



IN THE HIGH COURT OF JUSTICE

CLAIM NO: AC-2025-LON-003830

KING'S BENCH DIVISION

AC-2025-LON-003830

ADMINISTRATIVE COURT

BEFORE THE HON. MR JUSTICE CHAMBERLAIN

BETWEEN:

THE KING

on the application of

- (1) SUSANNA HICKMAN-GRAY**
- (2) ALISON MCDERMOTT**
- (3) DR HINAA TOHEED**

Claimants

-and-

JUDICIAL CONDUCT INVESTIGATIONS OFFICE

Defendant

EMPLOYMENT JUDGE LANCASTER

Interested Party

CONSENT ORDER

UPON the Claimants' application for judicial review of the Defendant's decisions of 4 and 18 August 2025 ("**the Decisions**") concerning complaints made by the Claimants (the "**Group Complaint**" and the "**Individual Complaint**");

AND UPON permission for judicial review being granted on all grounds by Mr Justice Johnson on 15 January 2026;

AND UPON the Defendant's letter of 18 March 2026 notifying the Claimants of its decision

to withdraw the Decisions;

AND UPON the Defendant agreeing to reconsider both the Group Complaint and the Individual Complaint under Part 2 of the Judicial Conduct Rules 2023;

AND UPON the parties agreeing the attached Statement of Reasons which the Defendant will publish on its website;

BY CONSENT IT IS ORDERED as follows:

1. The Claim for judicial review is withdrawn.
2. The Defendant must pay the reasonably incurred costs (limited to the standard rates set for Treasury Counsel and Treasury Solicitor of equivalent seniority) of the Claimants, subject to the terms of paragraphs 7-8 of the Order dated 15 January 2026.

21 May 2026

BY THE COURT

PARTIES' JOINT AGREED STATEMENT OF REASONS

1. The Claim was filed on 3 November 2025, sealed by the court on 3 November 2025 and served on 4 November 2025. Permission for Judicial Review was granted on all grounds on 15 January 2026.
2. The Claim relates to whether, and to what extent, the Judicial Conduct Investigations Office (“**the JCIO**”) can investigate misconduct that forms part of the exercise of a judicial function.
3. The Claim is brought by three Employment Tribunal claimants, Ms Hickman-Gray, Ms McDermott and Dr Toheed (“**the Claimants**”), each of whom filed complaints with the JCIO in relation to hearings between February 2022 and February 2025 before Employment Judge Philip Lancaster (“**EJ Lancaster**”), the Interested Party. The Claimants also filed a Group Complaint with the JCIO on 8 June 2025, together with other individuals.
4. The Claimants sought orders quashing the JCIO’s decisions of 4 and 18 August 2025 (“**the Decisions**”), whereby the JCIO (i) dismissed the Group Complaint, and (ii) dismissed C1’s complaint.
5. The JCIO accepts that the Decision of 4 August 2025 contained statements of the law that were not precise or accurate. The JCIO has stated in writing that it agrees with the Claimants and accepts that complaints of misconduct may be investigated under the Judicial Conduct Rules 2023, even if the alleged conduct took place in the context of judicial case management, if the complaint is about a judge’s conduct and not the content or substance of his judicial decisions; and that conduct can thus amount to misconduct even if it relates to a judicial decision or judicial case management. The statements in the Decision of 4 August 2025 that allegations cannot be accepted if they “*relate to a judicial decision or judicial case management*” were accordingly incorrect and did not clearly express the position in law, and are liable to lead to confusion if not withdrawn.

6. Ms Hickman-Gray's complaint alleged "*repeated hostile, dismissive and accusatory interventions*". The JCIO has stated in writing that it considers that the Decision of 4 August 2025 did not fully engage with the cumulative nature of the complaint and accepts that repeated acts are capable of raising a question of misconduct when viewed cumulatively.
7. The JCIO has also confirmed that it considers it appropriate, in all the circumstances of Ms Hickman-Gray's case, to consider all aspects of her complaints under Part 2 of the Judicial Conduct Rules 2023, notwithstanding that, in respect of three allegations, she was not able to provide precise details of when in the day these alleged incidents occurred.
8. The JCIO has further accepted that the complaints in the Group Complaint constitute allegations of an accumulating pattern of conduct which amount to "*significant new evidence*" within the meaning of Rule 23(f) Judicial Conduct Rules 2023, such that it is permissible and appropriate for it to consider the Group Complaint under Part 2 of the Judicial Conduct Rules 2023, notwithstanding the fact that certain of the complaints had individually previously been "*dealt with*".
9. In these circumstances, and for these reasons, the JCIO has decided to withdraw the Decisions of 4 and 18 August, to investigate the Group Complaint and to reopen Ms Hickman-Gray's complaint under R131 of the Judicial Conduct Rules 2023. The JCIO notified the Claimants of this decision on 18 March 2026.
10. The Complaint of Dr Toheed has been resolved in a decision of the Lord Chancellor and Lady Chief Justice dated 15 January 2026 in which EJ Lancaster was issued formal advice.
11. The Group Complaint of the Claimants has been referred to a Nominated Judge under R132 of the Judicial Conduct Rules 2023, who has referred the matter back to the JCIO for investigation. This investigation will now consider the totality of the complaints as provided to the JCIO in the Group Complaint submitted to the JCIO on 16 June 2025, in accordance with Part 2 of the Judicial Conduct Rules 2023.