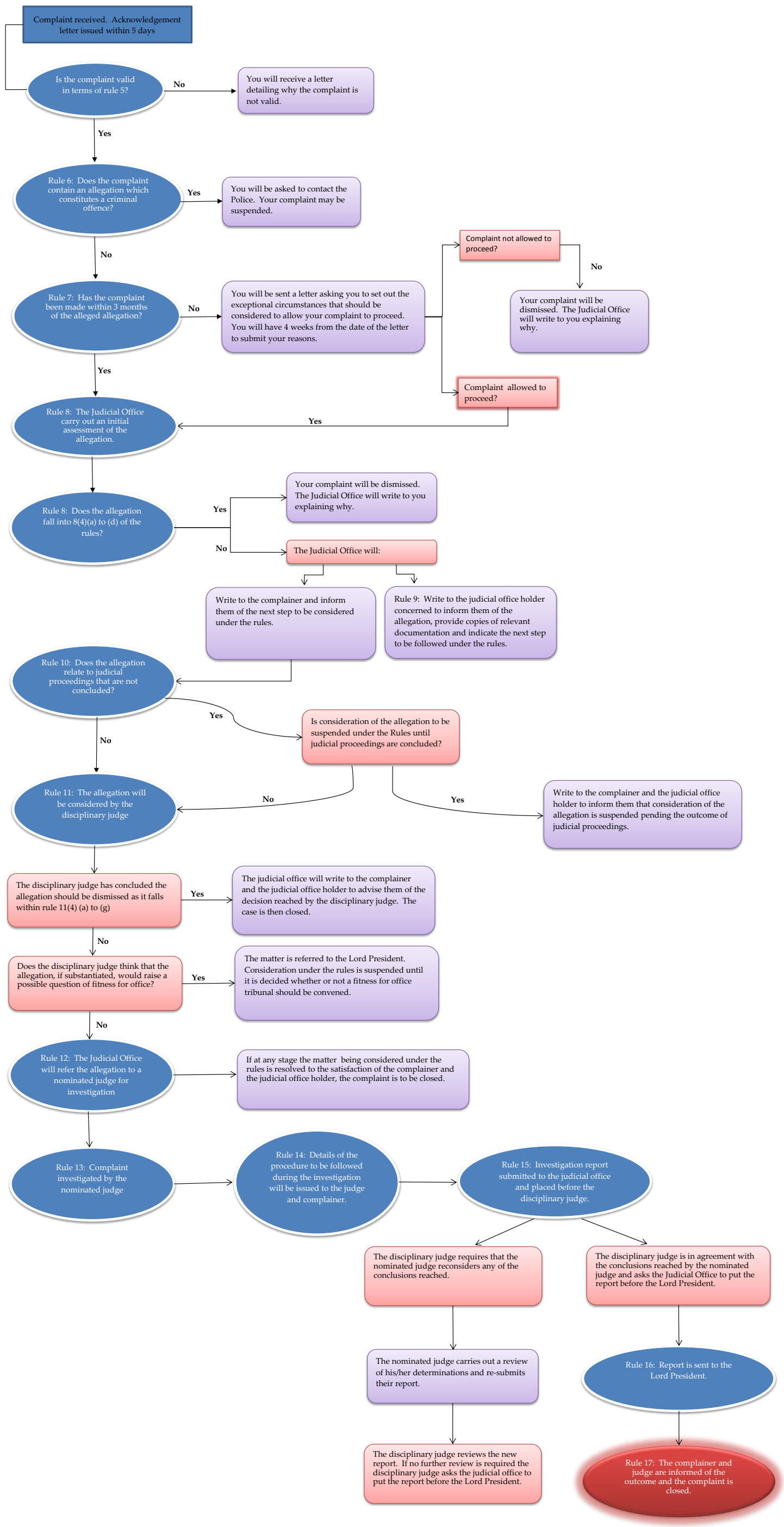
Complaint received. Acknowledgement letter issued within 5 days
Is the complaint valid in terms of rule 5?
No
You will receive a letter detailing why the complaint is not valid.
Yes
Rule 6: Does the complaint contain an allegation which constitutes a criminal offence?
Yes
You will be asked to contact the Police. Your complaint may be suspended.
No
Rule 7: Has the complaint been made within 3 months of the alleged allegation?
No
You will be sent a letter asking you to set out the exceptional circumstances that should be considered to allow your complaint to proceed. You will have 4 weeks from the date of the letter to submit your reasons.
Complaint not allowed to proceed?
No
Your complaint will be dismissed. The Judicial Office will write to you explaining why.
Complaint allowed to proceed?
Yes
Yes
Rule 8: The Judicial Office carry out an initial assessment of the allegation.
Rule 8: Does the allegation fall into 8(4)(a) to (d) of the rules?
Yes
Your complaint will be dismissed. The Judicial Office will write to you explaining why.
No
The Judicial Office will:
Write to the complainer and inform them of the next step to be considered under the rules.
Rule 9: Write to the judicial office holder concerned to inform them of the allegation, provide copies of relevant documentation and indicate the next step to be followed under the rules.
Rule 10: Does the allegation relate to judicial proceedings that are not concluded?
Yes
Is consideration of the allegation to be suspended under the Rules until judicial proceedings are concluded?
No
Rule 11: The allegation will be considered by the disciplinary judge
No
Yes
Write to the complainer and the judicial office holder to inform them that consideration of the allegation is suspended pending the outcome of judicial proceedings.
The disciplinary judge has concluded the allegation should be dismissed as it falls within rule 11(4) (a) to (g)
Yes
The judicial office will write to the complainer and the judicial office holder to advise them of the decision reached by the disciplinary judge. The case is then closed.
No
Does the disciplinary judge think that the allegation, if substantiated, would raise a possible question of fitness for office?
Yes
The matter is referred to the Lord President. Consideration under the rules is suspended until it is decided whether or not a fitness for office tribunal should be convened.
No
Rule 12: The Judicial Office will refer the allegation to a nominated judge for investigation
If at any stage the matter being considered under the rules is resolved to the satisfaction of the complainer and the judicial office holder, the complaint is to be closed.
Rule 13: Complaint investigated by the nominated judge
Rule 14: Details of the procedure to be followed during the investigation will be issued to the judge and complainer.
Rule 15: Investigation report submitted to the judicial office and placed before the disciplinary judge.
The disciplinary judge requires that the nominated judge reconsiders any of the conclusions reached.
The disciplinary judge is in agreement with the conclusions reached by the nominated judge and asks the Judicial Office to put the report before the Lord President.
The nominated judge carries out a review of his/her determinations and re-submits their report.
Rule 16: Report is sent to the Lord President.
The disciplinary judge reviews the new report. If no further review is required the disciplinary judge asks the judicial office to put the report before the Lord President.
Rule 17: The complainer and judge are informed of the outcome and the complaint is closed.