



Judicial Conduct
Investigations Office

The 2023 Changes to the Judicial Disciplinary System in England and Wales

13 August 2025

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Introduction

This is a report by the Judicial Conduct Investigations Office (“JCIO”), the independent statutory body which supports the Lord Chancellor and the Lady Chief Justice in their joint responsibility for judicial discipline. The report contains the results of an exercise we have undertaken to assess how a range of changes made to the judicial disciplinary system in England and Wales in 2023 (“the 2023 changes”) have been received and are working.

The conclusions set out in this report, which has been approved for publication by the Lord Chancellor and the Lady Chief Justice, were informed by helpful contributions from a range of interested parties. We have also drawn on the JCIO’s operational experience since the 2023 changes were implemented, during which time we have dealt with over 6,000 complaints.

Our report also outlines the actions we intend to take to build on the improvements delivered by the 2023 changes.

Background

1. Between 2020 and 2023, a working group of judges and officials, led by the now Lady Chief Justice, conducted a comprehensive review of the judicial disciplinary system (“the 2023 review”). This was the first such review since the late Lord (then Lord Justice) Toulson’s review in 2012-13.
2. The 2023 review, and the public consultation which followed it, resulted in the then Lord Chancellor and the then Lord Chief Justice adopting 40 recommendations. Key themes of the agreed changes included:
 - Streamlining and improving complaints-handling processes, to make them fairer, more proportionate and improve timeliness.
 - Transferring responsibility for complaints about tribunal judges and non-legal members from tribunal presidents to the JCIO, to ease the burden on the presidents and promote consistent complaint-handling.
 - Adopting a formal definition of the disciplinary system’s purpose.
 - Categorising misconduct by seriousness (misconduct, serious misconduct, gross misconduct) to aid consistent decision-making.
 - A new disciplinary sanction between reprimand and removal.
 - Increasing transparency, for example through more detailed disciplinary statements.
 - Promoting diversity amongst the judges and lay people who perform statutory functions in the disciplinary system.
3. In October 2023, the bulk of the changes came into force with the publication of new statutory regulations¹ and supporting rules². Related measures such as increased transparency and widening the pool of nominated judges were also implemented in 2023.

¹ *The Judicial Discipline (Prescribed Procedures) Regulations 2023.*

² *The Judicial Conduct Rules 2023 and The Judicial Conduct (Magistrates) Rules 2023.*

4. **Appendix A** contains a full list of the changes agreed following the 2023 review and the public consultation.
5. The only outstanding measure is the new disciplinary sanction, which would sit between reprimand and removal: a period of suspension (without pay for salaried judiciary). As this measure requires an amendment to s108 of the Constitutional Reform Act 2005, we are waiting for Ministry of Justice (“MoJ”) officials to confirm a suitable legislative bill in which the measure will be included.

Approach to this work

6. In February 2025, the Head of the JCIO initiated a comprehensive outreach effort to gather diverse perspectives on how the 2023 changes had been received and are working. Letters were sent to a wide range of judicial interests and stakeholder groups, inviting their input and encouraging participation. Many of those contacted had previously been encouraged to respond to the public consultation which followed the 2023 review.
7. To ensure transparency and inclusivity, an online form was also published on the JCIO website, inviting members of the public and of the judiciary to share their views directly. The link was also shared with the Judicial Office press team’s media contacts. This exercise was also promoted via the judicial intranet and communicated to relevant internal teams and networks with a known interest in the disciplinary system. These steps were taken to maximise engagement and ensure that the consultation process was as open and accessible as possible.
8. In parallel with seeking views, the JCIO drew on its operational experience of working under the 2023 changes and analysed a range of data from its digital case management system.

9. A project board of officials from the JCIO, Judicial Office, and His Majesty's Courts and Tribunals Service ("HMCTS") oversaw this exercise.
10. This report was shared in draft with key internal stakeholders for comment before being sent to the Lord Chancellor and the Lady Chief Justice for approval.

Overview of responses

11. We received 61 responses to our request for views, categorised as follows:
 - 8 judicial associations (including the Magistrates' Association)
 - 6 nominated judges
 - 6 regional conduct advisory committee secretaries
 - 5 nominated committee members
 - 4 tribunal presidents
 - 23 online survey respondents who identified themselves as judicial office holders
 - 3 online survey respondents who identified themselves as members of the public
 - A salaried district judge
 - A magistrate disciplinary panel member
 - The Judicial HR Welfare and Casework Team
 - A regional employment judge
 - The Judicial Appointments and Conduct Ombudsman
 - The President of the Judicial Branch of the GMB Union

Analysis

Is the process for dealing with complaints which are outside of the JCIO's remit more efficient following the 2023 changes?

12. We believe the answer is yes.
13. A key change included revising the rules which govern the initial consideration of complaints, one example being the requirement for an allegation of misconduct to be "*supported by relevant details*", as specified in JCIO guidance.
14. These measures have brought significant benefits. Since the 2023 changes, the proportion of complaints which are identified at initial assessment as not meeting all the relevant requirements to be considered further by the JCIO, has doubled. It is important to emphasise that this does not mean the bar has been raised to thwart legitimate complaints. What the changes have achieved is to enable us to identify and dispose efficiently of a greater proportion of complaints which the JCIO is unable to consider further, at the earliest possible stage. This allows more time and resources to be directed at taking forward those complaints which do warrant further consideration. This is especially encouraging as complaints to the JCIO have increased significantly in recent years, to over 3,000 last year.
15. While respondents to this exercise were generally positive about these aspects of the 2023 changes, one respondent (a judicial association) suggested that changes to the guidance on the JCIO's website have encouraged an increase in complaints. However, in our experience, the great majority of the increased number of complaints to the JCIO following the 2023 changes is attributable to the addition of tribunal judges and non-legal members to our remit, which is discussed further below.
16. The Judicial Appointments and Conduct Ombudsman ("JACO") stated in his response that complaints to his office which were dismissed without a full investigation have risen substantially since the 2023 changes. He explained that this increase relates mostly to complaints which the JCIO was unable to

accept for further consideration because they did not contain *an allegation of misconduct supported by relevant details* as required by Rule 8(c) of the *Judicial Conduct Rules 2023*.

17. The JACO has suggested that the increase is attributable to the JCIO's standard letter, which is used when a complaint cannot be accepted because it does not comply with the requirements in Rule 8 ("Rule 8 letter"). He also believes that some complaints to his office could be circumvented by the JCIO responding to follow-up correspondence from complainants.
18. The JCIO uses a standard letter, which contains detailed annexes with information to help complainants understand why their complaint cannot be accepted for further consideration, because such complaints make up around 80% of those we receive. There is clear and detailed guidance on our website about our remit and about the meaning of "*relevant details*." To send bespoke responses to every complaint would be a severe drain on the JCIO's limited resources. This would seriously affect our capacity to consider those complaints which do warrant further investigation.
19. The same applies to follow up correspondence from complainants. The JCIO has 20 staff members and therefore has limited capacity to respond to supplementary correspondence. We therefore explain in our Rule 8 letter that we will not respond to further correspondence once we have decided that we cannot accept a complaint.
20. We are, however, exploring ways to address the JACO's concerns about these issues and will take the actions outlined below as a starting point:

Actions:

- We have started work to enhance the contents of our standard Rule 8 letter to better enable complainants to understand why their complaint cannot be accepted because it does not meet the requirements in Rule 8.

- As part of a planned refresh and relaunch of our website, we will consider how the guidance about our remit and about the meaning of “relevant details” could be enhanced.
- We will invite the JACO and his team to suggest, and discuss with us, any other practicable ways in which we can help to address his concerns.

Has the transfer of responsibility for complaints about tribunal judges and non-legal members to the JCIO achieved its aims?

21. We believe the answer is yes.
22. Prior to the 2023 changes, tribunal presidents were responsible for the initial consideration of complaints about tribunal judges and non-legal members. This led to concerns about:
- The burden of work in dealing with complaints, particularly for the larger tribunals.
 - A risk of conflicts arising between tribunal presidents’ disciplinary functions and their leadership and pastoral roles.
 - Inconsistent handling of complaints from tribunal to tribunal.
23. The proposal to transfer responsibility for considering complaints to the JCIO aimed to address all these issues. It was strongly supported by tribunal judges, with only one tribunal president raising concerns. The transfer took effect with publication of the *Judicial Conduct Rules 2023* on 13 October 2023.
24. Careful planning for the change in consultation with tribunal presidents and their offices, and the recruitment of five additional casework staff in 2022, has enabled the JCIO to absorb the extra work effectively.
25. A number of tribunal presidents commented that this change has enabled them to better focus on their pastoral, leadership and other responsibilities.
26. The fact that all complaints are now dealt with by a single team of caseworkers supports consistent handling of complaints.

Has the expedited process been beneficial?

27. We believe the answer is yes.
28. The expedited process is an opt-in process which was designed to provide a more streamlined and efficient way of dealing with lower-level cases of misconduct in which the facts are agreed. It can only be offered to office holders in cases in which the JCIO considers the following criteria are met:
- The Lord Chancellor and Lady Chief Justice are likely to agree that the facts of a complaint amount to misconduct; and
 - The resulting disciplinary sanction is unlikely to exceed a formal warning.
29. The expedited process has been used in around 25 cases involving a variety of complaint types. There has only been one case in which an eligible office holder declined to have their case dealt with under the expedited process.
30. The small number of responses to this exercise which specifically commented on the expedited process were positive.
31. While it has been used in a relatively small number of cases so far, the expedited process has been a beneficial addition to both the JCIO process, and the magistrates conduct process. At the JCIO, it has enabled cases to be concluded on average in approximately half the time that it takes to conclude cases referred to a nominated judge. However, we acknowledge that cases referred to a nominated judge will include some that are more complex and time-consuming than cases which are suitable for the expedited process.
32. We expect that as our team continues to build their experience of the new process, there will be an increase in the number of cases which are identified as suitable for it. This should lead to further benefits in terms of being able to deal with lower-level misconduct cases more efficiently.

Time limit for making a complaint to the JCIO

33. Both the 2013 and 2023 reviews concluded that a time limit of three months to make a complaint strikes the right balance between giving complainants a reasonable amount of time to complain and the expectation that office holders will be able to recall the circumstances from which a complaint arose.
34. In the rules which preceded the *Judicial Conduct Rules 2023*, the time limit for making a complaint to the JCIO was expressed as: “*three months from the latest event or matter complained of*”. In the 2023 Rules, the time limit is expressed as: “*three months from the matter complained of*”. This change was made to avoid the JCIO having to accept complaints which, as occasionally happened, contained disparate allegations going back several years.
35. Although not explicitly stated in the 2023 rules, the JCIO may accept a complaint which it assesses as being about a pattern of behaviour over time, provided that one or more of the allegations contained within the complaint is made within the three-month time limit. We know that this issue is raised from time to time in correspondence to the MoJ.
36. The rules also contain provision for the time limit to be extended in exceptional circumstances. If a complaint is made outside the time limit, the JCIO must invite representations from the complainant as to any reasons why an extension should be given. This means that no complaint can be rejected as out of time without the complainant first having the opportunity to give their reasons for not complaining within the time limit.
37. The 2023 Rules do not specify the meaning, or limit the scope, of what could constitute an exceptional reason to extend the time limit. Whenever representations are made to the JCIO for an extension, those representations are considered carefully on their individual merits.
38. We believe that three months to make a complaint to the JCIO, coupled with an automatic right to make representations as to why the time limit should be extended in exceptional circumstances, is proportionate and fair to

complainants and office holders. However, we recognise that it may be helpful for the rules to make clear that the JCIO can accept pattern of behaviour complaints provided that one or more of the allegations contained within the complaint is made within the three-month time limit.

Action:

- **We will consider whether the rules should be amended to make the position on the ability to accept complaints about a pattern of behaviour over time clearer.**

Has the time it takes to deal with complaints improved?

39. In our assessment, the answer is a qualified yes.
40. Despite the substantial increase in complaint numbers in recent years, the JCIO continues to process the great majority of complaints in a timely way.
41. While many more complaints which cannot be accepted by the JCIO for further consideration are being dealt with swiftly, and there have been some improvements in other aspects of the JCIO process, there is still work to be done in relation to the small proportion of cases (approximately 3%) which progress to a full investigation and a decision by the Lord Chancellor and the Lady Chief Justice.
42. While there have been improvements to processing times, several responses to this exercise referred to the length of time cases which proceed to a full investigation can take to conclude. Concerns were also expressed about the effect that this can have on office holders' wellbeing.
43. We also acknowledge that there have been a small number of regrettable instances in which a lack of diligence by individual JCIO team members has caused delays to cases. We outline some of the measures we have taken to address this issue under 'Actions' further below.

44. A challenge we face is that in cases which progress to a full investigation, there are several stages involved. To ensure the process is thorough and procedurally sound, these stages can be lengthy. This includes when cases have been referred to a nominated judge, an investigating judge, or a disciplinary panel. For this relatively small proportion of investigations, the duration tends to increase with the complexity and seriousness of the cases concerned.
45. Widening the pool of nominated judges (discussed further below), and the associated increase in capacity which this has created, has been very helpful in decreasing delays. However, cases referred to an investigating judge or a disciplinary panel still tend to take a long time to conclude, although it should be noted that these typically amount to fewer than ten cases a year in total. Historically, the final decision-making phase of the investigation process has tended to add significantly to its overall duration.

Actions:

- We have already introduced several measures to reduce the risk of avoidable delays within the JCIO. These include:
 - closer scrutiny by managers of case progression;
 - a protocol for ensuring that cases are not held up when caseworkers are away from work due to sick leave or for other personal reasons;
 - implementation of more detailed key performance indicators (KPIs). This includes separate KPIs for different stages of the process in complaints which progress all the way to a decision by the Lord Chancellor and the Lady Chief Justice. These will enable us to monitor and report on performance at different stages of the JCIO process, and to identify and address potential delays more effectively.
 - a weekly ‘casework clinic’ at which any member of the team who is unsure about how to progress a case can receive advice in person from a senior manager.

- We will continue to explore ways in which we can support timely completion of complaints which progress to a full investigation.

Have the changes to the process of making findings of fact, determining whether the facts amount to misconduct and recommending sanctions achieved their aims?

46. We believe the answer is yes.
47. Independent judicial and lay involvement in the JCIO process in the form of nominated judges, investigating judges, and disciplinary panels is a crucial component of the system. Distinct from the administrative functions of the JCIO, it is nominated judges, investigating judges and disciplinary panels who make findings of misconduct and recommend disciplinary sanctions.
48. The 2023 changes to this part of the process included:
- Widening the pool of nominated judges to include (in addition to High Court and Court of Appeal judges) district judges, circuit judges, salaried tribunal judges, and coroners.
 - Nominated judges' reports are now sent to the subject of a complaint for information rather than comment, except for reports in which the recommended sanction is suspension or removal from office.³
 - The classification of misconduct by levels of seriousness: misconduct, serious misconduct, and gross misconduct.
 - Giving disciplinary panels a lay majority (two lay members) and a judicial chair.⁴
 - Giving office holders whose cases are referred to a disciplinary panel a right to give oral evidence.

³ This also enables the office holder to indicate whether they wish the case to be considered by a disciplinary panel before a final decision is made.

⁴ The panels were previously composed of two judicial and two lay members.

- Giving office holders who give oral evidence to a nominated judge, (or a nominated committee member), an investigating judge, or a disciplinary panel, a right to be accompanied by a judicial colleague for support.
 - The development of a structured decision-making process, as contained in *'Judicial Discipline: Misconduct and Recommending Sanctions'*, to support nominated judges, investigating judges and disciplinary panels in deciding whether the facts of a complaint amount to misconduct, and if so in recommending an appropriate sanction.⁵
 - The development of specific guidance documents for nominated judges, nominated committee members, investigating judges, and disciplinary panel members.
49. While only a few of the responses we received directly addressed the efficacy of these aspects of the 2023 changes, those comments were positive.
50. The introduction of a structured decision-making process and the classification of misconduct by levels of seriousness have been received positively.
51. While we did not receive a high number of responses from the judges and lay people who carry out functions under this part of the process, we engage with them regularly. We tend to become aware of any issues of concern for them swiftly. There have been none of substance thus far in relation to the 2023 changes.
52. Based on our operational experience, widening the pool of nominated judges has worked well. This measure has achieved its intended aim of expanding the range of knowledge and experience in the pool and of increasing capacity to deal with cases.
53. A few respondents suggested that we should offer more structured training for nominated judges. We recognise the importance of ensuring that nominated

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<https://www.complaints.judicialconduct.gov.uk/rulesandregulations/MisconductandRecommendingSanctions>

judges feel that they have received the support they need to perform their role. The 2023 cohort of nominated judges was invited to a training session organised by the JCIO. This was well attended and feedback from attendees was positive.

54. In addition to our detailed guidance documents for nominated judges, they are encouraged to contact us if they require further guidance or assistance at any time.
55. A few respondents stated that office holders have insufficient opportunity to participate in the consideration of complaints against them. However, an office holder must have been provided with the complaint and all the underlying documentation and must have been invited to respond to the complaint before it can progress to a final decision by the Lord Chancellor and the Lady Chief Justice. The office holder's comments are always included with the information sent by the JCIO to the Lord Chancellor and the Lady Chief Justice.
56. Additionally, office holders are entitled to have their case considered by a disciplinary panel before the Lord Chancellor and Lady Chief Justice make their decision in cases where a nominated judge (or nominated committee member) has recommended suspension or removal from office. As noted earlier, this now entails a right to give oral evidence before the disciplinary panel and to be accompanied by a judicial colleague for support. There is also provision for more serious or complex cases to be referred to an investigating judge.

Actions:

- We will offer all new nominated judges a structured training session. We will consult the current cohort to refine the content of the training we offer.
- In consultation with the current cohort, we will develop refresher training for nominated judges, to be delivered periodically.

Have the changes to the magistrates conduct process achieved their aims?

57. We believe the answer is yes.
58. Prior to the 2023 changes, complaints about magistrates were initially considered by the chair of the relevant regional conduct advisory committee.⁶ Regardless of seriousness, all complaints which were assessed as raising a question of misconduct were referred to a three-person conduct panel. This would normally involve the magistrate, and in some cases the complainant and other witnesses, being called to give oral evidence. As well as being a lengthy process, this was a disproportionate way to deal with less serious cases of potential misconduct.
59. The 2023 changes sought to create a more efficient and proportionate process. Key to this was alignment with the JCIO process. The three most significant changes were:
- Giving the conduct advisory committee secretaries powers analogous to the JCIO in the initial consideration of complaints⁷.
 - Replacing three-person conduct panels with the role of nominated committee member, mirroring the role of nominated judge in the JCIO process.
 - Introduction of the expedited process.
60. The secretaries have adapted well to their new functions. While the changes have increased the time they spend dealing with complaints in the initial stages, this is offset by a reduced need to support the later stages of the process. They report receiving a good level of support from their management, from one another, and from the JCIO.

⁶ There are seven regional conduct advisory committees, which are made up of magistrates and lay members appointed by the Lord Chancellor.

⁷ Conduct advisory committee secretaries are senior, legally trained HMCTS managers who support the seven regional conduct advisory committees.

61. Some of the secretaries flagged a need for guidance to promote consistent handling of complaints across their respective regions and to ensure that magistrates who are subject to a complaint have the information they need. They have also suggested the production of a set of standard letter templates.
62. Regarding complaint volumes, some of the secretaries have noticed a slight increase. The most notable increase has been in complaints about interpersonal behaviours. They believe this is more likely to be due to greater awareness created by the *Statement of Expected Behaviour*⁸ than due to the 2023 changes.
63. Feedback from the nominated committee members has also been positive. Those who responded felt that they received a good level of support from the secretaries.
64. A few nominated committee members expressed a concern that they were not receiving enough cases to maintain their skills.
65. The JCIO shares the view reflected in the responses, that the 2023 changes to the magistrates conduct process are working well. In our experience, the secretaries take their conduct-related responsibilities seriously and perform them diligently. We have a constructive and supportive relationship with them, which has enabled us to provide them with advice and support when they need it. And as noted earlier, they feel well supported by their managers and by one another.
66. We share the secretaries' view that the nominated committee members have adapted well to their new role. This is encouraging as the move from three-person conduct panels to the single nominated committee member role was a proposal which raised some initial concerns during the 2023 review.

⁸ Statement of Expected Behaviour - Courts and Tribunals Judiciary

Actions:

- We will work with the secretaries to produce a comprehensive guidance document to support them in their conduct-related functions.
- We will share our suite of standard letter templates with the secretaries and support them in producing a set of templates for their use.
- We will offer to assist the secretaries in developing a standard pack of information to be provided to magistrates who are subject to a complaint.
- We will work with the secretaries to develop a process which will enable us to include data on complaints about magistrates in future JCIO annual reports.⁹

Have the changes to promote transparency achieved their aims?

67. While some aspects of these changes generated a range of different responses in this exercise, we believe the answer is yes.
68. Transparency, especially in relation to disciplinary decisions, was a substantial issue raised in the 2023 review. While the policy of successive Lord Chancellors and Chief Justices since 2012 has been to publish the outcome of disciplinary decisions, the content of those disciplinary statements, which remained on the JCIO website for one year, except in cases of removal from office, which were deleted after five years, attracted substantial criticism, including from the judiciary, for their lack of detail.
69. The 2023 review working group devoted considerable time to exploring how to promote transparency while protecting the rights of individuals who were subject to disciplinary action.
70. The changes which later took effect were as follows:
- More detailed disciplinary statements.

⁹ Our annual report and the disciplinary statements published on our website already contain information about complaints which are upheld.

- Longer publication periods for disciplinary statements:
 - Formal advice: two years;
 - Formal warning: four years;
 - Reprimand: six years; and
 - Removal from office: indefinite (except for failure to meet sitting requirements: five years).
- A right for anyone to request and receive a copy of a deleted disciplinary statement.
- More detailed JCIO annual reports.

71. None of the respondents who commented on these changes referred to the right to request a copy of a deleted disciplinary statement or more detailed JCIO annual reports.

72. Some respondents, including a judicial association which represents one of the largest groups of office holders, endorsed the increased level of detail in disciplinary statements.

73. A small number of judicial associations and some individual office holders questioned the need for the level of detail included in some disciplinary statements. A few respondents noted that publication of decisions can be a source of anxiety for the office holders concerned. A few suggested that the increased publication periods for the statements are disproportionate.

74. A few respondents objected to the publication of disciplinary statements in relation to misconduct which attracts sanctions at the lower end of the scale of seriousness such as formal advice. However, it should be noted that publication of disciplinary statements for all levels of misconduct was not introduced by the 2023 changes and has been part of the publication policy since its inception in 2012.

75. It is unsurprising that publication of increased levels of detail in disciplinary statements and longer publication periods generated mixed responses in this

exercise. It is an issue in which office holders and their associations naturally have a significant interest.

76. While we acknowledge these views, we believe the value of increased transparency cannot be underestimated. We note in particular that:

- These changes were the subject of especially careful consideration by the 2023 review working group and were strongly supported in the public consultation which followed.
- As the sole publicly available record of disciplinary decisions, the statements are a crucial source of information for the public and the judiciary. They contribute to public understanding of the disciplinary system and demonstrate to the public and the judiciary that misconduct is taken seriously and has consequences.
- The drafting of statements aims to balance providing the public with enough information to understand disciplinary decisions with not including irrelevant information or information which could be unnecessarily embarrassing or upsetting for the office holders concerned.
- The statements do not include personal information about third parties such as the identity of complainants, or sensitive information provided in the office holder's response to the complaint, for example regarding their health or other personal circumstances.
- Before being presented to the Lord Chancellor and the Lady Chief Justice for approval, draft disciplinary statements are reviewed by a senior JCIO manager, the Head of the JCIO, the JCIO's legal advisor, and the Judicial Office and MoJ press teams.
- The Lord Chancellor and the Lady Chief Justice have the discretion to agree to amend a statement. They can also agree not to publish a statement or to delete a published statement in exceptional circumstances.

- The JCIO has published over 150 disciplinary statements since the 2023 changes. In only two or three cases have concerns been raised with the JCIO about the contents of published statements.

77. For all the above reasons, we do not intend to make any changes to the level of detail contained in JCIO disciplinary statements or to their publication periods.

78. While we received multiple responses to this exercise from individual judicial office holders, judicial associations, and bodies with a close interest in the disciplinary system, the very small number of responses from members of the public was disappointing. We know from our contacts in the MoJ that correspondence to the MoJ indicates that judicial discipline is of interest to members of the public. We will therefore take the actions outlined below:

Action:

- We will be carrying out a comprehensive review of our website later this year. We will use this as an opportunity to promote public awareness of our role in the disciplinary system.
- We will also consider what other steps we could take to increase general awareness and understanding of the JCIO.

Conclusion

The 2023 changes have improved what was already a robust and well-regarded system of judicial discipline.

The process for considering complaints has been streamlined and made more consistent. The system is withstanding a substantial increase in complaint numbers. More complaints which are outside the remit of the JCIO and cannot be accepted for further consideration are being identified at an early stage. Feedback from those who work within the system has been positive. The system is more open and transparent than ever before.

We have acknowledged some areas where more work is needed to build on the improvements delivered by the 2023 changes. Some of that work has already begun. The remainder will begin soon.

Appendix A: List of changes agreed following the 2023 judicial disciplinary system review

The Purpose of the Disciplinary System and the JCIO's Remit

1. The purpose of the judicial disciplinary system should be defined:

The purpose of the judicial disciplinary system is to ensure that allegations of misconduct are dealt with efficiently, fairly and proportionately and that public confidence in the independence, integrity and good standing of the judiciary is thereby maintained.

2. The disciplinary system should continue to be based on the concept of misconduct, which should be categorised by levels of seriousness:

Misconduct
 Serious Misconduct
 Gross Misconduct

3. The JCIO should be responsible for considering complaints about chamber presidents and tribunal members

The JCIO Process

4. There should be an expedited procedure for lower-level cases in which the facts are agreed
5. In the criteria for a complaint to the JCIO, 'must contain an allegation of misconduct...'
 should become: 'must contain an allegation of misconduct supported by relevant details'
6. The rules should make clear that complaints which do not satisfy the criteria for a complaint must be rejected
7. The rule which sets the time limit for making a complaint: 'A complaint must be made within three months of the latest event or matter complained of' should be amended to: 'A complaint must be made within three months of the matter complained of'
8. The rule which governs the dismissal of complaints should be simpler and clearer:

Current	Proposed
<p>The Judicial Conduct Investigations Office must dismiss a complaint, or part of a complaint, if it falls into any of the following categories—</p> <p>(a) it does not adequately particularise the matter complained of;</p> <p>(b) it is about a judicial decision or judicial case management, and raises no question of misconduct;</p> <p>(c) the action complained of was not done or caused to be done by a person holding an office;</p> <p>(d) it is vexatious;</p> <p>(e) it is without substance;</p>	<p>The Judicial Conduct Investigations Office must dismiss a complaint, or part of a complaint, if it falls into any of the following categories—</p> <p>(a) it does not adequately detail the matter complained of;</p> <p>(b) the alleged facts are obviously untrue, or the complaint is misconceived;</p> <p>(c) even if the alleged facts were true, they would not require disciplinary action;</p> <p>(d) it relates to a judicial decision or case management, and raises no question of misconduct;</p> <p>(e) it is vexatious;</p>

Current	Proposed
<p>(f) even if true, it would not require any disciplinary action to be taken;</p> <p>(g) it is untrue, mistaken or misconceived;</p> <p>(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;</p> <p>(i) it is about a person who no longer holds an office;</p> <p>(j) it is about the private life of a person holding an office and could not reasonably be considered to affect their suitability to hold office;</p> <p>(k) it is about the professional conduct in a non-judicial capacity of a person holding an office and could not reasonably be considered to affect their suitability to hold office;</p> <p>(l) for any other reason it does not relate to misconduct by a person holding office.</p>	<p>(f) it relates to the private life or professional conduct in a non-judicial capacity of an office-holder and raises no question of misconduct;</p> <p>(g) it raises a matter which has already been dealt with, whether under these Rules or otherwise, and does not contain any relevant new evidence;</p> <p>(h) for any other reason, it does not relate to misconduct by an office-holder.</p>

9. The JCIO should be able to invite a complainant to comment on an office-holder's response to their complaint if the response contains relevant information:
 - i. of which the complainant may have been unaware; and
 - ii. in respect of which it would assist the JCIO's consideration of the complaint to obtain the complainant's comments
10. The JCIO should have the power to stop dealing with complaints which have no reasonable prospect of resolution before the office-holder leaves office.
11. Nominated judges, investigating judges and disciplinary panels should continue to consider complaints which the JCIO has not rejected or dismissed.
12. The pool of nominated judges should be expanded to include Circuit judges, district judges, salaried tribunals judges and coroners.
13. The power to dismiss a complaint in Part 4 of the rules should reside solely with the nominated judge.
14. Disciplinary panels, currently composed of two judicial and two lay members, should in future be composed as follows:
 - i. for JCIO cases – two lay members and one judge of a senior rank to the subject of the complaint. The judge should chair the panel; and
 - ii. for magistrates – one lay member, one magistrate and one judge of a senior rank to the subject of the complaint. The judge should chair the panel

15. An office-holder whose case is referred to a disciplinary panel should have a right to an oral hearing.
16. Office-holders should have a right to be accompanied to disciplinary interviews and hearings by a judicial colleague for moral support.
17. The obligation to invite an office-holder's representations about how an investigating judge intends to investigate a complaint should be deleted.
18. The reports of nominated judges, investigating judges and disciplinary panels should only be sent to the office-holder for comment if suspension or removal from office has been recommended. Reports recommending a sanction below suspension or removal should be sent to office-holders for information when they are completed.

Complaints about Magistrates

19. Advisory committees should continue to consider complaints about magistrates. As now, the process should be set out in rules which are separate to those for complaints made to the JCIO.
20. Advisory committee secretaries should have a filtering role which mirrors that of the JCIO.
21. Conduct panels should be replaced by a new role analogous to that of nominated judge: nominated committee member
22. Magistrate members, non-magistrate members and chairs of conduct advisory committees should be eligible to apply for the role of nominated committee member.
23. All candidates for the role of nominated committee member should be selected by a three-person panel composed of the committee secretary, a presiding judge or Family Division liaison judge, and a non-magistrate committee member.
24. All candidates for the role of nominated committee member should be required to train for the role. The JCIO should develop the training in consultation with HMCTS heads of legal operations.
25. Nominated committee members should be eligible to serve for the duration of their term of appointment to the advisory committee.
26. The nominated committee member must carry out his/her duties in consultation with the advisory committee secretary.
27. The option to refer a complaint to the full advisory committee for consideration should be deleted and advisory committee chairs should not have the power to review or intervene in the nominated committee member's decisions.
28. The process for considering complaints about magistrates should include an expedited procedure.
29. Nominated committee members should decide whether information received in the absence of a complaint requires investigation.

Disciplinary Sanctions

30. A period of suspension should be generally available as a sanction: the duration of the suspension to be agreed jointly by the Lord Chancellor and Lord Chief Justice on a case by case basis.
31. Any period of suspension following a criminal conviction or finding of misconduct should be without pay for salaried office-holders.
32. Before a period of suspension is imposed on a fee-paid or salaried office-holder, he/she should be given 10 business days to make representations as to any financial hardship that suspension would cause.
33. The naming of sanctions below removal should be amended to make clearer the seriousness of receiving a sanction.

Transparency

34. Disciplinary statements should contain more detail.
35. Disciplinary statements should remain on the JCIO website for longer. The length of publication should increase with the level of seriousness as follows:
 - Notice of misconduct with formal advice: two years
 - Notice of misconduct with formal warning: four years
 - Notice of misconduct with reprimand: six years
 - Notice of misconduct with period of suspension: eight years
 - Removal from office (except for failure to meet sitting requirements): indefinite
36. Statements which have been deleted following the expiration of their publication period should be available from the JCIO on request.
37. The JCIO's annual report should contain a wider range of information and more detail.

Diversity

38. There should be a fresh recruitment drive for nominated judges, disciplinary panel members and nominated committee members, encouraging applicants from diverse backgrounds.
39. A diversity outreach strategy should be developed to encourage more office-holders and lay panel members from underrepresented groups to undertake roles in the disciplinary process. The strategy should include all jurisdictions and eligible ranks, with (subject to their agreement) involvement from the judicial associations.
40. Diversity training for office-holders and lay panel members who undertake roles in the disciplinary process should be mandatory.