



2024/2025

Annual Report

1st September 2024 to 31st August 2025

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If you have any enquiries about this publication, please write to:
Judicial Complaints Reviewer, Box 130, 12 South Bridge, Edinburgh, EH1 1DD
Email james.mollison@gov.scot

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CONTENTS

- 1. Foreword**
- 2. The current Judicial Complaints Reviewer**
- 3. The Role and Remit of the Judicial Complaints Reviewer**
- 4. Resources**
- 5. Overview of the year**
- 6. Observations**
- 7. Conclusions**
- 8. Recommendation**

Annex A: Register of Interests

1. FOREWORD

I am pleased to publish the Annual Report, as the Judicial Complaints Reviewer (JCR) for Scotland, for my third year in office. On 1 September 2022, I was appointed for a term of three years. During my third year, covering the period 1 September 2024 to 31 August 2025, I received twenty eight (28) new cases for review.

During the year, I have not encountered any issues of concern and, in relation to resourcing, I was able to manage the caseload and any ancillary matters within my hours of work and budget. I am satisfied with the level of support and resources, which I have received over the year, from the Justice Directorate.

2. THE CURRENT JUDICIAL COMPLAINTS REVIEWER

My name is James Mollison and I have been in post since 1 September 2022. I was appointed as the Judicial Complaints Reviewer by Scottish Ministers, with the agreement of the Lord President, following a publicly advertised and open process.

I operate independently of the Scottish Government and the Judiciary.

My background is in the private sector: with over 20 years' experience in senior risk and quality assurance roles for large companies and then, latterly,

- Panel Member and Chair on the General Teaching Council for Scotland (GTCS) Accreditation and Fitness to Teach Panels.
- Panel Member and Chair for Redress Scotland.

I am experienced in assurance and audit processes, in addition to knowledge of complaints processes and procedures along with addressing breaches of codes of conduct by education professionals within my remit at the GTCS.

3. THE ROLE AND REMIT OF THE JUDICIAL COMPLAINTS REVIEWER

The role of the JCR was created by the Judiciary and Courts (Scotland) Act 2008¹, (the Act), which introduced the Complaints About the Judiciary (Scotland) Rules. The current version of which is the Complaints About the Judiciary (Scotland) Rules 2024², (the Rules). The role is twofold:

¹ [Judiciary and Courts \(Scotland\) Act 2008](#)

² [Judiciary of Scotland](#) Complaints About Court Judiciary

1. To review investigations into complaints against Judicial Office Holders (JOH)³ which are undertaken by the Judicial Office for Scotland (JOS) to check that they have been carried out in accordance with the Rules.
2. To make written representations to the Lord President about procedures for handling the investigation of matters concerning the conduct of JOH. The Lord President, who is the head of the judiciary in Scotland, must have regard to my representations.

The role was extended in 2018 with the implementation of the Complaints About Members of the Scottish Tribunals Rules. The current version of the Complaints About Members of the Scottish Tribunals Rules 2024⁴, allows the JCR to review the handling of investigations into complaints against about the conduct of ordinary and legal Tribunal Members (TM) of the Scottish Tribunals in the:

- First-tier Tribunal for Scotland, and
- Upper Tribunal for Scotland.

Complaints about judicial members of Tribunals are dealt with under the Complaints About the Judiciary (Scotland) Rules 2024.

The JOS undertakes investigations into complaints against a JOH or TM on behalf of the Lord President. In the first instance, a complaint must be accepted as a complaint under the Rules. If a complaint is not accepted by the JOS, I cannot consider it and I would have no information available to me to question such a decision.

The Complaints About the Judiciary (Scotland) Rules 2024 and the Complaints About the Scottish Tribunals Rules 2024, can be found under publications at www.scotland-judiciary.org.uk

Once the investigation process has finished the JCR then provides a free, impartial service to:

- Any person who has made a complaint about a JOH/TM, who requests its handling to be reviewed.
- Any JOH/TM who has been the subject of an investigation and seeks a review of the investigation process to ensure that it was conducted in accordance with the Rules.

A request for a review of a complaint investigation must be made within four months of the date of the determination by the JOS otherwise, unless there is a very good reason for the delay, it will not be accepted for review.

Review requests can be made by post, E-Mail or via the JCR website. Once a request has been acknowledged and I have established that it falls within my remit, I ask the JOS to send me their complaint file.

³ JOH are - judges, sheriffs and justices of the peace.

⁴ The Judicial Office for Scotland will consider complaints about the personal conduct of legal and ordinary members of Housing and Property Chamber, Tax Chamber, Health and Education Chamber, General Regulatory Chamber, Social Security Chamber, Local Taxation Chamber and the Upper Tribunal for Scotland

My remit is very narrow. I can review the handling of the complaint but only as a paper-based exercise using papers received from a complainant and case papers provided to me by the JOS. I cannot look at the merits of a complaint and I cannot require a complaint to be reinvestigated or overturn a decision. Nor can I obtain compensation, apologies, or other redress. I can, however, make referrals to the Lord President where I find the Rules have been breached, so that he can consider what action may be required, for example he may re-open an investigation if appropriate.

4 RESOURCES

I am authorised to work up to three days per month (36 days per year), but the work is demand led so I do not always work three days per month. I have no office or administrative staff; I have a box for mail and a home office. I am supplied with a Scottish Government laptop, a mobile phone, and a printer. I have secure storage for JCR files and equipment. Stationery is supplied by the Justice Department and postage is an expense drawn on my budget.

The following figures are based on my work year – 01.09.24 to 31.08.25 and not a financial year:

My daily fee is £217.00

- In 2024/25: I claimed for 36 days @ £7812.00

5 OVERVIEW OF THE YEAR

Of the twenty eight cases I received, I have completed reviews on fifteen cases, I currently have two cases mid review and eleven cases were closed without review by 21 August 2025. Of the completed reviews, eleven cases were complaints against JOH with four against a TM. In reviewing the handling of complaints by the JOS, based on the information available to me, I found no substantive breaches of the Rules. There were no issues which required me to make any written representations to the Lord President about procedures for handling the investigation of matters concerning the conduct of JOH/TM.

Statistics:

During the year, 1 September 2024 to 31 August 2025:

The JOS handled:

- 104 court judiciary complaints. This is a increase of 40 complaints over 2023/24. An additional 16 current cases are being carried over to 2025/26.
- 11 Tribunal complaints. This is an decrease of 2 complaints over 2023/24. An additional 10 current cases are being carried over to 2025/26.

The JOS publishes statistics about complaints⁵.

⁵ www.judiciary.scot/home/publications/judicial-complaints/judicial-complaints-archive

During the year, 1 September 2024 to 31 August 2025, the JCR received:

- 23 requests for review of Judicial complaints, by post/E-Mail/website.
- 5 request for review of a Scottish Tribunal complaints, by post/E-Mail/website.

Two of the above requests for a review of a Judicial complaint are currently under review. Ten of the above requests were closed without review following correspondence with the complainer. One of the above requests for review was sent to me in error and was subsequently closed.

The JCR report figures for both the current and previous years are as follows:

2024/25 - 28
2023/24 - 18
2022/23 - 22
2021/22 - 12
2020/21 – 14
2019/20 – 06
2018/19 – 07
2017/18 – 17
2016/17 – not published⁶
2015/16 – 37
2014/15 – 40
2013/14 – 29
2012/13 – 23
2011/12 – 20

In this current year there has been an increase of ten cases in the number of requests for review by the JCR. This increase may be as a result of the 62% increase in JOS complaints in 2024/25 and/or it may be due to the new JCR website, the new 2024 updates to the Rules or other unknown factors. This will be monitored over the coming year to assess if the higher level of requests for a review will present an issue for the JCR role going forward.

In 2024/25, 69 complaints (67% of the total concluded) recorded by the JOS were dismissed under Rule 8(4)(b) of the Rules, whereas in 2023/24 the figure was 56 (71% of the total concluded). The JOS cannot deal with complaints about judicial/tribunal decisions made by a JOH/TM, or the way that cases have been handled. A judicial decision is defined in the interpretation section at Paragraph 2 of the Rules.

“a judicial decision” includes but is not limited to: a judgment in a case; a decision in relation to the conduct of proceedings; a decision in relation to case management; and, a decision in relation to court or tribunal programming.

Ten of the fifteen cases of which I completed a review in 2024/25 involved judicial decisions. It is a recurring feature in judicial complaints where the majority of complaints arise from the complainant being unhappy with the outcome of the Court/Tribunal process i.e. they do not

⁶The previous JCR has not published a report for that year of office

agree with the 'judicial decision' reached by the JOH/TM. That judicial decision, however, can only be challenged by appeal or, in some administrative matters, by judicial review.

Most complaints received by the JOS are from the public where cases involving family and property law are the most frequent.

There has been no request for review by a judicial officer holder who has been the subject of a complaint.

There has been one request to the JCR on Freedom of Information (FOI). This request was actioned and competed within 10 days of receipt of the request under the Freedom of Information (Scotland) Act 2002⁷.

There has been one request to the JCR for a Subject Access Request (SAR). This request was actioned and competed within 23 days of receipt of the request under the Information Commissioner's Office (ICO.) guidelines⁸.

To comply with the principles of the Data Protection Act 2018, the JCR Privacy Notice is published on the JCR website ⁹.

6 OBSERVATIONS

I had a meeting with the Lord President held in July 2025, we discussed matters including:

- An outline of the JCR role in general and interactions with the JOS.
- A discussion on the coming year and my thoughts on the role.
- A discussion regarding a JOH complaint review where additional information was provided to the complainant.

I have met with members of the Scottish Government Justice Directorate including the Deputy Director of Civil Law and Legal Systems - in which we discussed the role, complaint handling and any issues I may have had. I am satisfied with the level of support and resources which I have received over the year from the Directorate.

I have met with the JOS Policy Manager on a regular basis throughout the year to discuss individual cases, conduct rules changes, relevant developments in complaints for both my role and that of the JOS and any issues that may arise during reviews. I continue with the JCR process of sending the JOS completed review case reports. I am satisfied with the level of support received over the year from the JOS.

⁷ [Freedom of Information \(Scotland\) Act 2002 \(legislation.gov.uk\)](https://legislation.gov.uk)

⁸ [Information Commissioner's Office \(ICO\)](https://ico.org.uk)

⁹ www.judicialcomplaintsreviewer.org.uk/

There was an issue within the JOS regarding a specific letter template that was issued to complainants which did not include a specific piece of information and had incorrect information regarding the JCR postal address. This was flagged to the JOS who subsequently changed this template and instituted additional process checks around letters. The JOS reported this to the Lord President. This issue is very unlikely to impact around future requests for review with the JCR.

As the JCR, I will continue to liaise with the JOS and the Justice Directorate to assess standards and performance in the handling of judicial complaints.

7 CONCLUSIONS

This is my third Annual Report since taking office, any conclusions I reach will be based on the 2024/25 data along with my findings from my reports of 2022/23 and 2023/24. The role of the JCR was intended by the Act to review the handling of conduct complaints by the JOS, in accordance with ‘the Rules’, to ensure the independence of the Judicial Office Holders and Tribunal Members in applying the Law in Scotland. On my third year in office I have not found any emerging trends around requests for review, nor have I found any substantial issues in the way the current system is operating.

The JCR role itself has a five year review cycle in which a review meeting of public/legal service representatives. Due to the timing of the Lord President taking office this review has been delayed and will now be held in the last quarter of 2025.

The previous review meeting was held in July 2019 , tasked:

“To determine if the role of the Judicial Complaints Reviewer (JCR) was relevant and fit for purpose”.

Attendees included the following;

- Deputy Director - Civil Law and Legal Systems Division – Scottish Government
- Executive Director of the Judicial Office for Scotland
- Judicial Complaints Reviewer
- Scottish Public Services Ombudsman (SPSO)
- Head of Courts and Tribunals Unit -Scottish Government
- Policy Officer – Judicial Office for Scotland
- Finance and Sponsorship Manager - Scottish Government

This meeting recognised the benefit of a totally independent system for considering complaints about the Judiciary.

8 RECOMMENDATIONS

I am of the opinion that, currently, there is no substantive reason to justify a change to the role definition of the Judicial Complaints Reviewer.

James Mollison

James Mollison
Judicial Complaints Reviewer for Scotland
10 September 2025

ANNEX A – Register of Interests

1. Appointments held during the Report period - 2024/25:

- Panel Member and Chair for General Teaching Council for Scotland
From April 2020 to present - Remunerated
- Panel Member and Chair for Redress Scotland
From December 2023 to present - Remunerated

2. Financial interests:

- Homeowner in Scotland
- No relevant share holdings
- No gifts or hospitality received in relation to my role

3. Relationships:

I do not have any friendships, relationships or business dealings with any Judicial Office Holder, Judicial Office for Scotland or Scottish Courts and Tribunal Service employee.

4. Political activity

None