



Judicial Complaints

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Where someone is unhappy with a judge's decision or case management, the usual mechanism for dealing with this is through an appeal to a higher court. There must be proper grounds for making an appeal; there are usually strict time limits within which to do so and cost implications. In such circumstances, a constituent would be well advised to seek professional legal advice.

Sometimes, however, the complaint is not about the decision reached, but the judge's actual conduct, language or behaviour. In those limited circumstances, it is possible to complain to the [Judicial Conduct Investigation Office](#) (JCIO). If someone has made a complaint about a judge or another judicial officer, and they think that it was not dealt with properly by the JCIO, AC or Tribunal President, they may be able to make a further complaint to the [Judicial Appointments and Conduct Ombudsman](#).

Further details about both of these offices and the relevant complaint procedures are contained in this note.

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1 Judicial Complaints

Where a person has a complaint about the conduct of a judge (as opposed to where they are simply unhappy about the decision made by the judge in their case) they may be able to complain to the Judicial Conduct Investigations Office (JCIO).

The JCIO deals with complaints about the personal conduct of judges, and other types of judicial office-holder, both inside and outside of the courtroom. This is done on behalf of the Lord Chancellor and Lord Chief Justice, who have joint responsibility for taking decisions on judicial discipline.

1.1 The Judicial Conduct Investigations Office

The JCIO was formerly known as the Office for Judicial Complaints. It operates in accordance with the [Judicial Discipline \(Prescribed Procedure\) Regulations 2014](#)¹ and the supporting rules. Guidance on the operation of these regulations is available from the JCIO website.²

The JCIO can only deal with complaints about a judicial office-holder's personal conduct - it cannot deal with complaints about judicial decisions, or about case management, or with general complaints about court or tribunal staff (for further details on this see section 3 below).

While complaints about judges should be sent directly to the JCIO, complaints about magistrates or tribunal judges and members should be referred, in the first instance, to the relevant [Advisory Committee](#) (AC) or [Tribunal President](#).

A complaint to the JCIO must be made within 3 months of the matter complained of, and must be made in writing. Full details of how to make a complaint can be found on the [JCIO website](#)

A series of leaflets and [annual reports](#) explaining the work of the JCIO are also available.

1.1 How the JCIO handles complaints

The JCIO has published a [leaflet](#) explaining how it handles complaints. In short, it advises that:

When we receive your complaint we will acknowledge it within 2 working days. To assist with the decision making process we may ask for further details of your complaint and ask others involved, including the Judge, for their account of events.

We may reject a complaint, or part of a complaint, if it fails to meet the criteria set out in the judicial discipline regulations [...]

If the case is not dismissed we will write to you within 15 working days providing you with an explanation of why we cannot deal with your complaint or what we are doing to take your complaint forward. We will provide you with a clear and reasoned explanation for the outcome of your complaint. At all stages we will keep you fully informed of progress.

¹ These Regulations prescribe the procedures to be followed under chapter 3 of Part 4 of the [Constitutional Reform Act 2005](#) to investigate and determine possible misconduct by a judicial office holder, a coroner or a holder of an office that has been designated by an order under section 118 of the *Constitutional Reform Act 2005*.

² [The Judicial Conduct \(Judicial and other office holders\) Rules 2014 \(Supplementary guidance\)](#).

If your complaint is upheld the Lord Chief Justice and the Lord Chancellor may decide to take disciplinary action against the Judge. You however should be aware that any such disciplinary action is a separate matter from your court case so it will not alter the outcome of your case.

1.2 Contacting the JCIO

Judicial Conduct Investigations Office,
81-82 Queens Building,
Royal Courts of Justice,
Strand,
WC2A 2LL.

DX 44450 STRAND
Phone: 020 7073 4719
Fax: 020 7073 4725

2 Judicial Appointments and Conduct Ombudsman

Individuals can access the Judicial Appointments and Complaints Ombudsman in circumstances where they are not happy with the way a complaint about a judge, magistrate, tribunal member or coroner was handled.

The Ombudsman can only help if the complaint has already been considered by the:

- Judicial Conduct Investigations Office
- Tribunal president, or
- Magistrates' advisory committee

Complainants need to write to the ombudsman within 28 days of getting the final decision about the original complaint.

The current Ombudsman is Sir John Brigstocke KCB. He was appointed Judicial Appointments and Conduct Ombudsman in April 2006. He is a former Second Sea Lord and held the position of Commander-in-Chief, Naval Home Command. During his time with the navy he acted as a complaints adjudicator.

2.1 What powers does the Ombudsman have?

The Ombudsman can uphold or dismiss a complaint.

The Ombudsman can recommend:

- an apology or compensation for any loss you've suffered
- changes to the judicial complaint process

The Ombudsman can also set aside a decision if there were problems with any disciplinary action, and ask for it to be looked at again.

The Ombudsman is not able to:

- reopen a court or tribunal case, or review a judge's decision

- reprimand the office holder, or remove them from office.

2.2 Contacting the Ombudsman

Office of the Judicial Appointments and Conduct Ombudsman
9.53, 9th Floor, The Tower
102 Petty France
London
SW1H 9AJ

Email: headoffice@jaco.qsi.gov.uk

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

Telephone 020 3334 2900

3 Other complaints

Where a complaint is not about the conduct of a judge, but is actually about the service received by court or tribunal staff, there is a separate complaints procedure. Full details are available from the HM Courts and Tribunals Service (HMCTS). It notes that at first instance, complainants should contact the office where the problem arose; but that if they are unable to resolve the problem (following a review by a senior manager) a complaint may be transferred to the Communications and Customer Service Team.

If a complainant remains dissatisfied, it may be possible to have their complaint considered by the [Parliamentary and Health Service Ombudsman](#) (however that would require the complaint to be referred by a Member of Parliament).

HMCTS has published a leaflet ([Unhappy with our service – what can you do?](#) EX343). Complaint forms are available from the HMCTS [website](#).