



# **CODE OF CONDUCT FOR BOARD MEMBERS**

**March 2023**

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## **Introduction and Purpose**

1. The public expects exemplary standards of behaviour from those serving on the Boards of public bodies when discharging their duties. This Code sets out the standards of conduct expected from all members of the Probation Board for Northern Ireland ('the Board'). This Code will form part of a member's terms of appointment.
2. It will be the responsibility of every member of the Board to ensure they are familiar with and comply with all relevant provisions of this Code. It should be read in conjunction with the statutory duties contained the Probation Board (Northern Ireland) Order 1982 (hereafter called "the 1982 Order"), other relevant legislation, The Code of Conduct for Board Members of Public Bodies<sup>1</sup> as well as the Board's Standing Orders and the MSFM (Management Statement and Financial Memorandum). In discharging their responsibilities, Board Members to ensure that Ministerial or Departmental aims and objectives are considered.
3. The purpose of the Code is to establish and publish a common set of ethics, values and standards of integrity and behaviour for all Board members. The Code will promote and maintain public confidence and trust in the Board, its members and probation more generally.

## **Standards of Conduct and Behaviour**

4. In carrying out their responsibilities members, like others who serve the public, must follow the Seven Principles of Public Life, published by the Cabinet Office. For ease of reference, they set out in the box below. These guiding principles should inform all members' actions and decisions when discharging their public duties as members of the Board. Members should also comply with PBNi's values.

### **The Seven Principles of Public Life**

#### **The 'Nolan' Principles**

The Seven Principles of Public Life (also known as the Nolan Principles) apply to anyone who works as a public office-holder. This includes all those who are elected

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<sup>1</sup> [FD \(DFP\) 04/14 \(Attachment\) - Code of Conduct for Board Members - NI version - April 2014 \(finance-ni.gov.uk\)](#)

or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public officeholders are both servants of the public and stewards of public resources. The principles also apply to all those in other sectors delivering public services.

### **1 Selflessness**

Holders of public office should act solely in terms of the public interest.

### **2 Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

### **3 Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

### **4 Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

### **5 Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

### **6 Honesty**

Holders of public office should be truthful.

### **7 Leadership**

Holders of public office should exhibit these principles in their own behaviour and treat others with respect. They should actively promote and robustly support the principles and challenge poor behaviour wherever it occurs.

5. Members are expected to conduct themselves in accordance with this Code **at all times** and seek to uphold PBNI's values, set out below. The expectation is that by doing so, they will not draw criticism of their behaviour or in any way bring themselves, the Board or the probation service into disrepute. The key test will be whether the behaviour has undermined public confidence – or the potential to do so – in the credibility of PBNI. If a member is under misconduct, disciplinary or criminal investigation, or is arrested or convicted, they must report these circumstances, without delay, to the Board Chair. The Board Chair will consider whether there has been a breach of this Code<sup>2</sup>, irrespective of whether the investigation results in a prosecution.

### **PBNI Values**

**Respect** - We will treat everyone with respect and dignity at all times and value diversity and differing viewpoints.

**Integrity** - We will act in a way that engenders trust with all. We will be honest in what we say and do.

**Openness** - We will encourage people to speak up and make suggestions about practice and we will be open about our decision making.

**Accountability** - We will be accountable for our decisions and actions.

### **General Conduct**

6. The following paragraphs set out the general conduct and standards expected from members.

#### **Responsibilities towards PBNI Officials**

7. Members will be expected to treat anyone working within or for the Board, in any capacity, with courtesy and respect. It is expected that PBNI Officials will show you the same consideration in return.

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<sup>2</sup> See paragraph 24 et seq. of this Code on how possible breaches will be handled.

8. Members will neither ask nor encourage anyone working within or for the Board, in any capacity, to act in any way that would compromise their own professional ethics or PBNI's values. The proper channel of communication between members and officials in relation to any aspect of the Board's statutory functions is through the Chief Executive, or a Board official duly nominated by the Chief Executive to communicate with members in relation to a statutory function of the Board. Subject to the above, members must not seek to issue instructions to any PBNI official.

### **Use of Official Funds**

9. Members have a duty to ensure impartiality, integrity, and objectivity in relation to stewardship of public funds and the proper custody of assets which have been publicly funded.
10. Members must carry out your fiduciary obligations responsibly, taking appropriate measures to ensure that the Board manages resources efficiently, economically, and effectively, avoiding waste and extravagance.

### **Allowances**

11. Members must comply with the rules applicable to members regarding remuneration, including payment of allowances and expenses. It is individual member's responsibility to ensure compliance with all relevant HM Revenue and Customs' requirements concerning payments, including expenses. Expenses are subject to publication on PBNI's internet site and in the Annual Report and Accounts.

### **Gifts and Hospitality**

12. Members must not accept any gifts or hospitality which might, or might reasonably appear to, compromise personal judgment or integrity or place the member under an improper obligation. Members must not abuse their position as a Board member and never canvass or seek gifts or hospitality.
13. Individual 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 themselves or the Board into disrepute.
14. Where a gift or hospitality has been accepted, or even if it has been declined/returned, you should immediately notify the Board Chair and ensure that it is recorded in the PBNI's Gifts and Hospitality Register. This disclosure

requirement also relates to gifts/hospitality, which are presented to spouses, partners or other associates if it could be argued or perceived that the gift or hospitality is in fact for the benefit of the individual as a member of the Board.

15. The Gifts and Hospitality Register will be reviewed annually by the Board's Audit and Risk Assurance Committee.

### **Use of Official Resources**

16. Members must not misuse official resources for personal gain or for any political purposes. Use of such resources must be in line with the Board's policies and rules. 'Resources' in this context includes, but is not limited to, facilities, equipment, stationery, telephony and other services.

### **Use of Official Information**

17. Members must not misuse information gained in the course of their public service for personal gain or for political purpose. Members should be aware of the need to maintain high levels of confidentiality and to meet the obligations set out in the Official Secrets Acts 1911 to 1989 and to adhere to the General Data Protection Regulations Principles, which may apply. Unauthorised disclosure of any information gained as a Board member or its use by a member or others for personal advancement would be regarded as a grave breach of trust and may be regarded as misconduct under this Code.
18. All members must comply with the requirements of the Data Protection Legislation. Members must not disclose any information which is official sensitive/confidential in nature, or which is provided in confidence without authority. This duty continues to apply after members have left the Board or its Committees. All information, data and correspondence to which members have access as part of your Board duties, should be treated with an appropriate level of sensitivity irrespective of any Protected Marking that may or may not be in place.

### **Social Media**

19. Members should be mindful of the reputational risks inherent in the use of social media. If posting material, members should avoid bringing themselves, the Board or PBNi more generally into disrepute. Any controversial or negative public attention may be considered misconduct under this code.

## **Employment and Appointments**

- 20.** If a member takes up new employment or appointment during the term of office, the Board Chair must be informed without delay. This is important as it represents a change of circumstances since being appointed to the Board by the Minister.

## **Members' Interests**

- 21.** Members must comply with the Board's rules on handling conflicts – real or potentially perceived - of interest. As a minimum, these require individuals to declare any private interest that may, or may be perceived, to conflict with Board duties. As a rule, financial interests – of a direct or indirect nature - must be declared. The details of how to register interests is set out in Part 11 of the Standing Orders<sup>3</sup>.

## **Political Activity**

- 22.** If a member engages in political activity, it is important, at all times, to remain conscious of responsibilities to the Board and exercise appropriate discretion.

## **Confidentiality**

- 23.** Members must not disclose to any person, other than another member or an authorised Board official any information, whether written or verbal or electronically recorded, generated, or received in their capacity as a member. If disclosed to anyone else, it will be regarded as a breach of confidentiality and will be considered under the terms of this Code.

## **Breach of Code**

- 24.** If an incident occurs or if there is a complaint or concern raised against a member or if there is an allegation of a breach, it will be referred to the Board Chair in the first instance. The Board Chair will decide whether the matter is suitable for informal resolution. In reaching a conclusion, due cognisance must be taken of any guidance issued in this regard by the Department of Justice (DOJ).
- 25.** If informal resolution is appropriate, the Board Chair will undertake the necessary action. A record must be kept. It will be at the Chair's discretion whether to include a reference in the member's annual appraisal.

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<sup>3</sup> Paragraphs 11.6 and 11.7 of the Standing Orders cover the requirements for members who have financial and non-financial interests which may constitute a conflict.



- 26.** Informal resolution may not always be appropriate. Examples are:
- a. The breach is alleged to be of a serious nature with the potential to bring the Board or PBNI, more generally, into disrepute; or
  - b. Where there are repeated breaches of the Code; or
  - c. Where the member does not accept or agree that there has been a breach or is unwilling to cooperate with the informal resolution arrangements.
- 27.** If the alleged breach is regarded as serious or if it cannot be resolved informally, the following steps will be undertaken by the Board Chair:
- a. Report the incident or allegation to the DOJ (Grade 3 Sponsor Director) seeking a direction on whether further action is required, including whether the member should be required to step back from their role pending a final decision being taken.
  - b. Inform the member that the alleged breach of the Code is being investigated, If the DOJ requires any form of enquiry to be undertaken.
  - c. Undertake an appropriate enquiry into the alleged breach of the Code of Conduct to identify the facts surrounding the alleged incident or breach(es). This should include hearing directly from the member concerned.
  - d. Present the findings to the DOJ for consideration of further action as appropriate. The Board Chair should provide a report on the facts, as established, and a conclusion on whether there is an actual or potential to undermine public confidence in the credibility of PBNI. As members are appointed by the Minister of Justice, any decision to remove a member may only be taken by the Minister.<sup>4</sup>
- 28.** Any queries regarding the application of this Code should be directed in the first instance to the Board Chair

### **Review of Code**

- 29.** This Code of Conduct will be subject to review, in accordance with the policy review schedule or more often, if necessary, to ensure it continues to meet the Board's needs and remains appropriate.

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<sup>4</sup> Paragraph 3(4) of the Probation (Northern Ireland) Order 1982 states 'The Minister of Justice may at any time remove a person from office as a member if he is satisfied that he....is otherwise unable or unfit to discharge the functions of a member.'

<b>TITLE</b>
<b>Code of Conduct for Board Members</b>
<b>Conflicts of Interest Policy Members of Board</b>
<b>PBNI Policy on the Provision and Acceptance of Hospitality, Gifts and Events</b>
<b>PBNI Data Incident Procedures</b>
<b>PBNI IT and Email Policy</b>
<b>PBNI Freedom of Information Policy</b>
<b>PBNI Data Protection Policy</b>
<b>Standing Orders</b>
<b>MSFM (Management Statement Financial Memorandum)</b>

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<sup>5</sup> Copies of these policies and documents are available in the 'Resources' Section of 'DecisionTime'