



## Complaint Guidance for Members of the Public

The Judicial Office for Scotland is a separate part of the Scottish Courts and Tribunals Service and provides support to the Lord President in their role as head of the Scottish judiciary with responsibility for the training, welfare, deployment, guidance and conduct of judicial office holders, as well as the efficient disposal of business in Scottish courts and tribunals. The Judicial Office also supports the President of the Scottish Tribunals in their role.

The term “**judge**” will be used throughout this guidance to cover all judicial office holders, a full list can be found on [page 2](#).

Any complaint about a legal or ordinary tribunal member, will be dealt with under the Complaints about Members of the Scottish Tribunal Rules 2024 – a copy of these Rules and guidance can be found on our website - [www.judiciary.scot/home/publications/tribunal-complaints](http://www.judiciary.scot/home/publications/tribunal-complaints).

### The Rules

The Judicial Office will look at your complaint in line with a set of Rules, called the Complaints about the Judiciary (Scotland) Rules 2024. We will help you throughout the complaint process, and will give you a clear explanation about the outcome of your complaint. A copy of the Rules can be found on our website, [www.judiciary.scot/home/publications/judicial-complaints](http://www.judiciary.scot/home/publications/judicial-complaints). If you have trouble accessing a copy online, please contact us by email: [judicialofficeforscotland@scotcourts.gov.uk](mailto:judicialofficeforscotland@scotcourts.gov.uk) or by [telephone](#).

This guidance will help you to make a complaint about the misconduct of a judge to the Judicial Office. You can complain about something that happened to you. A friend or relative may help you to make a complaint. Once you have made a complaint, we will acknowledge this within 5 working days. We will keep you updated with the status of your complaint at each stage. A full description of the complaints process can be found on [page 7](#)

## Who can I complain about?

You **can** make a complaint to us about:

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| <ul style="list-style-type: none"><li>• Judges of the Court of Session (with the exception of the Lord President)</li><li>• Temporary Judges of the Court of Session</li><li>• Re-employed retired judges of the Court of Session</li><li>• Sheriffs Principal</li><li>• Temporary Sheriffs Principal</li><li>• An Appeal Sheriff</li><li>• Sheriffs</li><li>• Part-time Sheriffs</li></ul> | <ul style="list-style-type: none"><li>• Summary sheriffs</li><li>• Part-time Summary Sheriffs</li><li>• Chairman of the Scottish Land Court</li><li>• Deputy Chairman of the Scottish Land Court</li><li>• Members of the Scottish Land Court</li><li>• Justices of the Peace</li><li>• Judicial members of the First-tier Tribunal for Scotland or the Upper Tribunal for Scotland</li><li>• Re-employed retired sheriffs principal, sheriffs or summary sheriffs</li></ul> |
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## What can I complain about?

It is important that judges keep a high standard of behaviour both inside and outside of the courtroom and tribunal proceedings. Judges are guided by the [Guidance to Judicial Office Holders on Judicial Ethics in Scotland](#). However, please note that a judge may have to be firm, direct or assertive when managing a case. Below are **examples** of some of the behaviours which we can and cannot consider:

We **can** consider ✓

Any action that amounts to misconduct. Some examples include:

- using inappropriate language, such as racist, sexist or discriminatory language
- a conflict of interest
- using their position as a judge to benefit themselves personally
- falling asleep in a hearing

We **cannot** consider ✖

Some examples include:

- a decision, such as the outcome of the case, the way that the judge managed the case, or what evidence the judge chose to consider
- the award of expenses (costs) and damages
- who is allowed to take part in a hearing, such as what witnesses are asked to give evidence or who is able to speak at a certain time

### **Allegations of Criminal Conduct:**

If you believe a crime has been committed, you should report this to the police.

If your complaint includes allegations of a crime being committed by the judge, the Judicial Office will not investigate your complaint until the Crown confirms they will not start criminal proceedings or that any criminal proceedings have concluded or it becomes clear that no such proceedings are to be taken.

In these circumstances, the Judicial Office will write to you to tell you if your complaint has been paused.

## What you need to tell us

While you do not have to use the complaint form to make your complaint, we would encourage you to use the form as it will help to guide you through your complaint to give us the information needed to consider it. A copy of the complaint form can be found on the Judicial Office for Scotland website: [www.judiciary.scot/home/publications/judicial-complaints](http://www.judiciary.scot/home/publications/judicial-complaints).

If you have any trouble completing this form please email us at [judicialofficeforscotland@scotcourts.gov.uk](mailto:judicialofficeforscotland@scotcourts.gov.uk).

### You should provide us with the following information:

- your name
- an address we can use to contact you – can be an email address or postal
- the name of the person you are complaining about  
*If you do not know the name of the judge, you can contact the court/tribunal and ask them to provide their name*
- the date(s) of when the matter you wish to complain about happened
- where the matter you wish to complain about happened
- as much information as you can give us on the matter
- the case number (not required but it is helpful)

It is important that you provide enough information. For example, it is not enough to simply say that “The judge was rude to me”. You will need to explain what was said or done by the judge that you felt was rude; providing examples of the words used or behaviour shown.

We may ask you to give us more information to help us understand your complaint and you will have 28 days to respond. If we do not hear from you within 28 days, your complaint may be deemed to have been withdrawn.

## Time Limits

A complaint must be made within **3 months** of the behaviour you wish to complain about. For example, if the matter you wish to complain about happened on 10 April 20XX you must complain about it by 10 July 20XX.

### ***What happens if I make a complaint after the 3 month time limit?***

If you make a complaint after 3 months, the complaint should tell us why it is being made late. It is only in **exceptional circumstances** that we can extend the time limit. If you do not explain in your complaint why it is late, we will ask you why and you will be given 28 days to reply. Please note that not knowing about the rules is not an exceptional circumstance.

If your case is ongoing, you still have to send us your complaint within the 3 month period. However, we may wait until the case has finished to consider your complaint.

### ***What happens if I make a complaint about a judge who has retired or left office?***

Should you wish to complain about a judge who has retired or left office, a complaint will be subject to the time limits above and even where exceptional circumstances are shown, the Judicial Office cannot extend the time limit for a complaint beyond 12 months of the date the judge ceased to be a judge. A complaint will be considered as if the judge were still in office.

## Where do I send my complaint?

Your completed complaint form should be sent to the Judicial Office for Scotland by:

Email: [judicialofficeforscotland@scotcourts.gov.uk](mailto:judicialofficeforscotland@scotcourts.gov.uk) or

Post: Judicial Office for Scotland  
Parliament House  
Edinburgh  
EH1 1RQ

## What happens now that I have made a complaint?

### Stage 1 Acknowledgement

- The Judicial Office will acknowledge your complaint within 5 working days.
- You might be asked to give us more information about your complaint and will be given 28 calendar days to provide this information.

### Stage 2 Consideration by the Judicial Office

- The Judicial Office will consider your complaint and decide whether it should be dismissed or passed on to a senior judge called the disciplinary judge.
- A copy of the complaint will be sent to the judge you are complaining about at this stage. ***This will not stop your case proceeding.***
- If your complaint is dismissed by the Judicial Office, we will write to you explaining the reasons why.

### Stage 3 Consideration by the Disciplinary Judge

- If your complaint is not dismissed the disciplinary judge will consider whether your complaint should be dismissed or, move on to Stage 4.
- If your complaint relates to ongoing judicial proceedings, the disciplinary judge may decide to pause your complaint until those proceedings are finished.
- Where ongoing proceedings have concluded you must notify the Judicial Office within 28 days of the case concluding.
- If your complaint is dismissed by the disciplinary judge at this stage, we will write to you explaining the reasons why.

### Stage 4 Investigation

- If your complaint has not been dismissed the disciplinary judge will nominate a judge to investigate your complaint.
- The nominated judge will contact you to discuss your complaint in further detail.
- The nominated judge may also contact other people to interview as part of the investigation.
- If the nominated judge is of the opinion at any stage prior to the report that the complaint may be resolved to the satisfaction of both you and the judge without the need for further investigation, they will communicate with you and the judge with a view to securing that outcome.
- Investigations should be completed within 21 weeks. The nominated judge may extend this time limit only in exceptional circumstances.

### Stage 5 The Investigation Report

- The nominated judge will submit a written report to the Lord President setting out the facts, whether the allegation has been proved and, if so, may recommend the form of action the Lord President should take.
- The Judicial Office will inform you of any action taken.

## **Need help to make your complaint?**

If you would like to speak to a staff member about making a complaint or have a question, please contact the Judicial Office for Scotland on 0131 240 6677 or email: [judicialofficeforscotland@scotcourts.gov.uk](mailto:judicialofficeforscotland@scotcourts.gov.uk).

## **Scottish Independent Advocacy Alliance**

You can find out about advocates in your area by contacting the Scottish Independent Advocacy Alliance.

Website: [www.siaa.org.uk](http://www.siaa.org.uk)

Tel: 0131 510 9410

Email: [enquiry@siaa.org.uk](mailto:enquiry@siaa.org.uk)

Post: Scottish Independent Advocacy Alliance  
18 York Place  
Edinburgh  
EH1 3EP

## **Accessibility**

We are committed to making our service easy to use for all members of the community. We will ensure that reasonable adjustments are made to help people access and use our services.

If you have trouble putting your complaint in writing, or want information in another language or format, such as large print, audio or Braille, please contact us by telephone on **0131 240 6677** or email at [judicialofficeforscotland@scotcourts.gov.uk](mailto:judicialofficeforscotland@scotcourts.gov.uk).

## Unhappy with how your complaint was handled?

If you believe that the Judicial Office, the disciplinary judge or the nominated judge did not follow the Rules properly when considering your complaint, please contact the Judicial Complaints Reviewer. The Judicial Complaints Reviewer cannot change the outcome of your complaint, they can only look into whether the Rules were followed correctly.

Please visit [www.judicialcomplaintsreviewer.org.uk](http://www.judicialcomplaintsreviewer.org.uk) to view the Judicial Complaints Reviewer website.

### Useful websites

- Scottish Judiciary website: [www.judiciary.scot](http://www.judiciary.scot)
- Scottish Courts and Tribunals Service: [www.scotcourts.gov.uk](http://www.scotcourts.gov.uk)
- Crown Office and Procurator Fiscal Service (COPFS): [www.copfs.gov.uk](http://www.copfs.gov.uk)
- Judicial Conduct Investigations Office for England and Wales:  
[www.complaints.judicialconduct.gov.uk](http://www.complaints.judicialconduct.gov.uk)
- Scottish Legal Complaints Commission: [www.scottishlegalcomplaints.org.uk](http://www.scottishlegalcomplaints.org.uk)
- Law Society of Scotland: [www.lawscot.org.uk](http://www.lawscot.org.uk)
- Police Scotland: [www.scotland.police.uk](http://www.scotland.police.uk)