



2025/2026

Annual Report

1st September 2025 to 31st August 2026

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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 fourth year in office. On 1 September 2022, I was appointed for a term of three years. On 1 September 2025, I was appointed for an additional term of two years. During my fourth year, covering the period 1 September 2025 to 31 August 2026, I received thirty five (35) new cases for review and there were two (2) cases which were carried over to 2025/26 and subsequently completed.

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 JCR 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. Between 2000 and 2006 I was a Panel Member and Chair on the General Teaching Council for Scotland (GTC Scotland) Accreditation and Fitness to Teach Panels. Currently I undertake the following:

- Lay Member of the council for GTC Scotland
- Panel Member and Chair for Redress Scotland
- Non-Executive Member of the Audit, Risk and Assurance Committee 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 work at GTC Scotland.

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

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

which is the Complaints About the Judiciary (Scotland) Rules 2024², (the Rules). The role is twofold:

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.

² [Judiciary of Scotland](http://www.scotland-judiciary.org.uk) Complaints About Court Judiciary

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

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.

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 – 01.09.25 to 31.08.26 and not a financial year:

My daily fee is £217.00

- In 2025/26: I claimed for 36 days @ £7812.00

5 OVERVIEW OF THE YEAR

Of the thirty five (35) cases I received in 2025/26, I have completed reviews on twenty (20) cases. I currently have 2 cases mid review and 13 cases were closed without review by 31 August 2026. I also completed reviews on two cases which were from 2024/25. Of the total completed reviews, 18 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 2025 to 31 August 2026:

The JOS handled:

- 93 court judiciary complaints. This is a decrease of 11 complaints over 2024/25. An additional 11 current cases are being carried over to 2026/27.
- 17 Tribunal complaints. This is an increase of 6 complaints over 2024/25. An additional 22 current cases are being carried over to 2026/27.

The JOS publishes statistics about complaints⁵.

During the year, 1 September 2025 to 31 August 2026, the JCR received:

- 31 requests for review of judicial complaints, by post/E-Mail/website.
- 4 requests for review of a Scottish Tribunal complaints, by post/E-Mail/website.

Of the above requests for a review of a judicial complaint 2 are currently under review. Of the above requests 13 were closed without review following correspondence with the complainer.

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

2025/26 - 35
 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 seven cases in the number of requests for review by the JCR. In 2025/26, 94% of the requests for review came to the JCR via the JCR website or via E-Mail. This may indicate that the new JCR website may be shaping how requests for review come to the JCR and may have some bearing on the increase in numbers.

In 2025/26, 73 complaints (66% of the total concluded) recorded by the JOS were dismissed under Rule 8(4)(b) of the Rules, whereas in 2024/25 the figure was 69 complaints (67% 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.

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

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

“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.

18 of the 22 cases of which I completed a review in 2025/26 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 agree with the ‘judicial decision’ reached by a 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 have been no requests to the JCR for a Freedom of Information Request (FOI).

There have been no request to the JCR for a Subject Access Request (SAR).

6 OBSERVATIONS

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.

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 fourth Annual Report since taking office, any conclusions I reach will be based on the 2025/26 data along with my findings from my reports of 2022/23, 2023/24 and 2024/25. 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 JOH and TM in applying the Law in Scotland.

I can confirm that I have not 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 representative is undertaken. This review was not undertaken last year after discussion with the Deputy Director of Civil Law and Legal Systems. Instead the JCR undertook a watching brief around any upward trend in the number of cases and the possible rise in Artificial Intelligence (AI) generated content appearing in requests for review.

On my fourth year in office I have noted that there seems to be an upward trend with regards to requests for review. This trend seems to be unrelated to the number of complaints handled by the JOS. I undertook 3 reviews this year which appeared to me to have AI generated content within the request for review. I would also note that there appears to be a trend in requests for review which involve multiple complex complaints. Any review involving multiple complex complaints will, by its nature, require additional time to undertake.

With this in mind I think it would be prudent to have a role review in 2026/27 to discuss these trends.

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
11 September 2026

ANNEX A – Register of Interests

1. Appointments held during the Report period - 2025/26:

- Panel Member and Chair for the General Teaching Council for Scotland
From April 2020 to August 2026 - Remunerated
- Council Member for the General Teaching Council for Scotland
From August 2026 to present - Remunerated
- Panel Member and Chair for Redress Scotland
From December 2023 to present - Remunerated
- Non-Executive Member of the Audit, Risk and Assurance Committee for Redress Scotland - Remunerated
From November 2025 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