

## **Code of Conduct for Parole Board Members**

<b>CONTENTS</b>	<b>PAGE NO.</b>
<b>1. Introduction</b>	<b>2</b>
<b>Scope of the Code of Conduct</b>	<b>2</b>
<b>2. Purpose, Powers and Duties of the Parole Board</b>	<b>3</b>
<b>3. Key Principles of Public Life</b>	<b>3</b>
<b>4. General Conduct</b>	<b>4</b>
<b>Use of public funds</b>	<b>4</b>
<b>Allowances</b>	<b>4</b>
<b>Gifts and hospitality</b>	<b>4</b>
<b>Use of Parole Board resources</b>	<b>5</b>
<b>Use and Disclosure of information</b>	<b>5</b>
<b>Political Activity</b>	<b>6</b>
<b>Employment and Appointments</b>	<b>6</b>
<b>5. Conflicts of Interest</b>	<b>7</b>
<b>6. Standards of Personal Behaviour</b>	<b>7</b>
<b>Notification Duties</b>	<b>7</b>
<b>Social Networking and Blogging</b>	<b>8</b>
<b>7. Professional Behaviour</b>	<b>8</b>
<b>General Duties</b>	<b>8</b>
<b>Professionalism</b>	<b>9</b>
<b>Impartiality</b>	<b>9</b>
<b>Integrity</b>	<b>10</b>
<b>Propriety</b>	<b>10</b>
<b>8. Preparing For and Conducting Parole Board Hearings</b>	<b>11</b>
<b>Timeliness of Decisions</b>	<b>12</b>
<b>9. Responsibilities towards Parole Board Staff</b>	<b>12</b>

## **1. Introduction**

The Parole Board aims to increase public confidence in its work as an independent public body, set clear objectives to manage risk and provide a valuable service to the public.

Parole Board Members are the public face of the Parole Board and accordingly are required to adhere to the highest standards of conduct. Public confidence is affected not only by what is done, but how it is done.

The Parole Board also has a responsibility to ensure that all Parole Board staff and Members are treated fairly and with respect.

This revised code of conduct outlines the purpose, powers and duties of the Parole Board, and the standards required from Parole Board Members. This should be read in conjunction with more detailed guidance contained in the Members' Handbook and current practice guidance. The Complaints Procedure provides the framework to resolve any departure from these standards and will be followed when there are any allegations of a breach of the Code of Conduct.

### **SCOPE OF THE CODE OF CONDUCT**

- 1.1 This Code of Conduct relates exclusively to Parole Board Members. The Code is a public document, published on the Parole Board website and extranet. As a public office-holder, your behaviour and actions must be governed by the principles set out in this Code of Conduct. It is your responsibility to ensure that you are familiar with, and comply with, all the relevant provisions of the Code. The Code should be read in conjunction with your Terms of Appointment.
- 1.2 Parole Board Committee Members, including Management Committee members, have separate Terms of Appointment which govern those roles in addition to their responsibilities to comply with this Code of Conduct.
- 1.3 This Code of Conduct is intended to be consistent with the Cabinet Office's Code of Conduct for Board Members of Public Bodies (June 2011). The judicial nature of Parole Board Members' work is such that there will be some minor differences between the Cabinet Office Code and this Code.
- 1.4 This Code of Conduct was approved by the Parole Board's Management Committee on 29 October 2015 following the recommendation of the Parole Board's Standards Committee.

## **2. Purpose, Powers and Duties of the Parole Board**

- 2.1 The Parole Board is an independent body whose function is to assess the risk posed to the public by a particular prisoner in order to determine whether it remains necessary for the protection of the public that the prisoner should continue to be confined.
- 2.2 The Parole Board may also be required to advise the Secretary of State whether the risk presented by a prisoner is sufficiently low that it can be managed in open prison conditions and on the areas of a prisoner's risk which continue to need to be addressed.
- 2.3 The Parole Board exercises judicial functions, including the power to decide upon the lawfulness of the continued detention of prisoners referred to it by the Secretary of State, and acts as a Court for the purposes of Article 5(4) of the European Convention on Human Rights. As such, it must remain independent and impartial.
- 2.4 In discharging The Parole Board's duties and exercising its functions, Parole Board members must make an objective, fair and lawful assessment of evidence in each individual case.
- 2.5 The purpose, powers and duties of the Parole Board should inform your actions and decisions as a Parole Board member.

## **3. Key Principles of Public Life**

- 3.1 Parole Board Members are public office-holders. The principles of public life apply to anyone who works as a public office-holder. All public office-holders are both servants of the public and stewards of public resources.
- 3.2 The key principles upon which this Code of Conduct is based are the Seven Principle of Public Life<sup>1</sup>. These are:

**3.2.1 Selflessness** - You should take decisions solely in terms of the public interest. You should not do so in order to gain financial or other material benefits for yourself, your family or your friends.

**3.2.2 Integrity** - You should not place yourself under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence you in the performance of your official duties.

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<sup>1</sup> *Standards in Public Life: First Report of the Committee on Standards in Public Life.*  
Volume 1: Report. CM 2850-I.

**3.2.3 Objectivity** - In carrying out public business, including awarding contracts and recommending individuals for rewards and benefits, you should make choices on merit.

**3.2.4 Accountability** - You are accountable for your decisions and actions to the public and must submit yourself to whatever scrutiny is appropriate for your office.

**3.2.5 Openness** - You should be as open as possible about the decisions and actions that you take. You should give reasons for your decisions and restrict information only when the wider public interest clearly demands.

**3.2.6 Honesty** - You have a duty to declare any private interests relating to your public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**3.2.7 Leadership** - You should promote and support these principles by leadership and example.

3.3 These principles should inform your actions and decisions as a Parole Board member.

#### **4. General Conduct**

##### **Use of public funds**

4.1 You have a duty to ensure the safeguarding of public funds<sup>2</sup> and the proper custody of assets which have been publicly funded.

4.2 You must carry out your fiduciary obligations responsibly- that is, take appropriate measures to ensure that the Parole Board uses resources efficiently, economically and effectively, avoiding waste and extravagance.

##### **Allowances**

4.3 You must comply with the rules set by the Parole Board regarding remuneration, allowances and expenses. It is your responsibility to ensure compliance with all relevant HM Revenue & Customs' requirements concerning payments, including expenses.

##### **Gifts and hospitality**

4.4 You must not accept any gifts or hospitality which might, or might reasonably appear to, compromise your personal judgement or integrity or place you under an improper obligation.

4.5 You must never canvass or seek gifts or hospitality.

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<sup>2</sup> This should be taken to include all forms of receipts from fees, charges and other sources.

- 4.6 You must comply with the rules set by the Parole Board on the acceptance of gifts and hospitality. You should inform the Chief Executive of any offer of gifts or hospitality and ensure that, where a gift or hospitality is accepted, this is recorded in the public register in line with the rules set by the Parole Board.
- 4.7 You are responsible for your decisions on the acceptance of gifts or hospitality and for ensuring that any gifts or hospitality accepted can stand up to public scrutiny and do not bring the Parole Board into disrepute.

### **Use of Parole Board resources**

- 4.8 You must not misuse Parole Board resources<sup>3</sup> for personal gain or for political purpose. Use of such resources must be in line with the Parole Board's rules on their usage.
- 4.9 You should not use equipment, including IT equipment, provided by the Parole Board for your use as a Parole Board member, for other purposes which could bring the Parole Board into disrepute.

### **Use and Disclosure of information**

- 4.10 You must not misuse information gained in the course of your work for the Parole Board for personal gain or political purpose<sup>4</sup>.
- 4.11 You must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues after you have left the Parole Board.
- 4.12 Information about prisoners and cases, including case discussions, must be kept confidential and must not be disclosed to any third party without the prior permission of the Chair of the Parole Board or the Chief Executive.
- 4.13 All casework documentation must be secured and accounted for in line with Information Assurance instructions provided by the Parole Board. This also applies to electronic equipment. Members will process personal data and are subject to the requirements of the Data Protection Act. Guidance can be found in [chapter 6 of the Members' Handbook](#).
- 4.14 Any contacts from the media should be directed to the Director of Business Improvement and Development or to the Chief Executive. You must not speak to the media in your capacity as a Parole Board member without the prior approval of the Chair or the Chief Executive.

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<sup>3</sup> This includes facilities, equipment, telephony and other services.

<sup>4</sup> Members who misuse information gained by virtue of their position may be liable for breach of confidence under common law or may commit a criminal offence under insider dealing legislation.

- 4.15 You must not undertake engagements in the name of the Parole Board without the prior approval of the Director of Business Improvement and Development, the Chief Executive or the Chair.
- 4.16 If, in the course of your work, you come across something that you think is fundamentally wrong, illegal or endangers others within the Parole Board or the public, you can raise your concern using the Parole Board's [Whistleblowing and Raising a Concern Policy](#).

### **Political activity**

- 4.17 In your public role, you should be, and be seen to be, politically impartial. You should not occupy a paid party political post or hold a particularly sensitive or high-profile role in a political party. You should abstain from all controversial political activity<sup>5</sup> and comply with Cabinet Office rules on attendance at Party Conferences<sup>6</sup> which state that attendance in an official capacity should only be an exceptional circumstance.
- 4.18 If you intend to stand as a Member of Parliament you will be required to resign from your role as Parole Board member. If you are not elected you may request re-instatement, which will be subject to ministerial approval.
- 4.19 On matters directly related to the work of the Parole Board, you should not make political statements or engage in any other political activity.
- 4.20 In your official capacity, you should be even-handed in all dealings with political parties.
- 4.21 Subject to the above, you may engage in political activity but should, at all times, remain conscious of your responsibilities as a Parole Board member and exercise proper discretion. You should inform the chair and/or Chief Executive before undertaking any significant political activity.

### **Employment and appointments**

- 4.22 If you wish to take up new employment or appointments during your tenure, you must ensure that this is in compliance with the terms of your appointment. You should consider whether this might result in a conflict of interest or otherwise compromise your ability to fulfil your obligations as set out in your terms of

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<sup>5</sup> This does not include work as a Local Councillor. However, you should still exercise proper discretion on matters directly related to the work of the Parole Board and recognise that certain political activities may be incompatible with your role as a Parole Board member.

<sup>6</sup> [www.cabinetoffice.gov.uk/content/public-bodies-and-appointments](http://www.cabinetoffice.gov.uk/content/public-bodies-and-appointments)

appointment. Advice may be sought from the Director or the Head of Member Development and Practice if required.

## **5. Conflicts of Interest**

- 5.1 You must ensure that no conflict arises, or could reasonably be perceived to arise, between your public duties and your private interests- financial or otherwise. You must also ensure that no conflict of interest arises, or could reasonably be perceived to arise, in your conduct of casework or decision-making.
- 5.2 You must declare any personal or business interests (including other public appointments) which may conflict with your responsibilities during your appointment. Declarations should be made in writing (by email) to the Director of Member Development and Practice or the Chief Executive.
- 5.3 You are not precluded from participating in cases in which you have had previous personal involvement. However you must notify the relevant Panel Chair when such involvement might give rise to a presumption of a conflict of interest. Advice may be sought from Director or the Head of Member Development and Practice or the Legal Advisor, if required. Panel chairs should notify the Director or the Head of Member Development and Practice or the Legal Advisor if they have had previous personal involvement in a case and such involvement might give rise to a presumption of a conflict of interest
- 5.4 You are expected to sit with the allocated panel members, and to engage fairly with the advocates and witnesses appearing at hearings in which you are participating as a Parole Board member unless there is a clear and declared conflict of interest. Advice may be sought from the Director or the Head of Member Development and Practice if required.
- 5.5 It is your responsibility to ensure that you are familiar with and comply with these rules on handling conflicts of interests, and that your entry in the Parole Board's register of members' interests is accurate and up to date.

## **6. Standards of personal behaviour**

- 6.1 You must not use, or attempt to use, the opportunity of public service and your position as a Parole Board Member to promote your personal interests or those of any connected person, firm, business or other organisation.
- 6.2 You must not bring the Parole Board into disrepute or behave in such a way that is likely to bring the Parole Board into disrepute.

## **Notification Duties**

- 6.3 You must notify the Chief Executive or Chair of the Parole Board of anything in your public or personal life which may affect your position or may reflect on the standing and reputation of the Parole Board.
- 6.4 You must notify the Chief Executive or Chair of the Parole Board immediately in the event you are arrested or subject to any criminal proceedings other than parking or minor traffic offences without aggravating circumstances.
- 6.5 You must notify the Chief Executive or Chair of the Parole Board if you are the subject of any disciplinary proceedings by any professional body to which you belong; or if you get into serious financial difficulties particularly where legal proceedings are or are likely to be initiated.

### **Social Networking and Blogging**

- 6.6 The use of social networking is a matter of personal choice but it should not be used by Parole Board Members in a manner that is likely to bring the Parole Board into disrepute.
- 6.7 Blogging by Parole Board members is not prohibited, but Parole Board Members who blog (or who post comments on other people's blogs) must not identify themselves as members of the Parole Board. You must also avoid expressing opinions which, were it to become known that you are a member of the Parole Board, could damage public confidence in your own impartiality or in the Parole Board in general.

## **7 Professional Behaviour**

### **General Duties**

- 7.1 You must act at all times in good faith, observing the highest standards of professionalism, impartiality, integrity and propriety.
- 7.2 You should deal with all Parole Board users including prisoners, witnesses, victims, advocates, NOMS staff, other Parole Board members and Parole Board staff fairly and with appropriate sensitivity. You must not act in a way that calls into question your impartiality and independence or favours or discriminates against particular individuals or interests.
- 7.3 You should ensure that your communications with all Parole Board users are professional and courteous.
- 7.4 You should work within Rules governing, and guidance issued, by the Parole Board.



## **Professionalism**

- 7.5 It is your professional duty to do what you reasonably can to equip yourself to discharge your duties as a Parole Board member with a high degree of competence. This includes:
  - 7.5.1 Developing and applying a working knowledge of the legal framework and procedures within which the Parole Board operates.
  - 7.5.2 Taking reasonable steps to maintain and enhance your knowledge and skills necessary for the proper performance of your duties as a Parole Board member. This includes keeping abreast of changes in guidance and practice as may be issued by the Parole Board from time to time.
  - 7.5.3 Participating as required in performance appraisals and in training and development activities identified as necessary to meet and maintain required standards.
  - 7.5.4 Complying with the minimum time commitment set out in your terms of appointment and not exceeding reasonable time commitments that could adversely impact on the quality and timeliness of your Parole Board work.

## **Impartiality**

- 7.6 You must act impartially between all parties in Parole Board proceedings and promote equality of treatment in all aspects of your work.
- 7.7 You must take all reasonable steps to ensure procedural fairness. This includes:
  - 7.7.1 Providing reasonable opportunities, within appropriate time constraints, for all parties to make representations on issues which are relevant to your decisions.
  - 7.7.2 Taking reasonable steps to ensure that evidence is disclosed to all parties, save where a decision has been made in accordance with Parole Board Rules, to withhold disclosure from a specific party.
  - 7.7.3 Providing reasons for your decisions which are consistent with the Parole Board reasons framework and which adequately reflect the evidence that has been relied upon to reach a decision.

- 7.8 You must ensure that your conduct maintains and enhances the confidence of the parties in Parole Board proceedings and the public in the impartiality of Parole Board members. You must ensure that your conduct does not undermine your individual independence or the independence of the Parole Board.
- 7.9 In your conduct as a Parole Board member, you should consider the perception of a fair-minded and informed observer. If circumstances are present in a particular case which may give rise to a suggestion of bias, or appearance of bias, they should be disclosed to the parties in good time before a hearing so that appropriate action can be taken.

### **Integrity**

- 7.10 Your conduct, during and outside Parole Board hearings, should uphold the status of the Parole Board, the confidence of the parties in Parole Board proceedings and the confidence of the public in general in the integrity of the Parole Board and its membership.
- 7.11 You should at all times respect the dignity of Parole Board users (including prisoners, witnesses and advocates), members and staff.
- 7.12 You should ensure that, in the course of your work as a Parole Board member, you do not display bias or prejudice on grounds of race, ethnic or national origin, colour, gender, religion, caste, disability, age, marital status, sexual orientation, social and economic status or other like characteristics. Nor should you allow any such bias or personal views to affect your decision making.
- 7.13 In making arrangements for and conducting hearings, you should take all reasonable steps to ensure that parties and witnesses are given an equal opportunity to participate to the best of their ability and are not unfairly disadvantaged by, for example disability, mental health difficulties or limitations of language or intellectual ability.

### **Propriety**

- 7.14 You should, in your personal relations with advocates or witnesses who frequently appear before you in parole hearings, avoid situations which might reasonably give rise to a suspicion or appearance of favouritism or partiality.
- 7.15 You should not participate in the determination of a case in which any member of your family represents a prisoner or is associated in any manner with the case.

- 7.16 You should not allow your family, social or other relationships improperly to influence your judicial conduct as a Parole Board member.

## **8 Preparing For and Conducting Parole Board Hearings**

- 8.1 You must take all reasonable steps to prepare effectively for parole hearings in which you are participating as a Parole Board member. This includes reading relevant papers, directions and communications relating to a case in which you are involved.
- 8.2 You must take all reasonable steps to ensure that proceedings in which you are participating as a Parole Board member are structured appropriately in accordance with Parole Board guidance and training. This is primarily the responsibility of panel chairs but all panel members have a collective duty in this regard.
- 8.3 You must take all reasonable steps to ensure that proceedings in which you are participating as a Parole Board member and actions you take in relation to those proceedings, are transparent. For example, communications (by email or in person) with one party to proceedings should be open and shared with the other party unless there is a lawful reason for withholding information from a particular party.
- 8.4 You must take all reasonable steps, within reasonable time constraints, to ensure that sufficient, relevant evidence is adduced to enable you to make, or contribute to making, a decision in each case and to ensure that the prisoner has a fair hearing. This is primarily the responsibility of panel chairs but all panel members have a collective duty in this regard.
- 8.5 The Parole Board operates within resource constraints and you should ensure that hearings are conducted effectively, efficiently and that questioning is proportionate and relevant.
- 8.6 You are entitled to question witnesses about relevant matters that can reasonably be expected to be within their experience or knowledge and are entitled to expect that witnesses are adequately prepared to answer questions relevant to the matters at issue. Where there are disputed facts or aspects of the case which are challenged, it may be necessary to pursue or permit a robust form of questioning but you should ensure that parties, witnesses and advocates are treated with courtesy and respect.
- 8.7 You must refrain from questioning in a manner which would objectively be regarded as hectoring or bullying and from asking questions or making comments which are inappropriate or irrelevant to the issues you need to explore in order to make an assessment of risk and a decision in any given case.

## **Timeliness of decisions**

- 8.8 The Parole Board has a legal duty to provide decisions concerning prisoners within stipulated periods of time. For example, section 26(1)(c) of the [Parole Board Rules 2011](#) requires decision letters to be provided to the parties no more than 14 days after the hearing. It is your duty to manage your work in such a way that you enable the Parole Board to discharge its legal duties to meet such deadlines.
- 8.9 If you are the chair of the panel you must ensure that you allow any co-panellists adequate time to comment on the draft decision letter in advance of the 14 day deadline for the letter to be provided to the parties. This should also include allowing time for the case manager to receive, process and distribute the letter.

## **9 Responsibilities towards Parole Board Staff**

- 9.1 You must treat any staff employed by the Parole Board with courtesy and respect. Parole Board staff are expected to treat you with the same courtesy and respect. A failure to do so is likely to be a breach of their own Code of Conduct.
- 9.2 You must not ask or encourage Parole Board staff to act in any way which would conflict with their own Code of Conduct.

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