / comments	13	7	0	6
Misuse of judicial status	3	1	0	4
Motoring offences	0	0	0	1
Professional Conduct	2	0	0	2
<b>Total</b>	<b>19</b>	<b>20</b>	<b>0</b>	<b>16</b>

## 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
<b>Total</b>	<b>12</b>	<b>13</b>	<b>14</b>	<b>17</b>	<b>2</b>	<b>11</b>

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