



Judicial Conduct
Investigations Office

Judicial Conduct Investigations Office

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Our ref: 43794/24

28 October 2024

Dear Mr Blanche,

Your Complaint to the Judicial Conduct Investigations Office (JCIO)

I refer to your complaint to the JCIO dated 9 October 2024.

Reasons why the JCIO cannot accept your complaint

When considering complaints, the JCIO is required to follow the *Judicial Conduct Rules 2023* ("the 2023 Rules"), which are available to view on our website.

Rule 10(a) of the 2023 Rules states that the JCIO must not accept a complaint which does not meet the requirements of Rule 8. To comply with Rule 8(c), a complaint must-

"contain an allegation of misconduct on the part of an identified or identifiable person holding an office, which is supported by relevant details as specified in guidance published by the JCIO from time to time."

We cannot accept your complaint because it does not comply with Rule 8(c). The appendices to this letter contain more information about why we cannot accept complaints because they do not comply with Rule 8(c).

The independence of the judiciary means that the JCIO does not have the power to review or alter a judge's decisions, therefore, disagreement with a judge's decisions or the evidence considered would not constitute misconduct. If you believe that the judge's decisions or case management was incorrect or unfair, you may be able to appeal to a higher court. You may wish to seek advice about your options from a solicitor, law centre or Citizens Advice. Please refer to Appendix A which explains why we cannot accept your complaint and alternative courses of action.

Please note that we cannot respond to any further correspondence about your complaint and while we recognise you might not agree with our decision, it is final.

Judicial Appointments and Conduct Ombudsman

You can complain to the Judicial Appointments and Conduct Ombudsman, Douglas Marshall, if you believe that we have not handled your complaint properly. The Ombudsman does not have the power to investigate the complaint itself, but he can consider how we handled it. You should make your complaint within 28 days of receiving this letter. The Ombudsman is not required to consider complaints outside this period and will only do so if he believes it is appropriate in all the circumstances.

To make a complaint, use the online form: <https://jaco.form.service.justice.gov.uk>

The Ombudsman's Office can be contacted:

- In writing: 1.55, 1st Floor, The Tower, 102 Petty France, London, SW1H 9AJ
- By e-mail: headoffice@judicialombudsman.gov.uk

You can find further information about the Ombudsman and complaint forms (including an easy-read version) at: <https://www.gov.uk/government/organisations/judicial-appointments-and-conduct-ombudsman>

Feedback

While we recognise that not everyone will be happy with the decisions we have made or the outcome of a disciplinary process, we welcome constructive feedback about the quality of services we provide. Please consider responding to the short questionnaire at the link below. The feedback we receive will be used to identify ways to improve our services.

<https://forms.office.com/e/s0qm7xjRzA?origin=lpLink>

Your personal data

You can find information about how the JCIO collects and processes personal data in our Privacy Notice: www.complaints.judicialconduct.gov.uk/privacy-notice.

Yours sincerely,

Emine Yousuf

Caseworker

Judicial Conduct Investigations Office

Appendix A: Why we cannot accept your complaint

This information explains why the JCIO cannot accept complaints which do not comply with Rule 8(c) of the *Judicial Conduct Rules 2023* to:

Contain an allegation of misconduct about a named or identifiable person holding an office, which is supported by relevant details as specified in guidance published by the JCIO from time to time.

Term	Meaning
<p>Person holding an office</p>	<ul style="list-style-type: none"> • Complaints must be about a person who holds an office which is covered by the JCIO’s remit: <ul style="list-style-type: none"> ➤ A salaried or fee paid courts judge ➤ A tribunal judge or chamber president ➤ A non-legal member of a tribunal ➤ A coroner • We cannot accept complaints about anyone else such as a solicitor, a barrister or court staff.
<p>Allegation of misconduct</p>	<ul style="list-style-type: none"> • This means that your complaint is about a judge’s personal behaviour, not about a decision order which they have made, or how they have managed a case. • Examples of common complaints which we cannot accept because they are about judicial decision and case management, include: <ul style="list-style-type: none"> ○ bias in a judge’s decision-making ○ allowing one party to speak for longer than another ○ refusing to allow a party to give certain evidence or submit certain documents ○ appearing to react more favourably to one person’s evidence than another’s ○ a judge saying that they do not believe a person’s evidence, questioning a person’s credibility or criticising a person’s actions ○ a judge making an error of law or procedure ○ a judge making an incorrect order or refusing to make an order ○ a judge expressing opinions about issues or parties related to a case they are hearing

	<ul style="list-style-type: none"> ○ a judge not reading documents before a hearing ○ a judge refusing to transfer a case to a different judge or court ○ a judge reserving a case to themselves ○ a judge refusing to correspond with a party about a case <ul style="list-style-type: none"> ● We cannot accept complaints which allege that an office holder has committed a crime. If you believe that a crime has been committed, you should report it to the police. ● You can find more information about the types of complaints which we can and cannot investigate on our website: What can I complain about? · Customer Self-Service (judicialconduct.gov.uk)
Supported by relevant details	<ul style="list-style-type: none"> ● Complaints must contain the details which are specified in the guidance that we publish on our website. You can find a copy of the guidance at Appendix B.

If you believe that the outcome of your case was unfair because of the judge's decision-making or how the judge managed your case, you might want to consider obtaining independent advice about whether you can appeal. If you cannot afford a solicitor, there are organisations such as Citizens Advice which may be able to give you some advice free of charge.

The table below contains links to information about where to send complaints about court staff, solicitors, barristers, and the police.

Court staff	https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/complaints-procedure
Solicitors	http://www.lawsociety.org.uk/for-the-public/using-a-solicitor/complaints
Barristers	https://www.barstandardsboard.org.uk/complaints-and-professional-conduct/making-a-complaint/
Police	https://policeconduct.gov.uk/

Appendix B: The meaning of “relevant details”

This extract from the guidance on our website explains the details we need from complainants for the different types of complaints that we receive.

Relevant details means that we need you to be specific about what you are alleging the judge said or did which you believe was misconduct. It will not be enough to say: “the judge was rude to me” or “the judge shouted at me”. To be able to accept and consider your complaint, we need you to give us relevant details.

The table below provides further details of the kind of relevant details we need to assess your complaint.

Type of complaint	Details we need
Something a judge said e.g., rudeness, and/or something about a judge’s tone or manner e.g., shouting, laughing inappropriately, sarcasm, (This may include complaints of bullying or harassment)	<ul style="list-style-type: none"> • The words the judge used that you want to complain about • If applicable, a description of the judge’s tone or manner • If applicable, the context of the inappropriate laughter, e.g., what the laughter was in response to and how it sounded • Where it happened • If your complaint is about something that happened in a hearing, we also need you to tell us the name of the court and the time(s) when the alleged misconduct happened (see guidance further below)
A physical act e.g., a physical display of anger (This may include complaints of bullying or harassment)	<ul style="list-style-type: none"> • A description of what the judge did. • Where it happened • If your complaint is about something that happened in a hearing, we also need you to tell us the name of the court or tribunal and the time(s) when the alleged misconduct happened (see guidance further below)
Misusing judicial status, for example to try to influence another person or organisation for personal gain	<ul style="list-style-type: none"> • A description of what the judge did • How and when you became aware of it
Misusing social media, for example posting offensive content, or content which could damage public confidence in judicial impartiality such as remarks about government policy	<ul style="list-style-type: none"> • A link to, or screenshot of, the content you want to complain about • The date when you first saw the content
Failure to report personal involvement in civil, criminal, or professional disciplinary proceedings	<ul style="list-style-type: none"> • The type of proceedings you believe the judge involved is/has been involved in • How and when you became aware of the matter
Delay in issuing a judgment or order (usually considered to be a delay,	<ul style="list-style-type: none"> • The names of the parties in the case • The name of the court dealing with the case

Type of complaint	Details we need
without a reasonable excuse, of more than three months)	<ul style="list-style-type: none"> • If applicable, the date of the hearing

Complaints about misconduct in a hearing

If you want to complain about something that happened during a hearing, you **must** also provide us with information about **when** during the hearing it took place. **As well as the relevant details in the table above**, we need you to tell us, in as much detail as possible:

The time (or times) during the hearing when the alleged misconduct took place.

For example: “the judge shouted at me ‘Mr Smith be quiet’ at 11.30 a.m.”

If you cannot remember the exact time, give us your best estimate. For example:

- “The judge shouted at me ‘Mr Smith be quiet’ at approximately 10.00 a.m.”
- “The judge shouted at me ‘Mr Smith be quiet’ approximately one hour after the hearing started.”
- “The judge shouted at me ‘Mr Smith be quiet’ approximately half an hour before the lunchbreak on the second day of the hearing.”
- “The judge shouted at me ‘Mr Smith be quiet’ approximately 45 minutes after I started giving my evidence.”

Please try to provide a time estimate for every instance of alleged misconduct that you are making a complaint about: for example, if your complaint is that the judge shouted at you on three occasions, you should provide three time estimates of when those incidents occurred.

If you believe that there are exceptional reasons why you are unable to provide time estimates for the allegations, for example due to a disability, please provide this information along with your complaint. We will take this information into account when assessing your complaint.

Our caseworkers will usually listen to a one-hour ‘window’ of time based on the estimate you have given, for example, if you stated: “the judge shouted at me ‘Mr Smith be quiet’ at approximately 10.00 am, the caseworker would listen to the recording from 9.30-10.30 am or if, for example, you stated: “the judge shouted at me ‘Mr Smith’ approximately half an hour before the lunch break, the caseworker would listen to the recording for one hour up until the lunchbreak.

It is, therefore, important to be as accurate as possible when you give us this information. We will consider accepting a complaint without this information only if there are exceptional reasons as to why you cannot do so.

Information from other people/third parties

If you believe that there is anyone else who might have evidence relevant to your complaint e.g., anyone who was present when the alleged misconduct took place, please let us know in your complaint. This is not essential but may help us to assess your complaint.