

# Member Code of Conduct

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## Document History

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## 1. **Introduction**

- 1.1 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.

The 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:

- Member Terms of Appointment
- Member Competency Policy and Procedure
- Member Conduct Policy
- Member Re-Appointment Policy
- Member Administrative Policies and Processes (MAPP)
- [Current practice guidance](#).

The [Complaints Procedure](#), Member Conduct Policy, and/or the Member Competency Policy and Procedure will be followed when there are allegations of a breach of the Code of Conduct.

The Code of Conduct cannot be applied to any judicial decision made by the Parole Board, but it does apply to conduct throughout the case review period.

### SCOPE OF THE CODE OF CONDUCT

- 1.2 This Code of Conduct relates exclusively to Parole Board Members. The Code is a Public Document, published on the Parole Board website. It is also provided to members of the public on request. As a statutory officeholder, Members' behaviour and actions must be governed by the principles set out in this Code of Conduct. It is members' responsibility to ensure that they are familiar with, and comply with, all the relevant provisions of the Code.
- 1.3 Parole Board Committee Members, including Management Committee, Audit and Risk Committee, Standards Committee and Review Committee members have separate Terms of Appointment which govern those roles in addition to their responsibilities to comply with this Code of Conduct.
- 1.4 This Code of Conduct is intended to be consistent with the [Cabinet Office's Code of Conduct for Board Members of Public Bodies](#) (2019). 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.

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

- 2.1 The Parole Board is an independent body whose statutory 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. To do this, panels apply the codified public protection test when making a decision about release. The Parole Board exercises judicial functions, 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.
- 2.2 The Parole Board also:
- Offers advice to the Secretary of State on whether the risk presented by a prisoner is sufficiently low that it can be managed in open prison conditions
  - Receives referrals for consideration to terminate an Imprisonment and Detention for Public Protection (IPP/DPP) licence for eligible cases, and referrals for licence variation requests.
- 2.3 Parole Board Members must make an objective, fair and lawful assessment of evidence in each individual case when discharging the Parole Board's duties and exercising its functions.
- 2.4 The purpose, powers and duties of the Parole Board should inform members of their actions and decisions.

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

- 3.1 As statutory officeholders and public appointees, Parole Board Members are subject to the Nolan principles of public life.<sup>1</sup> These are:
- i) **Selflessness** - Members should take decisions solely in terms of the public interest. Members should not do so in order to gain financial or other material benefits for themselves, their family or their friends.
  - ii) **Integrity** - Members should not place themselves under any financial or other obligation to outside individuals or organisations that might, or might be perceived to, influence them in the performance of their official duties.
  - iii) **Objectivity** - In carrying out public business, including awarding contracts and recommending individuals for rewards and benefits, members should make choices on merit.
  - iv) **Accountability** - Members are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate for their office.

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<sup>1</sup> These are also known as the [Seven Principles of Public Life](#).

- v) **Openness** - Members should be as open as possible about the decisions and actions that they take. Members should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi) **Honesty** - Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii) **Leadership** - Members should promote and support these principles by leadership and example.

3.2 These principles should inform members in their actions and decisions as a Parole Board member.

3.3 In addition to the above principles, Parole Board Members should also conduct themselves in a manner consistent with the Parole Board's core values of honesty, integrity, impartiality and objectivity.

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

##### Use of public funds

4.1 Members 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 Members must take appropriate measures to ensure that the Parole Board uses resources efficiently, economically and effectively, avoiding waste and extravagance.

##### Allowances

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

##### Gifts and hospitality

4.4 Members must not accept any gifts or hospitality which might, or might reasonably appear to, compromise their personal judgement or integrity or place them under an improper obligation.<sup>3</sup>

4.5 Members must never canvass or seek gifts or hospitality.

4.6 Members should inform the Chief Operating Officer (COO) of any offer of

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

<sup>3</sup> There are exceptions to this rule for gifts which are generally seen as inexpensive and hospitality in the form of refreshments during meetings.

gifts or hospitality.

- 4.7 Members are responsible for their 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 Members must not misuse Parole Board resources for personal gain or for political purposes.<sup>4</sup> Use of such resources must be in line with the Parole Board's rules on their usage.
- 4.9 Members should not use equipment (including IT equipment), assets, facilities or property provided by the Parole Board for other purposes without express permission, nor for purposes which could bring the Parole Board into disrepute.

#### Use and Disclosure of information

- 4.10 Members must not misuse information gained in the course of their work for the Parole Board, either knowingly or when they should have known, for personal gain or political purpose.<sup>5</sup>
- 4.11 Members must not disclose any information which is confidential in nature or which is provided in confidence without authority. This duty continues after members 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 Officer (CEO).
- 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 on General Data Protection Regulation (GDPR) can be found here: [Information Assurance](#). Information Assurance is covered in [MAPP](#).
- 4.14 Any contacts from the media or requests for media or social media engagement (including podcasts) should be directed to the COO who may delegate to the Head of Communications.<sup>6</sup>
- 4.15 Parole Board Members must not act as unofficial spokespeople for the Parole Board. The [Policy for Member Publications](#) is contained in [MAPP](#) and provides further information on expectations of members regarding

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<sup>4</sup> This includes facilities, equipment, telephony and other services.

<sup>5</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.

<sup>6</sup> The Policy for Member Publications contains more detail on expectations on public debate and media engagement ([MAPP](#)).

publications, publicity and engagement with the media.

- 4.16 Members must not agree to represent or officiate on behalf of the Parole Board at any event unless permission has been given by the Head of Communications or the COO.
- 4.17 If, in the course of their work, members come across something that they think is fundamentally wrong, illegal or endangers others within the Parole Board or the public, they must raise their concern using the Parole Board's Whistleblowing and Raising a Concern Policy contained in [MAPP](#).

#### Political activity

- 4.18 In their public role, members should be, and be seen to be, politically impartial. They should not occupy a paid party-political post or hold a particularly sensitive or high-profile role in a political party. They should abstain from all controversial political activity<sup>7</sup> and comply with Cabinet Office rules on attendance at Party Conferences<sup>8</sup> which states that attendance in an official capacity should only be an exceptional circumstance. In all the circumstances, political activity by members should not bring the Parole Board into disrepute.
- 4.19 If members intend to stand as a Member of Parliament, they will be required to resign from their role as a Parole Board Member. If they are not elected, they may request re-instatement, which will be subject to ministerial approval.
- 4.20 On matters directly related to the work of the Parole Board, members should not make political statements or engage in any other political activity. In their official capacity, members should be even-handed in all dealings with political parties.
- 4.21 Subject to the above, members may engage in local community or parish political activity but should, at all times, remain conscious of their responsibilities as a Parole Board Member and exercise proper discretion. Members should inform and seek guidance from the CEO, who may escalate to the Parole Board Chair before undertaking any significant political activity.

#### Employment and appointments

- 4.22 If members wish to take up new employment or appointments during their tenure, they must ensure that this is in line with the terms of their appointment. Members must consider whether this might result in a conflict of interest or otherwise compromise their ability to fulfil their obligations as set out in their terms of appointment. Advice may be sought from the COO who may delegate to the Head of Capability.

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<sup>7</sup> This does not include work as a Local Councillor. However, members 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 their role as a Parole Board Member.

<sup>8</sup> [www.cabinetoffice.gov.uk/content/public-bodies-and-appointments](http://www.cabinetoffice.gov.uk/content/public-bodies-and-appointments).

## 5. **Conflicts of Interest**

- 5.1 Members must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties as a Parole Board member and their private interests, financial or otherwise. Members must also ensure that no conflict of interest arises, or could reasonably be perceived to arise, in their conduct of casework or decision-making.
- 5.2 Using the form in [Annex A](#) members must annually declare any personal or business interests (including other public appointments or employments) which may conflict with their responsibilities during their appointment.<sup>9</sup> A member must provide an honest account of any real or perceived conflicts of interest as per the Nolan Principles set out in section three.
- 5.3 The Member Engagement Team will invite members to provide and update their declarations annually. If something changes or has the potential to change before then, the member has the responsibility to inform the Member Engagement Team.
- 5.4 There are a limited number of roles and situations that are prohibited if you are appointed as a Parole Board Member. These include:
  - Employment as a Civil Servant, by the Prison Service, or by the Police Service
  - Being an elected official
  - Appearing on “both sides” of the table i.e. representing a prisoner in a Parole Board hearing or acting as a witness in a Parole Board hearing.
- 5.5 Each declaration will be looked at on its merit on an individual basis. Any personal or business interests should be reported at the earliest opportunity during the recruitment process or during the tenure (should the conflict arise after the start of the appointment).
- 5.6 Declarations that will warrant further investigation as they may give rise to a conflict, the perception of conflict or appearance of bias, include (but are not limited to):
  - Previous involvement or knowledge of a prisoner or the case
  - Employment and receiving a salary, or in receipt of fees but excluding pension, from organisations which manage or represent offenders
  - In a Learning and Development or training role which teaches about the Parole Board process to the Probation service, Police or Prison service that has not been arranged by the Parole Board.
  - In a paid or voluntary position for any organisations that lobby on behalf of prisoners or victims, their families or other linked associations.
- 5.7 Upon completion of the form in Annex A, the Member Engagement Team will assess the potential risk to the reputation of the Parole Board.

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<sup>9</sup> Please see MAPP for expectations of Former Active Members (FAM). FAMs of the Parole Board are expected to maintain the same high standards of conduct as current members.

Consideration will be given to the real risk and its mitigation.

- 5.8 Where a real or perceived conflict is considered, the Director of Strategy and Corporate Services<sup>10</sup>, will liaise with the member to find a workable solution to resolve the real or perceived conflict.
- 5.9 Members are not precluded from participating in cases in which they have had previous professional or personal involvement, or who work in potentially conflicting organisations. However, where a member chooses to continue in a situation or role that is considered a real or perceived conflict to the Parole Board, the member may:
- Recuse themselves from relevant Parole Board case work as per the [Oral Hearing guidance](#), and/or
  - Be removed from future MCA, Duty Member or oral hearing listings
- 5.10 Members should not participate in the determination of a case in which any member of their close family or spouse/ domestic partner represents a prisoner or is associated in any manner with the case.
- 5.11 It is the member's responsibility to ensure that they are familiar with and update the Member Engagement Team to comply with these rules on handling conflicts of interest.
- 5.12 Advice on any aspect of conflict of interest may be sought from [Legal&PracticeQueries@ParoleBoard.gov.uk](mailto:Legal&PracticeQueries@ParoleBoard.gov.uk).

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

- 6.1 Members must not bring the Parole Board into disrepute or behave in such a way that is likely to bring the Parole Board into disrepute. This includes public criticism of Parole Board policies and procedures.
- 6.2 Members must not use, or attempt to use, their position as a Parole Board Member to promote personal interests or those of any connected person, firm, business or other organisation.<sup>11</sup>

### **Notification Duties**

- 6.3 Members must notify the CEO of anything in their public or personal life which may affect their position or may reflect on the standing and reputation of the Parole Board. The CEO may escalate to the Parole Board Chair or delegate to the COO.
- 6.4 Members must notify the CEO immediately in the event they are arrested or subject to any criminal proceedings other than parking or minor traffic offences without aggravating circumstances. If a member is unsure whether they should report an offence they should seek advice from the

<sup>10</sup> Who can delegate to the Head of Corporate Services.

<sup>11</sup> There is a Policy for Member Publications in [MAPP](#).

CEO. The CEO may escalate to the Parole Board Chair or delegate to the COO.

- 6.5 Members must notify the CEO if they are the subject of any disciplinary proceedings by any professional body to which they belong; or if they get into serious financial difficulties particularly where legal proceedings are or are likely to be initiated. The CEO may escalate to the Parole Board Chair or delegate to the COO.

### Social Networking

- 6.6 The use of social networking is a matter of personal choice, but it should not be used by Parole Board Members to comment on specific cases or people in social media posts. Social media should not be used in a manner that is likely to bring the Parole Board into disrepute or be likely to be perceived as a conflict of interest.
- 6.7 The Policy for Member Publications Policy in [MAPP](#) provides further guidance on expressing views in the public domain.

## **7. Professional Behaviour**

### General Duties

- 7.1 Members must act at all times in good faith, observing the highest standards of professionalism, impartiality, integrity and propriety.
- 7.2 Members should deal with all Parole Board users including prisoners, witnesses, victims, advocates, HM Prison and Probation Service (HMPPS) staff, other Parole Board Members and Parole Board staff fairly and with appropriate sensitivity. Members must not act in a way that calls into question their impartiality and independence or favours or discriminates against particular individuals or interests.
- 7.3 Members should ensure that their communication with other Parole Board Members is always respectful, and all Parole Board users are communicated with professionally and courteously.
- 7.4 Members are expected to sit with the other allocated panel members and behave with courtesy, respect and professionalism, including when there are differing views on a case or witnesses.
- 7.5 Members should work within the Rules governing, and guidance issued by, the Parole Board.
- 7.6 Members are expected to engage fully with any procedures into member conduct and/ or standards.

### Professionalism

- 7.7 It is a member's professional duty to do what they reasonably can to equip themselves to discharge their duties as a Parole Board Member with a high degree of competence. This includes:
- 7.7.1 Developing and applying a working knowledge of the legal framework and procedures within which the Parole Board operates.
  - 7.7.2 Taking reasonable steps to maintain and enhance their knowledge and skills necessary for the proper performance of their duties as a Parole Board Member. This includes keeping abreast of changes in guidance and practice and engaging in Continuous Professional Development (CPD). Members can find more detail on expected CPD activities in [MAPP](#).
  - 7.7.3 Participating as required in quality and standards programmes and in training and development activities identified as necessary to meet and maintain required standards.
  - 7.7.4 Complying with the minimum time commitment set out in their terms of appointment and not exceeding reasonable time commitments that could adversely impact on the quality and timeliness of their Parole Board work.

#### Impartiality

- 7.8 Members must act impartially between the parties in Parole Board proceedings and promote equality of treatment in all aspects of their work.
- 7.9 Members must take all reasonable steps to ensure procedural fairness. This includes:
  - 7.9.1 Providing reasonable opportunities, within appropriate time constraints, for both parties to make representations on issues which are relevant to their decisions.
  - 7.9.2 Taking reasonable steps to ensure that evidence is disclosed to both parties, save where a decision has been made in accordance with Parole Board Rules, to withhold disclosure from a specific party.
  - 7.9.3 Providing reasons for their decisions which are consistent with the Parole Board's [Decision Writing Guidance](#) and [Decision-Making Framework](#) and which adequately reflect the evidence that has been relied upon to reach a decision.
- 7.10 Members must ensure that their conduct maintains and enhances the confidence of the parties in Parole Board proceedings and the public in the impartiality of Parole Board Members. They must ensure that their conduct does not undermine their individual independence or the independence of the Parole Board.
- 7.11 Members should not make any public criticism of Parole Board policies or processes and must not express any political views.
- 7.12 In their conduct as a Parole Board Member, members 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. More information on conflict of interest can be found in of [MAPP](#).

### Integrity

- 7.13 Member 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.
- 7.14 Members should, at all times, show respect to all Parole Board users including prisoners, witnesses, victims and representatives, other members and staff.
- 7.15 The Board is bound by the Public Sector Equality Duty. Members should ensure that, in the course of their work as a Parole Board Member, they do not display bias or prejudice on grounds of any protected characteristics or similar personal characteristics. Nor should they allow any such bias or personal views to affect their decision making. More information on this can be found in the [Protected Characteristics guidance](#).
- 7.16 The Parole Board has a duty under the Equality Act 2010 to make reasonable adjustments, including when making arrangements for oral hearings. Proceedings should not unfairly disadvantage any attendee.
- 7.17 In making arrangements for and conducting hearings, members 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

- 7.18 Members should, in their personal relations with representatives, prisoners or witnesses who frequently appear before them in parole hearings, avoid situations which might reasonably give rise to a suspicion or appearance of favouritism or partiality.
- 7.19 Members should not allow their family, social or other relationships improperly to influence their judicial conduct as a Parole Board Member.

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

- 8.1 Members must take all reasonable steps to prepare effectively for parole hearings in which they are participating as a Parole Board Member. This includes reading relevant papers, directions and communications relating to a case in which they are involved.

- 8.2 Members must take all reasonable steps to ensure that proceedings in which they are participating in 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. Information on expectations for attending hearings remotely is detailed in the [Oral Hearing guidance](#).
- 8.3 Members are also expected to have a satisfactory internet connection for participating in remote hearings.
- 8.4 Members must take all reasonable steps to ensure that proceedings in which they are participating as a Parole Board Member and actions they 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.
- 8.5 Members must take all reasonable steps, within reasonable time constraints, to ensure that sufficient, relevant evidence is adduced to enable them 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.
- 8.6 The Parole Board operates within resource constraints, and they should ensure that hearings are conducted effectively, efficiently and that questioning is proportionate and relevant to the issues in the case, where they require more detail to enable them to make an assessment of the prisoners' risk.
- 8.7 Members 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 members should ensure that parties, witnesses and representatives are treated with courtesy and respect.
- 8.8 Members are entitled to question any witness about any relevant area relating to risk and to pursue a line of questioning. The nature of the questions asked, use of body language and tone of voice should be used only to illicit best evidence. It is never appropriate to humiliate or harass a witness.
- 8.9 Members must notify the COO of any areas of the parole review that become problematic that relate to wider systematic problems which are not case specific. The COO may delegate to Director of Operations.

*Timeliness of decisions*

- 8.10 The Parole Board needs to provide decisions concerning prisoners within stipulated periods of time. This requirement comes from both the Parole Board Rules and Parole Board policy. It is the members duty to manage their work in such a way that they enable the Parole Board to discharge its legal duties to meet such deadlines. The deadline in the Rules should not be deviated from unless there is a good reason as this is an unfair delay to the prisoner/parties awaiting the decision.
- 8.11 If a member is the chair of an oral hearing panel, they must ensure that they allow any co-panellists adequate time to comment on the draft decision in advance of the 14-day deadline for the decision to be provided to the parties. This should also include allowing time for the case manager to receive, process and distribute the written decision.

**9. Responsibilities towards Parole Board Staff**

- 9.1 Members must treat all staff at the Parole Board with courtesy and respect. Parole Board staff are expected to treat members 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 Members must not ask or encourage Parole Board staff to act in any way which would conflict with their own [Code of Conduct](#).

**Annex 1: Parole Board Conflict of Interest Declaration Form**  
**Instructions**

**Not all relationships that you may have with a party or witness to parole proceedings will create a conflict of interest.**

This form is designed to help you identify the connections you do have with parties and witnesses or organisations that could give rise to a real or perceived conflict of interest.

**In a two-step process you are asked to:**

- A. Declare all relationships or links to any of the parties or witnesses in parole proceedings or organisations that may conflict
- B. Consider whether you think you might be conflicted as a consequence of these and explain the reasons why you think there is a possible real or perceived conflict.

**Identifying Possible Conflicts:**

For each connection listed, consider: **“Is there a real possibility that this connection could reasonably be perceived as affecting my objectivity in decision-making?”** A conflict is more likely where there is:

- a family or personal relationship
- a close professional relationship
- a financial interest or benefit
- receipt of significant gifts or hospitality
- any other connection that could be perceived as influencing your judgement. Simply knowing someone in a professional or social context is unlikely, on its own, to create a conflict.

If you do think that there might be a conflict, record details and explain why you think that the nature of this connection might require action to be taken.

### **What happens next?**

The Director of Strategy and Corporate Services, or delegated to the Head of Corporate Services, will review your declaration, and may arrange a call to discuss it with you.

#### **Member name:**

| <b>Name of individual or organisation</b> | <b>Relationship or connection</b> | <b>I think I'm conflicted because...</b> | <b>Proposed mitigation</b> |
|-------------------------------------------|-----------------------------------|------------------------------------------|----------------------------|
|                                           |                                   |                                          |                            |
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**Signed:**

**Date:**

