



Lady Chief Justice's Office

Complaints about the Conduct of the Chief Justice

Code of Practice

Note - this document should be read alongside the Code of Practice (referred to in this document as the "main Code") applying to the judiciary as a whole as many of the procedures and principles in it will apply, with minor adjustments, to a complaint against the Chief Justice.

Contents

| | |
|-------------------------------------|---------------|
| Guiding Principles | See main Code |
| Remit of the Complaints System | See main Code |
| Assistance for Complainants | See main Code |
| Receipt of Complaints | Page 2 |
| Complaints about 'Misconduct' | Page 3 |
| Complaints about 'Gross Misconduct' | Page 5 |
| Outcomes | See main Code |
| | |
| Annex A - Contact Details | Page 6 |

Receipt of Complaints concerning the Chief Justice

Complaints should be submitted in writing. A complaints officer will acknowledge receipt of a complaint and determine whether it is within the remit of this Code. The complaints officer will then ascertain, in consultation with the Principal Private Secretary to the Chief Justice, if it is considered that the complaint is about 'gross misconduct'. To inform this decision the complaints officer may have to conduct some preliminary inquiries. Guidance on the type of complaint that is likely to be considered as 'gross misconduct' is given in the main Code. If there is a doubt the views of the senior Lord Justice of Appeal will be sought.

The complaints officer will establish whether any proceedings are ongoing or pending which might require investigation of the complaint to be delayed, as noted in the main Code. If investigation is to be delayed the complainant and, where appropriate, the Chief Justice will be informed of the delay and the reasons for it. When the proceedings are concluded, the complaints officer will contact the complainant and determine whether, in light of the outcome, the complaint still requires to be considered.

Complaints about 'Misconduct'

The complaints officer will be responsible for investigating a complaint about misconduct. The complaints officer will consider the complaint and obtain any additional information required from the complainant. Details of the complaint will be sent to the Chief Justice, seeking his/her response and, if necessary, requesting specific information.

The complaints officer may also obtain third party witness statements, transcripts, audio recordings and any other evidence that he or she considers relevant and necessary. (Not all of these will be available in every case). Depending on the evidence gathered, it may be necessary for the complaints officer to seek further information from either of the parties. It will be necessary, before the investigation is concluded, to ensure that the Chief Justice is aware of all of the evidence collected, and that he/she has had an opportunity to provide a fully informed response.

If a response is not received to a request for information from the complainant within the requested time period, the complaints officer will issue a reminder. This will make clear to the complainant that if a response is not received within a further specified time period, the complaint may be treated as withdrawn.

The complaints officer will prepare a report for the senior Lord Justice of Appeal, summarising the complaint, the Chief Justice's response, and any additional evidence collected, and enclosing copies of the relevant documents. The senior Lord Justice of Appeal may make, or require to be made, any additional inquiries he considers necessary. The complaints officer will notify the complainant and the Chief Justice of the senior Lord Justice of Appeal's decision and any action to be taken.

Review

The parties will have 10 working days from notification of the senior Lord Justice of Appeal's decision within which to seek a review. A request for a review should be made in writing to the complaints officer. The request should include the specific reasons for the request. As part of the review process the other party will be given an opportunity to make representations to the senior Lord Justice of Appeal. The senior Lord Justice of Appeal may refer the matter to an independent judge of appropriate seniority if he feels that is necessary. The senior Lord Justice of Appeal or independent judge may review the handling of the matter, the findings of the investigation and the outcome, and will make recommendations. The senior Lord Justice of Appeal will notify the parties of those recommendations. It will be for the senior Lord Justice of Appeal in this type of less serious case to determine the action he will then take. The complainant will be notified.

Complaints about ‘Gross Misconduct’

If it is considered that a complaint against the Chief Justice is within the ‘Gross Misconduct’ category (see main Code), it will be referred to another Lord Chief Justice or a Justice of the Supreme Court for investigation (the “investigating judge”). The investigating judge will notify the complainant and the Chief Justice of his or her decision and any action to be taken.

Review

The investigating judge will automatically invite the parties to comment on his conclusions. The parties will have 10 working days to submit comments in writing. In reaching a final decision, the investigating judge will have regard to any comments received.

Again the investigating judge will notify the complainant and the Chief Justice of the decision and any action to be taken.

Annex A – Contact Details

Complaints should be submitted in writing to the following address:

The Complaints Officer
Lady Chief Justice’s Office
Royal Courts of Justice
Chichester Street
Belfast BT1 3JF

Or by e-mail to:

JudicialComplaints@judiciaryni.uk

If you require further information or assistance, please contact us by writing to the address or e-mail address above, or by telephoning (028) 9072 5944.