

Complaints about the Conduct of Judicial Office Holders

Procedures from 3rd April 2006, revised 25th January 2008,
1st April 2010 and 5th August 2011

Information Bulletin

Introduction

Judicial office holders are expected to maintain high standards of conduct in order to uphold the dignity of their office and to ensure that they continue to be, and are seen to be, impartial and independent. Complaints have an important role to play in maintaining these standards and in ensuring that any shortcomings are addressed.

Full details of the procedure for handling complaints against members of the judiciary are set out in the Code of Practice on Complaints issued by the Lord Chief Justice under the Justice (Northern Ireland) Act 2002. The Code of Practice can be downloaded from the Courts and Tribunals Service website – www.courtsni.gov.uk – or obtained from the Lord Chief Justice's Office by telephoning (028) 9072 4616 (large print or alternative language formats are available on request).

Guiding Principles

- Complaints will be dealt with fairly, honestly, consistently, effectively and without discrimination or regard to any irrelevant factor,
- Complaints will be dealt with confidentially,
- Complaints will be dealt with expeditiously
- In appropriate cases the emphasis will be on achieving an informal resolution,
- Complainants and those complained about will be kept informed of the progress of the investigation into the complaint,
- Complainants with a disability, whose first language is not English, who have poor literacy skills, or have any other difficulty with communication, will be given such reasonable assistance as is necessary to ensure they are able to participate fully in the complaints process and

- The complaints process will be subject to regular monitoring.

Frequently Asked Questions

- Who is covered by the Code of Practice?

Any person who holds a 'protected judicial office' – this means all judges and most tribunal members, both full and part-time. A full list can be found in the Justice Act and in the Code of Practice.

- What types of complaint are covered?

Complaints may be made about the conduct of a judge – that is, his or her personal behaviour. Complaints should concern the judge's conduct while acting in his or her official role – this would include day-to-day business in and out of court, at official engagements, and when representing the judiciary. Complaints that concern conduct when the judge is 'off-duty' might be considered, depending on the circumstances involved.

- What types of complaint are not covered?

Judicial independence is a fundamental principle of our legal system. The decisions made by a judge in a case can only be challenged through any appeal procedures provided by law. **We cannot therefore consider complaints that concern judicial decisions or the reasoning underpinning such decisions.**

In some instances, a judge's conduct might be relevant to an appeal. In such instances, we may consider a complaint about the conduct only after the appeal proceedings have been concluded.

Criminal conduct is primarily a matter for the police and the appropriate authorities. If a complaint concerns alleged criminal conduct we will only investigate once the appropriate authorities have dealt with the matter.

- How should I make a complaint?

Complaints should be made in writing to:

Complaints Officer
Lord Chief Justice's Office
Royal Courts of Justice
Chichester Street
Belfast BT1 3JF

Or by e-mail to:

JudicialComplaints@courtsni.gov.uk

- What might happen as a result of my complaint?

When a decision has been reached regarding your complaint, we will inform you whether the complaint has been substantiated, whether the judge's conduct fell short of the required standard, and what action will follow. The reasons for the decision will also be explained.

- What can I do if I am unhappy with the outcome of my complaint?

The Code of practice provides that you may seek a review of the decision on your complaint. If you wish to seek a review you must do so in writing within 10 working days of receipt of the response to your complaint. You must set out the grounds on which you are seeking a review - it is not sufficient simply to re-state your complaint.