

## 6 Judicial Group's other work

- 6.1** The Judicial Group carries out a wide range of functions in addition to its work in supporting the Lord Chancellor in making or recommending appointments or in the development and execution of judicial appointments policy. Details of this additional work are given in this chapter.
- 6.2** In December 1999 Liz Grimsey took up a new Director post in Judicial Group. She is responsible for the work of Judicial Group Divisions 1 and 2 and assumed the role previously undertaken by Michael Huebner in chairing the sifting and interview panels for the Circuit Bench competitions. She also works on a broader range of issues, including the follow up to the Peach report (see paragraph 2.2) and issues affecting the part-time judiciary. During the period of the Report Michael Huebner was the Director General of Judicial Group. He retired on 1 September 2000. Further information on the staffing and resources of the Group is available in Annex E.

### Complaints handling

- 6.3** The principle of judicial independence, which is central to this country's constitutional arrangements, means that it is not open to the Lord Chancellor or his Department to consider complaints about judicial decisions. Any recourse from a judicial decision properly lies through the courts or tribunals themselves. However, the Lord Chancellor does consider complaints about the personal conduct of members of the judiciary. He expects the highest standards of behaviour from all levels of the judiciary and ensures that a full investigation is made into any allegation that these standards have not been met.

#### The Lord Chancellor's powers

- 6.4** The Lord Chancellor's statutory powers are limited to the dismissal of judicial office holders, below the level of the High Court Bench, on the grounds of misbehaviour and incapacity and these are accordingly exercisable only in extreme cases. There have been no instances where it has been necessary for the Lord Chancellor to exercise these powers when considering complaints. But, as Head of the judiciary, the Lord Chancellor is able to guide, counsel, advise or rebuke with a view to ensuring that judges uphold the standards of conduct which the public and he expects of them.

### Investigation of complaints

- 6.5** The Lord Chancellor takes a close personal interest in the handling of complaints. He sees all complaints against Judges of the High Court or above. He also sees all serious complaints, most notably those alleging racial or sexual discrimination, or conflict of interest; and those which have attracted, or appear likely to attract, publicity. In addition he sees all cases in which there is a record of similar complaints from several different sources about the conduct of a particular judge. He always replies personally to complaints in these categories and to all those received from Peers and Members of Parliament, the European Parliament or the devolved administrations.
- 6.6** Officials in the Judicial Correspondence Unit acting on behalf of the Lord Chancellor will generally draw the complaint to the attention of the member of the judiciary concerned and give him or her an opportunity to comment. Where necessary they will also call for transcripts or other additional information. The judge's comments, together with any additional information, will be used to inform a reply to the complainant. A copy of the response will be sent to the judge. In order to deal with all complaints as quickly as possible, the Unit sets tight targets at each stage of the handling process.

### The Judicial Correspondence Unit

- 6.7** The Judicial Correspondence Unit was set up by the Lord Chancellor in 1998 with specific responsibility for complaints handling. The Unit aims to deliver a high quality service. There has been an exponential increase in its work over the past year as the profile of complaints handling has continued to rise, creating a demand for an increasingly rigorous style of investigation. The Lord Chancellor has therefore approved the provision of additional resources to enable the Unit to meet this demand.

### Number of cases

- 6.8** Between 1 April 1999 and 31 March 2000 the Lord Chancellor received a total of 2,459 complaints about members of the judiciary, the majority of which related to judicial decisions. Of the remainder 246 were taken forward for investigation as they related to personal conduct. 70 cases were outstanding at the end of the year. Out of the 176 completed cases there were seven in which the Lord Chancellor saw fit to take further action, either by writing to the judicial office holder or by arranging for him or her to be seen by officials on his behalf. Comparable figures for the whole of the previous year are not available.

## Judicial Salaries

- 6.9** In February the Senior Salaries Review Body (an independent body which makes recommendations to Government about the salaries of a number of groups including the judiciary) recommended revised judicial salary levels which were introduced with effect from 1 April 2000. These recommendations included a restructuring of senior judicial salaries to mark the increasing

responsibility borne by the four Heads of Divisions (the Lord Chief Justice, Master of the Rolls, Vice-Chancellor and President of the Family Division). The salaries for some of the main judicial offices are:

Lord Chief Justice	£165,260
Master of the Rolls	£157,390
Lords of Appeal in Ordinary	£152,072
Vice-Chancellor	£152,072
President of the Family Division	£152,072
Lords Justices of Appeal	£144,549
High Court Judges	£127,872
Senior Circuit Judges	£103,516
Specialist Circuit Judges	£103,516
Circuit Judges	£ 95,873
Senior District Judge of the Family Division	£ 95,873
District Judges	£ 76,921
District Judges (Magistrates' Courts) (formerly Stipendiary Magistrates)	£ 76,921

## Judicial Pensions

- 6.10** All full-time holders of judicial office automatically become members of the judicial pension scheme on appointment, although membership is not compulsory and a judicial office holder may opt out of the scheme.
- 6.11** Judicial office holders appointed before 31 March 1995 became members of one of the schemes established under the Judicial Pensions Act 1981. All members of the judiciary initially appointed to full-time judicial office on or after 31 March 1995 are members of the scheme established under the Judicial Pensions and Retirement Act 1993.
- 6.12** For those members of the judiciary who sit in courts and tribunals administered by the Lord Chancellor's Department any enquiries on the administration of the judicial pension schemes, or their own personal position, are dealt with by staff within Judicial Group. When pension benefits become payable, on the retirement or death in service of a judicial office holder, the pension award is calculated and the necessary arrangements are made for payment.

## Retirements

**6.13** Between 1 April 1999 and 31 March 2000 59 full-time judicial office holders within the Department's field of administrative responsibility ceased to hold office. That figure included the death in service of eight Circuit Judges, one of whom was a Judge of the Technology and Construction Court, and two District Judges. There were also four medical retirements, two Circuit Judges and two District Judges. The remaining 45 retirements were either at the request of the judicial office holder or because he or she had reached his or her compulsory retirement date. These retirements were:

The President of the Family Division

2 Lords Justices of Appeal

2 High Court Judges

1 Senior Circuit Judge

1 Old Bailey Judge

1 Judge of the Technology and Construction Court

19 Circuit Judges

11 District Judges

1 District Judge of the Principal Registry of the Family Division

2 Metropolitan Stipendiary Magistrates

1 Provincial Stipendiary Magistrate

2 Social Security Commissioners

1 Assistant Judge Advocate General

## Terms and Conditions

**6.14** As mentioned in the last Report, it has been the aim of the Department to harmonise, wherever possible and appropriate, the conditions of appointment and terms of service for all levels of the judiciary. On appointment judicial office holders receive details of conditions and terms but the format and wording of these varies from one office to another. Newly appointed High Court Judges, Circuit Judges, District Judges, Stipendiary Magistrates, Masters and Registrars of the Supreme Court and Assistant Judge Advocates General are issued with Memoranda that are a fairly comprehensive compendium of the conditions of appointment and terms of service. Work is continuing in this area, both on the alignment of judicial terms and conditions, and on the issue of Memoranda to other cadres of the full-time judiciary and to part-time members of the judiciary in courts and tribunals administered by the Lord Chancellor's Department.

## Records Management

- 6.15** Judicial Division 5 supports other Divisions in the running of competitions by managing both manual files and electronic records. Manual files are used predominantly as a repository for all the information collated in connection with an individual's application, whereas the electronic database is used to track the progress of an application through the various stages. At the end of March 2000, there were approximately 27,000 paper files and 18,500 electronic records.
- 6.16** In addition to the day-to-day creation and provision of such records, the Division is also responsible for the policy issues surrounding the preservation of the records, in line with guidelines issued by the Public Record Office. The system is also used to assist in the recording and tracking of complaint cases.

## Information and communication via the Internet

- 6.17** There is a wide range of information about the Lord Chancellor's policies and procedures for judicial appointments in the Judges and QCs section of the LCD website at [www.open.gov.uk/lcd](http://www.open.gov.uk/lcd), including the full text of this Report and the 1998/99 Annual Report. Other information includes Sir Leonard Peach's report; the research paper into the factors why women and ethnic minority practitioners do not apply for judicial appointments; consultation papers on political balance in the lay magistracy and the unification of the Stipendiary Bench; a list of senior judges and judicial statistics; and judicial salary scales and pensions information. There are plans to include guidance about making complaints about the conduct of judges.
- 6.18** As part of LCD's commitment to electronic delivery of services, information about Queen's Counsel 2000 appointments was made available on the website, including the application form which could be downloaded. 155 forms were downloaded and 92 of the 506 applicants applied using the downloaded form. This part of the website was visited 350 times. More use is to be made of this facility. Information about the competitions and application forms for the High Court, Circuit Bench and Recorder competitions for appointments in 2000/2001 have also been made available on the website. The closing date for High Court applications was 27 March 2000. 3 of the 60 applications were submitted on downloaded forms. Details about all three competitions will be given in next year's Annual Report.
- 6.19** Each member of Judicial Group has access to external e-mail facilities and each section in the Group has a dedicated e-mail address to which enquiries and requests for information can be made. These addresses, together with telephone numbers and other contact details, are given in Annex J.