



Judicial Conduct
Investigations Office

JCIO Annual Report

2023-2024



The
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Justice



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Introduction

I am pleased to introduce the 2023-24 annual report of the Judicial Conduct Investigations Office (JCIO). We are the statutory body that supports the Lord Chancellor and the Lady Chief Justice in their joint responsibility for judicial discipline.

The purpose of the judicial disciplinary system is formally defined as:

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.

The JCIO deals with complaints of misconduct against salaried and fee paid courts and tribunal judges, non-legal tribunal members, and coroners. We also have an advisory role in the process for considering complaints about magistrates. Section one of this report gives an overview of how the disciplinary system works and the JCIO's role in it.

The JCIO has three published performance targets for dealing with complaints. Section two of this report contains detailed information about our targets and our performance against them. In summary, we met two of those targets in the period covered by this report. The third target was missed by just 1%. While it is disappointing to have fallen short of one of our targets, the target in question covers a wide range of cases. This includes some of the most complex cases, which go through a multi-stage investigation process.

In 2023-24, we received 2,394 complaints, compared to 1,620 in 2022-23. Section three contains more information about the complaints we received.

As in previous years, a substantial proportion of complaints (59%) were not accepted because they were about issues outside the JCIO's remit such as judicial decisions, which can only be challenged on appeal to a higher court, or because they did not contain sufficient detail to be considered. A further 20% of complaints were dismissed for a range of reasons, including, for example, that they were found to be mistaken or untrue. Section four contains more information about the outcome of complaints to the JCIO.

There was an increase in the number of upheld complaints. The Lord Chancellor and the Lady Chief Justice (or her senior judicial delegate) issued 58 disciplinary sanctions, compared to 36 in 2022-23. With around 20,000 judicial office-holders in post, misconduct remains rare. Section five contains more information about complaints which resulted in a disciplinary sanction.

October 2023 marked a major development with publication of new rules and statutory regulations to govern how complaints to the JCIO are handled. New rules for how regional conduct advisory committees handle complaints about magistrates were published at the same time.

Furthermore, responsibility for dealing with complaints about tribunal judges and non-legal members passed from chamber presidents (the senior leadership judge of each tribunal) to the JCIO. This change was introduced to promote consistency in dealing with complaints and reduce the burden on chamber presidents of dealing with complaints. We have dealt with 245 complaints about holders of these offices during this report period.

Given that these changes were made mid-year, this affects how we have reported some of the data,

which is referenced explicitly in the relevant sections of the report.

The 2023 changes are working well overall, but we are not complacent; we will carry out a review of how they are operating in early 2025 and update on this in our 2024/25 report.

The JCIO's priorities remain to deal with complaints efficiently while providing a high-quality service to complainants and the subjects of complaints, and to continue to promote transparency and raise awareness of our work.

I would like to thank my team at the JCIO for their hard work and professionalism. I would also like to acknowledge the important contribution made by nominated judges, investigating judges, regional conduct advisory committees, nominated committee members and the judicial and lay members of disciplinary panels. All continue to play an important part in ensuring that complaints are dealt with fairly, thoroughly, and effectively.

Finally, I want to thank the officials who, as members of our project implementation board, provided valuable strategic direction and oversight for the work to implement the new rules and regulations. Implementation was a substantial task in its own right. The board, which included subject matter experts from the JCIO and HMCTS, and a 'critical friend' from the Judicial Office, was pivotal in ensuring the changes were delivered smoothly.

Rabiah Narey

Head of the Judicial Conduct Investigations Office

1. The judicial disciplinary system

Background

Prior to the Constitutional Reform Act 2005 (“CRA”) a very different process existed for dealing with judicial complaints.

One of the significant constitutional changes brought about by the CRA was to pass the role of head of the judiciary to the Lord Chief Justice. Thereafter, responsibility for judicial discipline has rested jointly and equally with the Lord Chancellor and the Lord/Lady Chief Justice.

In 2013, following a comprehensive review of the process for dealing with complaints about the judiciary, led by the late Lord (then Lord Justice) Toulson, new disciplinary regulations were introduced: *The Judicial Discipline (Prescribed Procedures) Regulations 2014*,¹ along with three sets of supporting rules.

In addition to making various changes to the process for handling complaints, the new disciplinary regulations saw the OJC replaced by the Judicial Conduct Investigations Office (JCIO). Like its predecessor, the JCIO is based in the Judicial Office but operates independently of the rest of the Judicial Office and the Ministry of Justice in supporting the Lord Chancellor and the Lord Chief Justice on disciplinary matters.

Standards of conduct

The standards of conduct judicial office-holders are expected to maintain are set down principally in the *Guide to Judicial Conduct*.² The Guide was first published in 2003, a result of extensive work by a Judges’ Council (an advisory body representing members of the judiciary) working group.

There are three basic principles guiding judicial conduct: judicial independence, impartiality, and integrity. These are a distillation of the six fundamental values set out in the *Bangalore Principles of Judicial Conduct*.³

The Guide has undergone regular revisions since 2003 to reflect changes that have occurred in wider aspects of judicial and public life.

Recent changes to the disciplinary system

In October 2023, following a review of the disciplinary system and a public consultation, a new set of regulations replacing the earlier 2014 version was published: *The Judicial Discipline (Prescribed Procedures) Regulations 2023*.⁴

In addition, two sets of supporting rules were published to replace the earlier three sets of rules:

¹ https://jcio.sharepoint.com/Rules%20and%20Regulations/uksi_20141919_en.pdf?ga=1

² <https://www.judiciary.uk/wp-content/uploads/2023/06/Guide-to-Judicial-Conduct-2023.pdf>

³ <https://www.unodc.org/documents/ji/training/bangaloreprinciples.pdf>

⁴ [https://www.complaints.judicialconduct.gov.uk/rulesandregulations/The_Judicial_Discipline_\(Prescribed_Procedures\)_Regulations_2023](https://www.complaints.judicialconduct.gov.uk/rulesandregulations/The_Judicial_Discipline_(Prescribed_Procedures)_Regulations_2023)

- *The Judicial Conduct Rules 2023⁵* govern the consideration of complaints about salaried and fee paid courts judges, tribunal judges and non-legal members and coroners. Complaints are made to the JCIO.
- *The Judicial Conduct (Magistrates) Rules 2023⁶* govern the consideration of complaints about magistrates. Complaints are made to one of seven regional conduct advisory committees.

The new rules and regulations have allowed for the transfer of responsibility for dealing with complaints about tribunal judges and non-legal members from chamber presidents to the JCIO. This has reduced the burden of work on chamber presidents, eliminated the risk of conflicts arising between their pastoral and disciplinary roles, and promoted a more consistent approach to dealing with complaints.

The process for dealing with complaints about magistrates has been aligned with the JCIO process, whilst retaining the valuable role of seven regional conduct advisory committees (non-departmental public bodies composed of magistrates and lay members appointed by the Lord Chancellor) in considering complaints, making it more proportionate and efficient.

Other changes following the review have included:

- Issuing a new publication policy to give effect to the decisions of the Lord Chancellor and the Lord Chief Justice that disciplinary statements should be more detailed, should remain on the JCIO website for longer periods proportionate to the seriousness of the misconduct, and to make copies of deleted statements available from the JCIO on request;
- Measures to promote diversity amongst the judicial office-holders and lay people who carry out roles in the disciplinary system including expanding 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; and also encouraging more judicial office-holders and lay people from underrepresented groups to apply for roles in the system.

Judicial independence

The principle of judicial independence is a fundamental feature of our democratic society. It means that judicial office-holders must exercise their powers impartially and must be free to do so without interference from external sources, including the government and civil servants.

It is for this reason that the judicial disciplinary system is for complaints about the personal conduct of members of the judiciary. The system cannot be used to seek to interfere in the exercise of independent judicial discretion or to overturn judicial decisions. Such matters can only be challenged through the courts.

Misconduct

Misconduct is a term which refers to a breach of the standards of conduct expected of the judiciary, which is serious enough to require a disciplinary sanction. Examples of misconduct may include:

- Bullying or harassment, for example of staff, colleagues, litigants, or legal representatives;
- Using racist, sexist, or otherwise offensive language;

⁵ https://www.complaints.judicialconduct.gov.uk/rulesandregulations/The_Judicial_Conduct_Rules_2023

⁶ [https://www.complaints.judicialconduct.gov.uk/rulesandregulations/Judicial_Conduct_\(Magistrates\)_Rules_2023](https://www.complaints.judicialconduct.gov.uk/rulesandregulations/Judicial_Conduct_(Magistrates)_Rules_2023)

- Loss of temper/rudeness/aggression, for example shouting;
- Misusing judicial status, for example to try to influence another person or organisation for personal gain;
- Misusing social media, for example posting offensive content, or content which could damage public confidence in judicial impartiality such as remarks about government policy;
- Failure to report personal involvement in civil, criminal, or professional disciplinary proceedings;
- Unreasonable delay in issuing a judgment;
- Falling asleep in court.

In November 2023, classification of misconduct by levels of seriousness was introduced to promote understanding of the link between misconduct and the resulting disciplinary action. The three levels of seriousness are:

- Misconduct
- Serious misconduct
- Gross misconduct

This change is now incorporated in the decision-making process for any case in which the investigation of a complaint results in a finding of misconduct and a disciplinary sanction.

The power to take disciplinary action

Another important feature of the system, which again reflects judicial independence, is that disciplinary powers are vested jointly in the Lord Chancellor and the Lady Chief Justice.

Sanctions other than removal from office are issued by the Lady Chief Justice with the agreement of the Lord Chancellor. They are set out in the CRA and are, in order of severity: formal advice, formal warning, and reprimand. Suspension is also available as a sanction, but in limited circumstances, for example following conviction for a criminal offence. The power to remove a judicial office-holder from office, which resides in various pieces of legislation, rests with the Lord Chancellor but requires the agreement of the Lady Chief Justice.

The only exception to this is Senior Courts Judges, who can only be removed by the Monarch upon an address to both Houses of Parliament.

Separate to the currently available sanction of suspension in certain limited circumstances, a new sanction of suspension (without pay for salaried office-holders) will be introduced, subject to Parliament's approval. This sanction is intended for use in cases of misconduct which the Lord Chancellor and the Lady Chief Justice decide are too serious to be dealt with by a reprimand, but do not warrant removal from office, for example due to exceptional mitigation. As this measure will require amendment to the CRA, it will be introduced to Parliament by the Lord Chancellor when a suitable legislative vehicle becomes available.

Under section 119 of the Constitutional Reform Act 2005,⁷ the Lady Chief Justice has the power to delegate certain disciplinary functions to other judges. In relation to tribunal members, the Senior President of Tribunals holds delegated authority from the Lady Chief Justice to consider cases and

⁷ <https://www.legislation.gov.uk/ukpga/2005/4/section/119>

issue sanctions up to and including a reprimand. In relation to magistrates, the Lady Chief Justice has delegated her powers to consider cases and issue sanctions up to and including a reprimand to Mr Justice Keehan.

In cases involving judges assigned to the small number of tribunals with a UK-wide jurisdiction, the Lady Chief Justice's role in the disciplinary process is performed by the Lord President and the Lady Chief Justice of Northern Ireland, if the office-holder sits mostly or solely in one of those jurisdictions.

In all cases, disciplinary action may only be taken after the relevant rules and regulations have been complied with.

Judicial Conduct Investigations Office ("JCIO")

The status and role of the JCIO is set out in the 2023 disciplinary regulations. The process which the JCIO follows in considering complaints is set out in *The Judicial Conduct Rules 2023* ("the 2023 rules").⁸

While the JCIO can reject or dismiss a complaint and can give advice to the Lord Chancellor and the Lady Chief Justice on issues such as the level of disciplinary sanction recommended to them in a case, it has no powers to make findings of misconduct or to discipline an office-holder.

Prior to 2023-24, the JCIO typically received between 1,200 and 1,800 complaints each year. On average, 40%-60% of these complaints would be rightly rejected because they were about issues which fell outside its remit, such as judicial decisions, or because they fell outside the three-month time limit for making a complaint. In 2023-24, the number of complaints received rose to 2,394, with the JCIO being obliged to reject 61% of them for the same reasons.

This year, a further 20% of complaints were dismissed because they were, for example, found to be mistaken or untrue.

The process by which the JCIO establishes whether a complaint raises a question of misconduct is detailed in the 2023 rules. For complaints that meet the minimum requirements for progression, the steps taken may include listening to the recording of a hearing, obtaining comments from third parties such as court staff or legal professionals, and obtaining comments from the office-holder who is the subject of the complaint. Under the disciplinary process, an office-holder must first have the opportunity to see the complaint against them and respond to it ahead of any disciplinary action.

Judicial and lay involvement in the disciplinary process

Independent judicial and lay involvement in the form of nominated judges, investigating judges, disciplinary panels, and nominated committee members, is a key part of the system. It is these authorities who will make findings of misconduct and recommend disciplinary sanctions.

A complaint which the JCIO has not rejected or dismissed must be dealt with under the *summary process*, the *expedited process* (see both below), or referred to a nominated judge.

Nominated judges consider complaints to decide whether misconduct has occurred and, if so, recommend a sanction based on the seriousness of the misconduct. Approximately 20–30 cases per year are referred to a nominated judge.

⁸ The statistics in this report refer to both the 2014 rules and the 2023 rules as the latter were introduced during the reporting period.

The Lady Chief Justice selects nominated judges following an expressions of interest exercise. The number of nominated judges at any given time is based on having the ability to deal with complaints promptly while giving each nominated judge regular experience of the work. During the reporting period for this report, the pool of nominated judges increased from six to nineteen. It had previously comprised only three High Court judges and three Court of Appeal judges, but was expanded to include circuit judges, district judges, salaried tribunal judges, and coroners. Since the conclusion of the reporting period for this report, the Lady Chief Justice has appointed an additional four nominated judges from the Court of Appeal, bringing the total to twenty-three.

Cases which are especially serious, or complex, may also be referred to an investigating judge. They are appointed on a case-by-case basis to consider complaints which need more in-depth enquiry to decide whether misconduct has occurred and, if so, recommend an appropriate sanction to the Lord Chancellor and the Lady Chief Justice. There are typically fewer than five such cases a year. In this reporting year, two judicial investigations were initiated.

Where an office-holder has been recommended for suspension or removal from office by a nominated judge, disciplinary panels, composed of two judicial members and one lay member, may be formed to consider the case.

Complaints against magistrates will come to the JCIO only after consideration by a nominated committee member (a role analogous to nominated judge) of the relevant conduct advisory committee or as a result of a recommendation under the summary process. If the nominated committee member makes a finding of misconduct and, therefore, recommends a sanction, the case will be referred, via the JCIO, to the Lord Chancellor and the Lady Chief Justice for a final decision.

Summary process

The *summary process* is a process designed to deal with cases in which removal from office is recommended without a requirement for further investigation. Examples include conviction for a serious criminal offence and persistent failure, without a reasonable excuse, to meet sitting requirements.

Expedited process

The *expedited process* is an opt-in process, introduced under the 2023 rules, which is designed to deal swiftly with cases in which there is no dispute as to the facts, provided the sanction for misconduct is at the lower end of the scale of seriousness.

If a judicial office-holder agrees to the use of the process, the JCIO will send the case, along with any representations from the office-holder, directly to the Lord Chancellor and the Lady Chief Justice for their decision.

Final decision

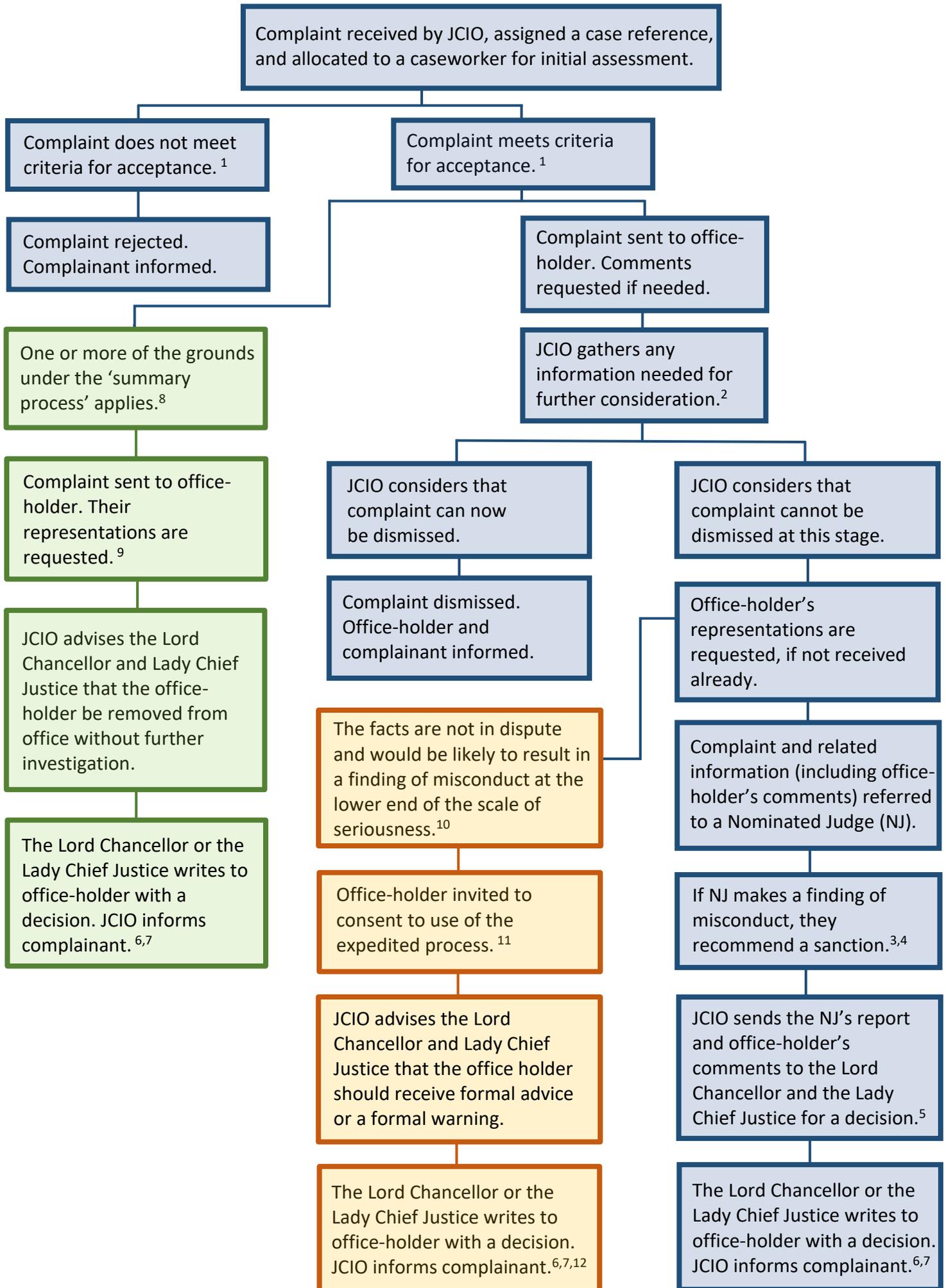
Following consideration of a case by a nominated judge, investigating judge, disciplinary panel, or a nominated committee member (for magistrates cases), the JCIO refers the case to the Lord Chancellor and the Lady Chief Justice (or her senior judicial delegate) for a final decision. By convention, the Lady Chief Justice considers the case first followed by the Lord Chancellor. They considered 60 cases during the reporting year. 58 were upheld and 2 were dismissed or dealt with informally.

Once a decision has been made, the parties are informed in writing. To promote transparency, in cases

which result in a disciplinary sanction, the JCIO publishes a statement about the decision on its website.

Fig. 1 Judicial disciplinary process flowchart

The flowchart on the following page gives an overview of the process the JCIO follows in considering complaints, as stipulated in the 2023 rules.



Notes

1. The criteria for acceptance are set out in rule 8 of the *Judicial Conduct Rules 2023*. In addition, rule 12 stipulates that a complaint must be made within three months of the matter complained of. If a complaint falls outside of this time-limit, but otherwise meets the criteria for acceptance, the complainant will be invited to make representations for an extension of the time limit. The time limit can only be extended in exceptional circumstances. If such circumstances are not present, the complaint will be rejected.
2. 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.
3. Nominated judges are appointed by the Lady Chief Justice to consider complaints and include a wide range of judicial office-holders including circuit judges, district judges, senior court judges, salaried tribunal judges, and coroners.
4. Nominated judges can dismiss a complaint where they find no misconduct (and offer informal advice, if they wish to do so), refer a complaint to an investigating judge, or find misconduct and recommend disciplinary action.
5. In the rare cases where removal or suspension from office is recommended, office-holders are invited to comment upon the nominated judge's report and can elect to have the complaint considered by a disciplinary panel composed of judiciary and lay persons appointed by the Lord Chancellor.
6. The Lord Chancellor and the Lady Chief Justice 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 (formal advice, formal warning, reprimand or removal).
7. In cases where the Lord Chancellor and the Lady Chief Justice sanction an office-holder, they agree a short statement which is published on the JCIO's website. Information about the publication periods for these statements is contained in Annex 1.
8. The summary process is a process designed to deal with cases in which removal from office is recommended without a requirement for further investigation. Examples include conviction for a serious criminal offence and persistent failure, without a reasonable excuse, to meet sitting requirements.
9. Under the summary process, the office-holder will be invited to state whether they accept that one or more of the grounds applies, and if so, why they should not be removed. If, following receipt of the office-holder's representations, the JCIO considers that none of the grounds in the summary process apply, then it must consider the complaint under the usual process.
10. This means that the JCIO considers that the Lord Chancellor and Lady Chief Justice would be very likely to decide that formal advice or a formal warning was the appropriate disciplinary sanction.
11. The expedited process is designed to deal swiftly with cases in which there is no dispute as to the facts and where the sanction for misconduct will be at the lower end of the scale of seriousness. If the office-holder does not consent to use of the process, the complaint will be referred to a nominated judge.
12. If the Lord Chancellor and Lady Chief Justice consider that a more serious sanction may be appropriate, they will refer it back to the JCIO to consider, and the complaint will be referred to a nominated judge.

2. Our performance

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

The table below shows our performance against our three KPIs during the 2023-24 reporting year, with 2022/23 performance included by way of comparison:

Action	Target	Performance 22-23	Performance 23-24
1. Notify complainants within two weeks of receipt if a complaint falls outside our remit.	90%	97%	95%
2. Conclude complaints accepted for further consideration, including those which proceed to full investigation, within 20 weeks of receipt.	85%	85%	84%
3. Provide monthly updates to parties in ongoing investigations.	95%	95%	96%

While it is disappointing to have narrowly missed KPI 2, this is in the context of a substantial increase in complaints during this reporting period. We recruited additional staff in preparation for the implementation of the 2023 rules, which we anticipated would increase the quantity of complaints received. The actual increase in complaints has been significantly higher than what was forecast.

It is also important to note that KPI 2 covers all complaints which are accepted for further consideration. This encompasses numerous processes of varying complexity and length.

Following the introduction of the 2023 rules, we are reviewing our KPIs to determine whether they remain fit for purpose.

Staffing

At the beginning of the reporting year, the JCIO had a staffing complement of 15. This was increased to 21 in preparation for the additional work created by becoming responsible for complaints about tribunal judges and non-legal members from October 2023.

Finance

The JCIO’s budget requirements are relatively small (£109,750). It 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.

3. Complaints to the JCIO

Complaints received by the JCIO are categorised based on their subject matter. In October 2023, together with the new rules, we introduced new and more informative complaint categories. These were developed in the spirit of greater transparency.

The previous categories were:

- Failure to report involvement in civil proceedings
- Conflict of interest
- Criminal convictions
- Failure, without a reasonable excuse, to meet sitting requirements
- Financial fraud
- General enquiries
- Inappropriate behaviour/comments
- Judicial decision/case management
- Judicial delay
- Misuse of judicial status
- Motoring offences
- Not specified

The new categories are:

- Bankruptcy
- Breach of guidelines about contact with the media
- Bullying and/or harassment
- Conduct liable to call into question judicial impartiality
- Motoring-related conviction
- Conviction for other types of offences (or acceptance of a caution in some circumstances)
- Delay, without a reasonable excuse, in issuing a judgment
- Dishonesty
- Displaying anger or aggression
- Failure to engage with, or report a relevant matter to, a senior judicial office
- Failure to follow guidance about use of social media
- Failure, without a reasonable excuse, to meet sitting or training requirements
- Falling asleep in court
- Improper handling of, or accessing of, sensitive information
- Judicial decision/case management
- Misuse of judicial status
- Rudeness

- Subject to serious criticism in a personal capacity in legal or professional disciplinary proceedings
- Other

The table below contains a breakdown of the complaints which we received in the reporting year.

As the new complaint categories were introduced part-way through the year, the table is a combination of data relating to both sets of categories. There is, therefore, some overlap. For example, some complaints recorded under 'inappropriate behaviour/comments' prior to October 2023 will have been about 'rudeness' but have not been recorded under that specific category as it had not yet been introduced. Where categories have appeared in both sets, for example, complaints about office-holders failing to meet sitting requirements, the data from both sets has been combined into one category.

Category	Receipts	% of Receipts* <small>*rounded to nearest integer</small>
Judicial decision/case management	1,646	69
Inappropriate behaviour/comments	286	12
Judicial delay	147	6
Displaying anger or aggression	88	4
Failure to follow guidance about use of social media	49	2
Bullying and/or harassment	42	2
Rudeness	29	1
Failure, without a reasonable excuse, to meet sitting or training requirements	22	1
Not specified	20	1
Conduct liable to call into question judicial impartiality	17	1
Misuse of judicial status	9	-
Motoring-related convictions	7	-
Convictions for other types of offence (or acceptance of a caution in some circumstances)	6	-
General enquiries	5	-
Dishonesty	4	-

Failure to engage with, or report relevant matters to, a senior judicial office	4	-
Other	4	-
Breach of guidelines about contact with the media	3	-
Improper handling, or accessing, of sensitive information	3	-
Conflict of interest	2	-
Financial fraud	1	-
	2,394⁹	

As in previous years, the majority of the complaints which we received were not about misconduct, but rather about judicial office-holders' decisions or how they managed cases. Under the rules, we are obliged to reject or dismiss such complaints.

Common examples of complaints about judicial decisions or case management include allegations that a judicial office-holder:

- was biased in their decision-making;
- managed a hearing unfairly, for example by allowing one party to speak for longer than another;
- refused to allow a witness to give evidence or refused to admit certain documents;
- commented that they did not believe a person's evidence, questioned a person's credibility, or criticised a person's actions (all of which judicial office-holders are entitled to do as part of their independent judicial discretion).

When responding to such complaints, we 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 judicial office-holder's decision, we explain that such decisions can only be challenged through the courts and that the complainant may wish to consider seeking independent advice from a solicitor, law centre or Citizens Advice.

The second most common type of complaints received were about inappropriate behaviour or comments. Examples of this type of complaint, some of which have now been given a designated complaint category, as outlined above, might include that a judicial office-holder:

- used racist, sexist, or otherwise improper language;
- was rude;
- misused social media;
- fell asleep in court.

Where a complaint is not rejected for being outside of our remit and contains sufficient detail to be investigated, we accept it for further consideration.

⁹ This figure does not include the 401 complaints that were created in error, for example, because they were a duplicate complaint, or about an office-holder from another jurisdiction.

4. Complaint outcomes

As a result of the review of the disciplinary system, the criteria for accepting and dismissing complaints have been updated in the 2023 rules to make them clearer and more straightforward. They have been formulated to aid complainants and the subjects of complaints in understanding why the JCIO is obliged to reject or dismiss a complaint or part of a complaint.

The table below shows the breakdown of complaint outcomes in 2023-24. The rules and figures contained in this section and section 5 refer to the *Judicial Conduct (Judicial and other office holders) Rules 2014* (“the 2014 rules”) for complaints submitted before 13 October 2023, and the 2023 rules for complaints submitted on or after that date.

Not accepted for investigation	
Rule 8 (Does not meet the criteria for a complaint to JCIO)	1,576
Rule 12/13 (Complaint is out of time)	74
Complaint was withdrawn	23
Created in error	401
Total	2,074

Dismissed	
Rule 21(a): inadequately particularised	95
Rule 21(b): about a judicial decision or judicial case management, and raises no question of misconduct	185
Rule 21(c): action complained of was not done or caused to be done by a person holding an office	19
Rule 21(d): vexatious	1
Rule 21(e): without substance	1
Rule 21(f): even if true, it would not require disciplinary action	45
Rule 21(g): untrue, mistaken or misconceived	73
Rule 21(h): raises a matter which has already been dealt with	5
Rule 21(i): about a person who no longer holds an office	5
Rule 21(j): about the private life of a person holding an office and could not reasonably be considered to affect their suitability to hold office	0
Rule 21(k): about professional conduct in a non-judicial capacity of a person holding an office and could not reasonably be considered to affect suitability to hold office	1
Rule 21(l): for any other reason it does not relate to misconduct	1
Rule 41(b)/63(a): dismissed by a nominated judge	8
Not upheld by the Lord Chancellor and the Lady Chief Justice (or her senior judicial delegate)	2

Judge has retired	6
Judge has resigned	9
Rule 23(a): obviously untrue	2
Rule 23(b): even if true, it would not require disciplinary action	5
Rule 23(c): about a judicial decision or judicial case management, and raises no question of misconduct	8
Rule 23(d): vexatious	1
Rule 23(e): misconceived	56
Rule 23(f): raises a matter which has already been dealt with	1
Rule 23(g): about the private life or professional conduct in a non-judicial capacity of a person holding an office, and raises no question of misconduct	0
Rule 23(h): for any other reason it does not relate to misconduct by a person holding an office	2
Total	531
Upheld	58
Total	2,663

Complaints not accepted for investigation

Under the 2014 rules, complaints rejected under rule 8 were those falling outside the JCIO's remit, such as complaints about the outcome of a case. This is because rule 8 required a complaint to contain an 'allegation of misconduct'.

Under the 2023 rules, complaints continue to be rejected under rule 8 because they fall outside the JCIO's remit. However, in addition to the requirement for a complaint to contain an 'allegation of misconduct', rule 8 also now stipulates that a complaint must be '*supported by relevant details as specified in guidance published by the JCIO from time to time*'. This guidance is published on the JCIO's website (<https://www.complaints.judicialconduct.gov.uk/>) and explains, for example, that complaints need to state what the office-holder said or did specifically, and when and where the alleged misconduct occurred. If a complaint contains an allegation of misconduct that is not supported by relevant details, it will be rejected under rule 8. However, complainants are entitled to submit a further complaint containing additional detail should they wish to do so. The above figure includes complaints rejected under rule 8 of both sets of rules.

Under rule 12 of the 2014 rules, and rule 13 of the 2023 rules, the JCIO must reject complaints that are not made within three months of the matter complained of. Before a complaint can be rejected as out of time, the complainant must be given the opportunity to provide reasons for the delay. If these reasons are considered exceptional, the JCIO can accept the complaint.

Complaints dismissed: 2014 rules

Rule 21 of the 2014 rules determined the circumstances in which the JCIO was required to dismiss a complaint.

Complaints were dismissed under rule 21(a) if they were not detailed enough to be considered

properly, for example, where a complainant alleged that a judicial office-holder was rude without providing any details of what they said or did. Before a complaint could be dismissed under this rule, the complainant had to be given the opportunity to provide the necessary details. As explained above, under the 2023 rules, the requirement to provide sufficient detail has now been incorporated into the criteria for a valid complaint under rule 8.

Most complaints that were dismissed under the 2014 rules were dismissed under rule 21(b). These were complaints about judicial decisions or case management, and which did not raise a question of misconduct.

Complaints were dismissed under rule 21(f) if the conduct complained about would not be serious enough for a disciplinary sanction, for example, a complaint that a judicial office-holder frowned when the complainant was speaking.

Complaints were dismissed under rule 21(g) if they were untrue, mistaken, or misconceived. A complaint would be dismissed under this rule if, for example, it was alleged that a judicial office-holder shouted at the complainant during a hearing, but the recording shows that they did not.

Complaints dismissed: 2023 rules

Rule 21 of the 2014 rules has been replaced by rule 23 of the 2023 rules. Under rule 23, the JCIO must dismiss complaints that have been accepted for consideration if it determines that any of the following criteria apply:

- (a) The alleged facts are obviously untrue;
- (b) Even if the alleged facts were true, they would not require a disciplinary sanction to be issued;
- (c) It is about a judicial decision or judicial case management, and raises no question of misconduct;
- (d) It is vexatious;
- (e) It is misconceived;
- (f) It raises a matter which has already been dealt with, whether under these Rules or otherwise, and does not present any significant new evidence;
- (g) It is about the private life or the professional conduct in a non-judicial capacity of a person holding an office and raises no question of misconduct;
- (h) For any other reason it does not relate to misconduct by a person holding an office.

Most of the above criteria for dismissal correspond to one or more of the criteria previously contained in the 2014 rules. They are designed to be clearer and more concise, but are used in largely the same way, relating to the same types of complaints as the examples provided above. They should aid both complainants and the subjects of complainants in understanding why a complaint has been dismissed.

5. Disciplinary action

This section gives an overview of the types of cases which have resulted in the Lord Chancellor and the Lady Chief Justice issuing a disciplinary sanction during the reporting year.

A key principle of the judicial disciplinary system is that, where a judicial office-holder is found to have committed misconduct, a disciplinary sanction must be issued. The power to issue sanctions rests solely with the Lord Chancellor and the Lady Chief Justice (or, in some cases, a senior judge acting on the latter's behalf). In each case of misconduct, they must jointly agree the sanction.

As noted in section one, the sanctions for misconduct are set out in legislation. They are, in order of severity: formal advice, formal warning, reprimand, and removal from office.

The sanction given in a case will depend on several factors; the main one being the seriousness of the conduct itself. Factors which are likely to be considered in deciding the sanction include:

- Whether the office-holder has accepted responsibility for their actions;
- Whether the conduct has affected other people or risked damage to the reputation of the judiciary as a whole;
- Whether factors such as ill-health or other personal issues were found to have affected the office-holder's behaviour;
- Decisions made in any other cases of a similar nature;
- Any previous disciplinary findings against the office-holder.

The imposition of a disciplinary sanction, even at the lower end of the scale of severity, is a serious matter for a judicial office-holder. Sanctions are published on the JCIO website and are kept on an office-holder's record indefinitely.

In 2023-24, there were 58 cases of misconduct by judicial office-holders. For context, the total number of judicial office-holders at the end of the reporting year was approximately 23,000.

The table below shows a breakdown of these cases of misconduct by sanction and type of office:

Office	Formal advice	Formal Warning	Reprimand	Removed	Total
Magistrates	10	8	1	17	36
Salaried and fee paid courts judges	9	4	0	1	14
Tribunal judges and members	2	6	0	0	8
Coroners	0	0	0	0	0
Total	21	18	1	18	58

The proportion of cases of misconduct by magistrates reflects the fact that magistrates make up approximately 60% of judicial office-holders in England and Wales, whereas court judges, for example, make up approximately 15% of the judiciary.

The table below contains a breakdown of complaints that were upheld according to category. The number of upheld complaints is compared with the number of complaints that were received and dismissed within that category. The total received figures include complaints rejected and complaints not concluded in this reporting year.

Category	Total Received	Dismissed	Upheld
Inappropriate behaviour/comments	286	195	21
Judicial delay	147	53	4
Displaying anger or aggression	88	20	1
Rudeness	29	3	1
Failure, without a reasonable excuse, to meet sitting or training requirements	22	2	17
Conduct liable to call into question judicial impartiality	17	2	1
Misuse of judicial status	9	2	3
Motoring-related convictions	7	0	5
Convictions for other types of offence (or acceptance of a caution in some circumstances)	6	0	2
Failure to engage with, or report relevant matters to, a senior judicial office	4	1	3
Total¹⁰	615	278	58

Formal advice

Examples of cases which resulted in a sanction of formal advice included:

- delay in issuing a judgment for fifteen months after a hearing;
- behaving in a discourteous manner towards counsel, including by using a raised voice and making remarks which showed irritation and a degree of contempt.

Formal warning

¹⁰ The 'total received' figure does not match the total for the 'dismissed' and 'upheld' complaints because it includes complaints that were rejected, as well as a number of cases that were received during the given financial year but not concluded within the same period.

Examples of cases which resulted in a sanction of formal warning included:

- a comment of a sexist nature and another which had racist and antisemitic overtones, made during a private conversation with colleagues;
- making inappropriate posts on social media;
- committing multiple speeding offences, resulting in a period of disqualification from driving, and failing to comply with the requirement to report the offences to a senior judicial office.

Reprimand

Only one case resulted in a sanction of reprimand during this reporting year:

- conviction for a criminal offence under the Dangerous Dogs Act 1991. The fact that the offence did not involve any dishonesty or intent, the matter was reported promptly, and the office-holder voluntarily refrained from sitting pending the outcome of the cases were all accepted as mitigating factors.

Removal from office

Examples of cases which resulted in removal from office during this reporting year include:

- failure, without a reasonable excuse, to meet mandatory minimum sitting requirements and failure to engage with senior judicial officers;¹¹
- deliberate failure to disclose information relevant to suitability to hold office in an application for judicial appointment.

¹¹ The rules which govern the handling of disciplinary cases provide that an office-holder may be recommended for removal from office without further investigation if he/she has failed, without a reasonable excuse, to meet minimum sittings requirements.

6. Judicial Appointments and Conduct Ombudsman

The independent Judicial Appointments and Conduct Ombudsman (JACO) is responsible for reviewing how complaints of misconduct have been handled by the JCIO. 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 2023-24, the Ombudsman received 196 complaints about the JCIO that came within his remit, of which he investigated 22. The Ombudsman upheld, or partially upheld, 8 of those complaints.

The remaining 174 complaints were dismissed after a preliminary investigation by the Ombudsman.

Examples of complaints upheld by JACO

Examples of complaints upheld by JACO include:

- a complaint that was dismissed under rule 21(b) where the Ombudsman took the view that the JCIO's failure to take relevant information into account and decision to dismiss the complaint without making further enquiries amounted to maladministration. The JCIO agreed it had prematurely dismissed the complaint and agreed to reinvestigate the matter.
- a complaint that was not progressed quickly and regular updates were not provided to the complainant. The JCIO apologised to the complainant.

When a complaint is upheld by JACO, the JCIO carefully reviews the case to identify any potential points of learning. This informs the guidance and training given to staff and helps us provide a better service to complainants and the subjects of complaints going forward.

Further information about the Judicial Appointments and Conduct Ombudsman can be found here:

<https://www.gov.uk/government/organisations/judicial-appointments-and-conduct-ombudsman>

Annex 1: Publication periods for JCIO Disciplinary Statements

Since August 2022, the following publication periods apply to the disciplinary statements that are published on the JCIO's website:

Sanction Imposed	Publication Period
Formal Advice	Two years
Formal Warning	Four years
Reprimand	Six years
Removal from Office (except for failure to meet minimum sitting requirements)	Indefinite
Removal from Office for failure to meet minimum sitting requirements	Five years

