



# Judicial Conduct Investigations Office

**Annual Report 2014-15**

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

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It gives me great pleasure to present the Annual Report of the Judicial Conduct Investigations Office (JCIO) for the period April 2014 to March 2015.

This report incorporates the first full year operating under the new rules and regulations governing judicial discipline which were introduced in October 2013. This has been a year of consolidation and review for the JCIO as our experience of dealing with complaints under the new processes has increased. During the year some minor drafting changes were made in relation to the powers of interim suspension and investigating in the absence of a complaint, which resulted in amendments to the rules and regulations in August 2014.

In October the JCIO launched an exercise to evaluate the effectiveness of the new rules and regulations. This work seeks to establish how effective the changes have been in achieving the overall aim of the full review conducted in 2013, and will inform any further minor adjustments or amendments that may be required.

This year has also seen a large number of staff changes within the team. I am pleased that the steps we have taken to build the overall capability of our team by focussing on our internal training, meant that those changes caused little impact to the service we provided to complainants and judicial office holders throughout the year. This could not have been achieved without the personal commitment of each member of the team and I am grateful for their continued support.

The office received 2432 complaints during the reporting period, an increase of 20% on the previous year. We additionally dealt with 613 written enquiries. Despite this increase in workload, I am pleased to report that all three of our key performance indicator targets were met for the year. 98% of complaints were acknowledged within two days of receipt, against a target of 95%; 98% of substantive first responses were sent within 15 days against a target of 85%; and the 28 day target for updating both complainants and judicial office-holders with progress on their case, was achieved in 97% of cases against a target of 85%. In the coming year we intend to review our key performance indicators to ensure that we continue to set ourselves stretching targets that measure the most relevant parts of the process.

In total, 75 cases resulted in a disciplinary sanction during the reporting year compared to 58 in 2013-14. The greatest increase in sanctions (21) were issued to magistrates. This increase should, however, be viewed in the context

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

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of the overall number of magistrates; disciplinary sanctions being issued to 0.2% of those appointed to the magistracy.

The majority (57%) of complaints dealt with during the reporting year related to a judge's decision or management of the case rather than personal misconduct and were therefore dismissed or rejected. We have undertaken to review the material contained within our website and leaflets in the coming months to ensure that information regarding the types of complaint we can and cannot investigate is clearly signposted.

Additionally, we will continue our programme of outreach work to promote understanding of the JCIO and its processes. To date this has focussed on presenting to Magistrate's Advisory Committees, but we aim to extend this to other key stakeholders during the course of 2015-16.



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

## Disciplinary Action

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During the period covered by this report there were approximately 3,553 members of the full and part time judiciary, approximately 19,360 Magistrates and 6,226 Tribunal members. 75 cases resulted in formal disciplinary action, 17 more than reported in our last annual report. Disciplinary sanctions were issued to less than 0.2% of judicial office holders.

The table below shows the total number of cases, finalised in the reporting period 2014-15, where the Lord Chancellor and Lord Chief Justice have taken disciplinary or other action.

Of the 32 removals from office, 11 were dealt with under the summary process, which was introduced as part of the new rules and regulations in October 2013. The summary process allows for the Lord Chancellor and Lord Chief Justice to consider removing a judicial office holder from office without further investigation in a limited number of circumstances, including criminal conviction, bankruptcy, failure to disclose information concerning suitability to hold office and failure to fulfil sitting requirements.

	Courts Judiciary	Coroners	Magistrates	Tribunals	Total
<b>JCIO</b>					
<b>Formal Advice</b>	1	0	14	0	<b>15</b>
<b>Warning</b>	3	3	4	1	<b>11</b>
<b>Reprimand</b>	3	2	9	2	<b>16</b>
<b>Suspended</b>	0	0	1	0	<b>1</b>
<b>Removed</b>	5	0	19	8	<b>32</b>
<b>Total</b>	<b>12</b>	<b>5</b>	<b>47</b>	<b>11</b>	<b>75</b>

Press statements will normally be placed on the JCIO's website in cases where a formal disciplinary sanction has been imposed upon a judicial office-holder (including magistrates) following a finding of misconduct; or, where a judicial office-holder requests the Lord Chief Justice and the Lord Chancellor to do so. The full publication policy can be found on our website. Copies of the press notices issued can be viewed or downloaded from our website (<http://judicialconduct.judiciary.gov.uk/975.htm>).

## Type of Judicial Office Holder Complained About

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

Office Held	Number of Complaints
High Court	152
Circuit Bench (including Recorders)	510
Court of Appeal	55
Coroner	262
District Bench	971
Court of Protection	6
Tribunals (combined)*	22
Magistrate*	55
Not Defined**	399
<b>Total</b>	<b>2432</b>

\*In the case of magistrates and tribunals judiciary (except Presidents) the Local Advisory Committee or Tribunal President conducts the initial investigation. Recommendations for disciplinary sanctions are then forwarded to JCIO staff who review the findings of Advisory Committees and the recommendations made by the Tribunals Presidents for consistency and prepare advice for consideration by the Lord Chancellor and Lord Chief Justice. **These figures do not therefore reflect the total number of complaints received in respect of tribunals and magistrates and only detail those that are referred from Tribunal Presidents and Advisory Committees respectively.**

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

## Complaint Type

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Complaint Type	Number of Complaints
Not Specified	38
Conflict of Interest	63
Court Proceedings & Criminal Convictions	7
Discrimination	51
Inappropriate Behaviour or Comments	585
Bankruptcy / IVA	1
Civil Proceedings	7
Judicial Decision or Case Management	1570
Misuse of Judicial Status	4
Motoring Offences	7
Not Fulfilling Judicial Duty	42
Not Related to Judicial Office Holder	7
Professional Conduct	20
Financial Fraud	1
Miscellaneous	29
<b>Total</b>	<b>2,432</b>

## Complaint Outcomes

Outcome of Complaint	Number of Complaints
<b>Judicial Conduct Investigations Office</b>	
<b>Rejected</b>	
Rejected - Rule 11 (Complaint is made out of time)	67
Rejected - Judicial office-holder is neither identified nor identifiable	20
Rejected - Complaint does not contain an allegation of misconduct on the part of a named or identifiable person holding judicial office	1216
Rejected - Does not provide the date, or dates, the alleged misconduct took place	9
Rejected - Other	26
<b>Dismissed</b>	
21(a) - Complaint not adequately particularised	179
21(b) - It is about a judicial decision or judicial case management, and raises no question of misconduct	189
21(c) - The action complained of was not done or caused to be done by a person holding an office	20
21(d) - Complaint is vexatious	1
21(e) - Complaint is without substance or if substantiated would not require disciplinary action	37
21(f) - Even if true, it would not require any disciplinary action to be taken	166
21(g) - It is untrue, mistaken or misconceived	194
21(h) - It raises a matter which has already been dealt with, whether under these Rules or otherwise, and does not present any material new evidence	55
21(i) - It is about a person who no longer holds an office	30
21(j) - Complaint is about the private life of a judicial office-holder and could not reasonably be considered to affect his suitability to hold judicial office	1
21(k) - Complaint is about professional conduct, in a non-judicial capacity, of a judicial office-holder and could not reasonably be considered to affect his suitability to hold judicial office	8
21(l) - For any other reason it does not relate to misconduct by a person holding office	2
Regulation 23 - Judicial office holder ceased to hold judicial office	8
Complaint not upheld by the Lord Chancellor and Lord Chief Justice following an investigation	27
<b>Miscellaneous*</b>	120
<b>Upheld**</b>	122
<b>Total - JCIO</b>	<b>2497</b>



## Complaint Outcomes

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- The number of “Miscellaneous” complaints shown in the table include various complaint outcomes which contain a range of reasons including cases which have been created in error, have been withdrawn by the complainant and a duplicate case.
- \*\* The number of “upheld” complaints shown in this table will differ to that reported elsewhere in the report as it includes multiple complaints made about a single judicial office-holder. If the complaint was upheld, each individual complaint will be recorded in the table above but only one ‘outcome’ would be recorded in the tables elsewhere in this report.

## Our Performance

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

- **2,333** acknowledgment letters were issued within the reporting period, of which **2,281 (98%)** were issued within target.

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

The 15 day target for providing an initial response to all complaints and enquiries was met in **2,827** of **2,888** cases. The target for this was achieved (**98%**).

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

### **Monthly updates - Target 85%**

We are required to provide updates on a monthly basis to all parties involved in a complaint, normally the complainant and the judicial office-holder. During the reporting period a total of 3844 updates were issued, **97%** of which were provided in target

## Disciplinary Panels

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### Disciplinary Panels

Disciplinary panels are comprised of two judicial office holders and two lay members.

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

During the period covered by this report **24** Disciplinary Panels were convened of which **four** are ongoing at the time of this report.

## Judicial Appointments & Conduct Ombudsman

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

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

During the reporting period the Ombudsman determined **160** complaints about the JCIO's handling of investigations, just over 6% of the total number of complaints received by the JCIO. In 107 cases the Ombudsman did not find that a full investigation was necessary as there was no prospect of a finding of maladministration. The Ombudsman either upheld, or partially upheld, **19** cases. Whilst not directly comparable, the number upheld or partially upheld amounts to less than **1%** of all complaints considered and concluded by the JCIO during the same period.

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

## Staffing

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At the end of the reporting period the JCIO had a total of **15** staff members at work at the following grades.

Grade	Establishment	Staff at work
Senior Civil Servant	1	1
Band A	2	2
Band B	2	2
Band C	2	2
Band D	7	7
Band E	1	1
<b>Total</b>	<b>15</b>	<b>15</b>

### Information assurance

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

## Finance

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### Expenditure statement

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

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

## Comparative Statistics

Number of complaints received			
Judicial office held	2012-2013	2013-2014	2014-2015
<b>Court Judiciary</b>	1,340	1,093	1694
<i>District Bench</i>	754	651	971
<i>Circuit Bench</i>	435	329	510
<i>High Court</i>	119	81	152
<i>Court of Appeal</i>	30	30	55
<i>Court of Protection</i>	2	2	6
<b>Magistrate</b> Cases referred to the JCIO following an investigation by the A/C	28	30	55
<b>Coroner</b>	44	51	262
<b>Tribunals</b> Cases referred to the JCIO following an investigation by the Tribunal President	14	15	22
<b>None Defined</b>	728	829	399
<b>Total</b>	<b>2,154</b>	<b>2,018</b>	<b>2432</b>

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

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

## Comparative Statistics

Number of complaints by category of complaint			
Type of Complaint	2012-2013	2013-2014	2014– 2015
Conflict of interest	21	13	63
Criminal or other court proceedings / convictions	11	4	14
Discrimination	40	23	51
Inappropriate behaviour / comments	885	596	585
Judicial decision / case management	1,039	1190	1571
Miscellaneous	19	32	29
Misuse of judicial status	13	10	4
Motoring offences	1	1	7
Not fulfilling judicial duty	29	52	38
Not related to a judicial office holder	0	10	7
Not specified	79	63	41
Professional conduct	17	20	20
Bankruptcy / IVA	N/A	4	1
Financial Fraud	N/A	N/A	1
<b>Total</b>	<b>2,154</b>	<b>2,018</b>	<b>2432</b>

## Comparative Statistics

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

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

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



## Comparative Statistics

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

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

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