

STATEMENT OF PRINCIPLES OF ETHICS AND BEHAVIOURS FOR MEMBERS OF THE PAROLE BOARD FOR SCOTLAND

FOREWORD

The Statement of Principles of Judicial Ethics and conduct for the Members of the Parole Board for Scotland is based closely on the Statement of Principles of Judicial Ethics for the Scottish Judiciary framed in 2010 by the Judicial Council for Scotland and revised in 2016.

The Statement gives guidance in the light of which members will make their own decisions. It does not provide an answer to every ethical question with which a member may be confronted. While it does not prescribe a code of conduct it does describe the kind of behaviours to be expected of Members in performing their duties. It incorporates all of the 9 key principles of conduct in public life.

It is hoped that the Statement will also inform the public, and interested parties with a closer connection to the parole process in Scotland of the principles by which members, who are, after all, judicial office holders are guided in their professional and private lives.

The Statement will be subject to review when necessary and in any event, every 5 years.

Chairperson
Parole Board for Scotland
November 2023

Table of contents

Introduction

The Scope of Application of This Statement of Principles

The Six Bangalore Principles

The “Nolan” Standards of Behaviour in Public Life

Judicial Independence

Impartiality

Integrity

Propriety

Equality

Competence and Diligence

INTRODUCTION

- 1 The Parole Board for Scotland is a court for the purposes of Articles 5(4) and 6(1) of the European Convention on Human Rights (ECHR). Members of the Board are judicial appointees and, as members of a court, are judges in that court. While the Members of the Parole Board for Scotland have an honourable tradition of the attainment of high standards of judicial conduct, that has been achieved without the benefit of written guidance. However, in recent years, written guidance has been developed in many other jurisdictions. Furthermore, a recognition of the need for such guidance in relation to judicial conduct has emerged in the international context with the development of the *Bangalore Principles of Judicial Conduct*, endorsed at the 59th session of the United Nations Human Rights Commission at Geneva in April 2003. Against this background, it is considered that it is now appropriate for such guidance to be available in Scotland. It is intended that, from time to time, it should be reviewed in the light of experience and changing circumstances.
- 2 In the development of these principles, importance has been attached to the components of the *Bangalore Principles* themselves and therefore acknowledgement is due to those responsible for their formulation. They have also been informed by the “Nolan” Standards of Behaviour in Public Life.
- 3 What follows is not intended to be prescriptive, rather, it is of the nature of guidance and should be seen as such. It is also hoped that it may draw to the attention of members areas of particular sensitivity. It is therefore not to be supposed that an answer to every ethical question by which a member may be confronted is to be found here. To achieve that would be impossible.

THE SCOPE OF APPLICATION OF THIS STATEMENT

- 4 Members of the Board are part time appointees and not full time judicial office-holders. It is considered that certain of the restraints that must be accepted by the holders of full-time judicial appointments cannot reasonably be imposed upon the holders of part-time appointments

- 5 There has been a tradition whereby Members of the Board have been regarded as free to have professional, commercial or party political involvement. The formulation of this Statement is not intended to alter that tradition.

- 6 Members must clearly understand, however, that any commercial, professional or political activity must not impinge upon the performance of their judicial function.

THE SIX BANGALORE PRINCIPLES

7 These are stated in this way:

- (1) Judicial independence is a pre-requisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.

- (2) Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.

- (3) Integrity is essential to the proper discharge of the judicial office.

- (4) Propriety, and the appearance of propriety, are essential to the performance of all of the activities of a judge.

- (5) Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.

(6) Competence and diligence are pre-requisites to the due performance of judicial office.

8 It will be appreciated that there may be some degree of overlap as between guidance derived from one of these principles and that derived from another. However, that is inherent in the scope of the principles. Nevertheless, it is considered that they constitute a clear focus for the arrangement of appropriate guidance.

THE 9 “NOLAN” STANDARDS OF BEHAVIOUR IN PUBLIC LIFE

9. These are stated in this way:

(1) Duty

Holders of public office have a duty to uphold the law and act in accordance with the law and the public trust placed in them.

(2) Selflessness

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

(3) 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.

(4) Objectivity

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

(5) Accountability and Stewardship

Holders of public office are accountable to the public for their decisions and actions to the public. They have a duty to consider issues on their merits, taking account of the views of others and must ensure that the public body uses its resources prudently and in accordance with the law

(6) 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.

(7) Honesty

Holders of public office should be truthful.

(8) 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.

(9) Respect

Holders of public office must respect fellow members of their public body and staff and the role they play treating them with courtesy at all times.

JUDICIAL INDEPENDENCE

10 Judicial independence is a cornerstone of our system of government in a democratic society and a safeguard for the freedom and rights of the citizen under the rule of law. That independence is not a reflection of the personal privilege of a member, but is the constitutional right and expectation of every citizen in a democracy. The judiciary, whether viewed as a whole, or as its individual members, must be and be seen to be independent of the legislative

and executive arms of government. The relationship between the judiciary and the other arms of government, however, should be one of mutual respect, each recognising the proper role of the others. Accordingly, members should always take care that their conduct, official or private, does not undermine their institutional or individual independence, or the public appearance of that independence. Members themselves should be vigilant to identify and resist any attack upon that independence, by whomsoever or by whatever means.

- 11 Judicial independence implies that any member shall exercise the judicial function on the basis of the member's own assessment of the facts of the case, in accordance with a conscientious understanding of the law, and without reference to any extraneous influences, whether inducements, pressures, threats, or other interference, direct or indirect, from any quarter, or for any reason. Thus a member should be immune to the effects of publicity, whether favourable or unfavourable. However, that does not mean being immune to an awareness of the profound effect that judicial decisions may have, not only upon the lives of prisoners and their families, victims and their families but sometimes upon issues of great concern to the public in general.
- 12 For any member, consultation with colleagues when points of difficulty arise is of great assistance and important in the maintenance of standards. However, in actually performing judicial duties, the member must be independent of colleagues and is solely responsible for his or her own decisions, which that member is obliged to make independently, even when sitting with other members. In the latter situation, the member may contribute to a collective decision, dissent from it, or express his or her own opinion, as the case might be.
- 13 Many aspects of the administration of justice and the functioning of the judiciary are the subject of public consideration and debate in a range of contexts. Appropriate judicial contribution to this consideration and debate may be desirable. It may contribute to the public understanding of the administration of justice and to public confidence in the judiciary. However, care should be exercised to ensure that such contribution remains within proper bounds. In this

connection, it should be borne in mind that a member should avoid involvement in political controversy, unless the controversy itself directly affects the operations of the Board, the independence of the Board and its members, or the administration of justice in relation to parole. It should also be appreciated that the place at which, or the occasion on which a member speaks may cause the public to associate the member with a particular organisation, interest group, or cause, which is to be avoided.

- 14 If a Member feels that they must contribute then such contribution should be very carefully framed to make it abundantly clear that they are speaking on their own behalf and not on behalf of the Board.
- 15 Members may hold conflicting views on such matters. In these circumstances, the expression of a collective viewpoint is the preferable course, and in order to avoid the damaging effect of open controversy among members, that viewpoint should be expressed by the Chairperson of the Board.
- 16 A decision may attract unfair, inaccurate or ill-informed comment, or criticism, which may reflect upon the competence, integrity or independence of a member or the Board. However, a member, or panel of members should never comment publicly upon his, her or their own judgment, even to clarify supposed ambiguity in it, save where authorised by statute to do so. Should a public response be appropriate it will come from the Chairperson of the Board.
- 17 There is no reason why a member should not accept appointment to a governmental committee or commission. It is consistent with judicial office for any member to serve in these capacities if the reason for the appointment is the need to harness to the task in question the special skills or knowledge which a member possesses, but he or she should not accept such an appointment where it is considered that the purpose sought to be served by it is to lend the respectability of the office of a member, or the reputation of the holder, to some political end not acceptable to the public as a whole. The Chairperson of the Board should always be consulted.

18 While attempts to corrupt members are so far unknown in this jurisdiction, a member should be circumspect in the acceptance of any gift, hospitality, or favour from any private source. Where the benefit sought to be conferred upon the member is not commensurate with an existing family or social relationship between him or her and the donor, or host, it should normally be declined. However, it is recognised that a member may, from time to time, legitimately be entertained by legal, professional or public organisations or office-holders, in furtherance of good relations between them and the Board as a whole, or representatives of it. Furthermore, nothing said here should be understood as inhibiting members from accepting invitations to give lectures, addresses, or speeches of a non-legal nature at dinners, or other occasions, or, in such an event, from accepting commensurate hospitality, tokens of appreciation for their efforts, or appropriate expenses of travel or accommodation.

IMPARTIALITY

19 Members have a duty to uphold the law and act in accordance with the law and the public trust placed in them, to make decisions objectively and solely on the evidence and in the public interest and the interests of fairness and not to act in order to gain financial or other material benefits for themselves, their family or their friends.

20 They must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties and must ensure that the Parole Board uses its resources prudently and in accordance with the law.

21 Members have a duty to observe confidentiality in relation to the information before them at a hearing. It is therefore difficult to be open about their decisions and actions, or to give reasons to the public at large for their decisions. Where possible and in the public interest, as much openness as the law permits is to be encouraged.

- 22 A member should strive to ensure that his or her conduct, both in and out of parole hearings, maintains and enhances the confidence of the public, victims and witnesses, the legal profession and parties in the impartiality of the member and the Board. Because a member's primary task and responsibility is to discharge the duties of office, it follows that he or she should, so far as is reasonable, avoid extra-judicial activities that are likely to cause the member to have to refrain from sitting in a case, because of a reasonable apprehension of bias, the appearance of possible bias or because of a conflict of interest that would arise from the activity. Thus, for example, a member should take care about the place at which and the occasion on which he or she speaks publicly, so as not to cause the public to associate the member with, or create the perception of partiality towards, any particular organisation, group, or cause. If a member is in doubt about the appropriateness of involvement in any particular extrajudicial activity, it will be prudent to consult the Chairperson of the Board.
- 23 A member should be aware that extra-judicial activities referred to above extend to their online presence. A member should be wary of publishing online more personal information than is necessary. Members are advised not to sign up to social media sites such as Facebook or twitter and should exercise extreme caution in discussing both judicial and personal matters. Should a member engage in online communication the member should be aware that online discussions are not private, comments can be copied and have an unintended longevity. The spread of information and technology means that it is increasingly easy to undertake 'jigsaw' research which allows individuals to piece together information on a member from various independent sources. Members are directed to the Board's Acceptable Use of Technology policy which is at Annex A.
- 24 Plainly it is not acceptable for a member to adjudicate upon any matter in which he, or she, or any members of his or her family has a pecuniary interest. Furthermore, he or she should carefully consider whether any hearing in which he or she is involved may involve a decision which itself may affect his or her personal interest in some different context, or that of a member of his or her family, or the interest of any business in which a member may be involved. It

may be that the pecuniary interest which a member, or a member of his or her family, may possess in the outcome of some particular case is so limited that the parties or others with a legitimate interest, such as victims, would have no objection to the member taking part in the hearing. An example of such an interest might be the holding of shares, or having an interest in a business, which is involved in provision of services to offenders, or, perhaps, victims, in the community. In such a case, it may be reasonable for the interest to be declared, thus affording parties and third parties with a legitimate interest the opportunity of objecting to his or her involvement in the case. Where there is no objection to such an interest, then, normally, the interest declared can thereafter properly be ignored. On the other hand, there may be exceptional circumstances in which a declared interest, to which parties and relevant third parties do not object, is nevertheless of such a nature as to cause the member to decline to be involved, although it is thought that such situations will be rare.

- 25 Where there exists some reason, apart from pecuniary interest, why a member should not handle a case on its objective merits, or may reasonably appear to be unable to do so, he or she should recuse himself or herself. Thus, for example, a meaningful acquaintance with a party or relevant third party, or a person known to be a significant witness, or a significant interest in the investigation or trial of the index offending or conviction or sentence, might constitute such an objection. Further, recusal would be necessary where a well-informed and fair-minded observer would consider that there was a real possibility of bias. Thus, prior to the commencement of a hearing, a member should carefully consider whether he, she, or any member of his or her family, has any pecuniary or other material interest in the outcome of the case, or whether there may exist some reason, other than such interest, why he or she could not consider the case on its objective merits, or reasonably appear to be unable to do so. If so, recusal may be appropriate. If it is concluded that he, she, or a family member, possesses such an interest, but that recusal is not inevitable, that state of affairs should be declared to the interested parties at the earliest opportunity. If, before a hearing has begun, the member is alerted to some matter which might, depending on the full facts, throw doubt on his or her fitness to sit, the member should, if practicable, enquire into the full facts, so far as they are then

ascertainable, in order to consider the position and, if so advised, recuse himself or herself, or make a disclosure in the light of them. If a member has embarked upon a hearing in ignorance of a relevant matter, which emerges during the course of the hearing, he or she should discuss with the parties what has then emerged, at the earliest possible opportunity, so that any problem can be resolved with the minimum of delay, disruption and expense.

- 26 In the interests of judicial impartiality, a member should be circumspect as regards contact with those legal practitioners who are currently appearing, or who may appear regularly, in Tribunals or Oral hearings. In particular, the member should not act in such a way as to give rise to a justified perception that he or she might be inclined to favour the submissions of a particular practitioner. However, there will usually be no reason to avoid ordinary social relationships with legal practitioners. Indeed, the maintenance of social relationships between members, the bar and the solicitors' profession may be conducive to the development of beneficial mutual understanding.
- 27 In this whole area, the circumstances and situations which may arise are so varied that great reliance must be placed on the judgment of the individual member. He or she might usefully confer with a colleague on the matter, where that is possible and appropriate. The Chairperson of the Board, the legal Vice Chair and the Chief Executive of Parole Scotland will always be available for consultation.
- 28 Apart from family relationships, personal friendship with, or personal animosity towards, a party to a case or relevant third party, would also be a compelling reason for disqualification. Friendship may be distinguished from mere acquaintanceship, which may or may not be a sufficient reason for disqualification, depending on the nature and extent of such acquaintanceship. A current or recent business association with a party would usually mean that a member should not sit on a case. However, for this purpose, a relevant business association would not normally include that of insurer and insured, bank and customer, or council tax payer and council. Members should disqualify themselves from any case in which their own solicitor, accountant, doctor,

dentist, or other professional adviser is involved in the case. Friendship or professional association with counsel, or a solicitor acting for a party, is not generally to be regarded as a sufficient reason for disqualification. The fact that a family member of the member is a partner in, or employee of, a firm of solicitors engaged in a case before a panel of the Board does not necessarily require disqualification. In such a situation, it is a matter of considering all the circumstances, including the extent of the involvement in the case of the person in question. Past professional association with a party as a client need not of itself be a reason for disqualification, but the member must assess whether the particular circumstances could create an appearance of bias. Where it comes to the notice of a member, in advance of a hearing involving evidence, that a witness, including an expert witness, is personally well known to the member, all the circumstances should be considered, including whether the credibility of the witness is in issue, the nature of the issue to be decided and the closeness of the friendship. A member should not normally sit on a case in which a member of the member's family appears in any capacity.

29 Members should, however, be careful to avoid giving encouragement to attempts by a party to use procedure for disqualification illegitimately. If the mere making of an insubstantial objection were sufficient to lead a member to decline to hear a case, parties would be encouraged to attempt to influence the composition of the hearing or Tribunal, or to cause needless delay and expense and the burden on colleagues would be increased. As a general rule, a previous finding or previous findings by a member against a party, will rarely, of themselves, provide a ground for disqualification. The possibility that a member's comments in an earlier case, particularly if offered gratuitously, might reasonably be perceived as personal animosity cannot be excluded, but that possibility is likely to occur only very rarely.

30 If circumstances which may give rise to a suggestion of bias, or appearance of bias, are present and they are to be disclosed to the parties, that should be done ideally well before the hearing. The member should bear in mind the difficult position in which parties, and their advisers, are placed by disclosure on the day of the hearing, when making a decision as to whether to proceed. Disclosure

should, of course, be to all parties and relevant third parties, and, save when the issue has been resolved by correspondence before the hearing, discussion between the member and parties as to what procedure to follow should normally be in the course of the hearing and not separately or informally. The consent of the parties is a relevant and important factor, but the member should avoid putting them in a position in which it might appear that their consent is sought to cure a substantial ground for disqualification. Even where the parties consent to the member sitting, if the member, on balance, considers that recusal is the proper course, the member should so act. Conversely, there are likely to be cases in which the member has thought it appropriate to bring the circumstances to the attention of the parties but, having considered any submissions, is entitled to and may rightly decide to proceed, notwithstanding the lack of consent. Furthermore, it should be recognised that the urgency of a situation may be such that a hearing is required in the interests of justice, notwithstanding the existence of arguable grounds in favour of disqualification.

- 31 Members should be alert to the possibility that outside activities may create a perception of bias when dealing with particular cases. Careful judgment is required in this respect.

INTEGRITY

- 32 In general, members are entitled to exercise the rights and freedoms available to all citizens but must not place themselves under any financial or other obligation to any individual or organisation that might reasonably be thought to influence them in the performance of their duties. While appointment to judicial office brings with it some limitations on the private and public conduct of a member, there is a clear public interest in members participating, in so far as their office permits, in the life and affairs of the community. Moreover, it is necessary to strike a balance between the requirements of judicial office and the legitimate demands of the member's personal and family life. Members however require to accept that the nature of their office may expose them to scrutiny and puts constraints on their behaviour, which other people may not experience. Thus members should avoid situations which might reasonably be expected to lower respect for their judicial office. They should avoid situations which might expose

them to charges of hypocrisy by reason of things done in their private life. Behaviour which might be regarded as merely unfortunate, if engaged in by someone who is not a member, might be seen as unacceptable if engaged in by a person who is a member and who, by reason of that office, has to pass judgment on the behaviour of others. An example of this would be a significant failure on the part of a member to observe the requirements of the law.

- 33 With a view to maintaining the respect which should be paid to the holder of any judicial office by the public, members should at all times be honest in all their dealings. They should ensure that, while publicly exercising their office, they conduct themselves in a manner consistent with the authority and standing of a member. Since it is necessary for the proper performance of the duties of a member to maintain, at least, a reasonable working relationship with those who appear in hearings, they should refrain from conduct which would undermine that relationship. The dignity of the Board should at all times be maintained. Thus discourtesy, or overbearing conduct, towards those appearing in court as counsel, or witnesses, is to be avoided. The member should seek to be courteous, patient, tolerant and punctual and should respect the dignity of all. He or she should try to ensure that no one in court is exposed to any display of frustration, short temper, bias or prejudice. All that said, members are well entitled, and perhaps obliged, to make known their displeasure if satisfied that those appearing before them, in whatever capacity, are failing in their duties or obligations to the Tribunal or panel of the Board.

PROPRIETY

- 34 A member has a duty to take decisions solely on the evidence and in the public interest and in the interests of fairness. He or she must not act in order to gain financial or other material interest for themselves, their family or their friends. They must at all times, act honestly and declare any private interest and deal professionally with any conflict or potential conflict. Members should avoid impropriety and the appearance of impropriety in all of that member's activities. As a subject of possible public scrutiny, a member should accept personal restrictions that might be viewed as burdensome by the ordinary citizen and

should do so freely and willingly. As already stated, a member should conduct himself or herself in a way that is consistent with the dignity of judicial office. In his or her personal relations with individual members of the legal profession who practice regularly in the member's court, the member should avoid situations which might reasonably give rise to the suspicion or appearance of favouritism or partiality. A member should not use or lend the prestige of the judicial office which he or she holds to advance his or her own private interests, the interests of a member of the member's family, or of anyone else. Care should be taken in considering whether, and, if so to what extent, a member's name and title should be associated with an appeal for funds, even for a charitable organisation. It could possibly amount to an inappropriate use of judicial prestige and might be seen by donors as creating a sense of obligation. A member should not knowingly convey, or permit others to convey the impression that anyone is in a special position improperly to influence the member in the performance of judicial duties. Confidential information acquired by a member in his or her judicial capacity should not be used or disclosed by the member for any purpose unrelated to the member's judicial duties.

- 35 It is considered appropriate that a member may write, lecture, teach and participate in activities concerning the law, the legal system, the administration of justice and related matters. In the event of a member engaging in literary, or other creative or artistic activities, there can be no objection to that member receiving the normal royalties, fees, or other payments in respect of the results of those activities.

EQUALITY

- 36 A member on taking up office is not required to take the judicial oath declaring that they will "do right to all manner of people, according to the laws and usages of this realm, without fear or favour affection or ill will". That, however, is the judicial commitment which they must accept.
- 37 A member should be aware of, and understand, diversity in society and differences arising from various sources, including, but not limited to, race,

colour, gender, religion, national origin, caste, disability, age, marital status, sexual orientation, social or economic status and other like matters. The member should not, by words or conduct, manifest any bias or prejudice towards any person or group on such grounds. The member should carry out judicial duties without any differentiation on such grounds. The member should also require lawyers in parole hearings to refrain from manifesting, by words or conduct, bias or prejudice based on such grounds, except such as may be legally relevant to any issue arising in the proceedings, or which may be the subject of legitimate advocacy.

- 38 A member should be aware of his/her responsibilities under equality legislation, including the Equality Act 2010. At all times when exercising their judicial functions, a member should treat parties, witnesses, legal representatives, officials, other members, employees of Parole Scotland and any other persons with whom they come into contact, equally and with the same attention subject to any reasonable adjustments required. In addition all persons should be treated with courtesy, consideration and respect, regardless of age, disability, gender reassignment, marital or civil partnership status, pregnancy or maternity, race, religion, sex and/or sexual orientation. Where a person raises a concern about discrimination, a member will not treat that person any differently on that account.
- 39 A member will apply the same principle of equality and fairness of treatment when discharging any administrative, judicial leadership or judicial management function in connection with their judicial office.
- 40 A member will be aware that in certain circumstances reasonable adjustments may need to be made for a person with a disability, in order to reduce or eliminate any substantial disadvantage on account of his or her disability.

COMPETENCE AND DILIGENCE

- 41 It is the professional duty of members to do what they reasonably can to equip themselves to discharge their judicial duties with the high degree of competence

that the public expect. This means that members should take all reasonable steps to maintain and enhance the knowledge and the skills necessary for the proper performance of judicial duties, including availing themselves of the training that may be offered to them. In particular, all members, other than lay members, should seek to maintain and enhance their knowledge of the law and usages which they require to apply. General members are not themselves expected to possess a professional knowledge of the law, since they receive advice on law from other sources. However, they have an obligation to avail themselves of the training that may be offered to them in other areas of their responsibilities.

- 42 While it is recognised that members may, very exceptionally, have a legitimate part to play in the development of the law, their constitutional duty is to apply the law as it is, however unsatisfactory it may be. If a member considers that the state of the law is unsatisfactory, he or she should draw attention to that fact to the Chairperson of the Board.
- 43 Since those with a direct interest in a case have certain legitimate expectations as to the decision making of the Board, it is important that these should be met. Written decisions should be formulated in such a way as to render them comprehensible to all, so far as that is consistent with the handling of what may be complex legal and factual issues. Members should carefully consider whether they have a sound basis for making critical observations in their decisions. They should do so only if they consider that there is some public interest which requires it to be done in a judgment, as opposed to in some other way.
- 44 In addition, it is expected that all time limits, statutory or otherwise for the issue of written decisions will be met.

PAROLE BOARD FOR SCOTLAND

Acceptable use of technology policy

1. Purpose of policy

This policy sets out requirements of Board members in relation to the use of electronic communication and any of the Board's equipment, software and facilities including, but not limited to, computer hardware and peripherals and mobile phones.

2. Background

Working with information and digital technology is an everyday expectation and is critical to enabling and supporting the work of the Board. As such it is vital that these resources are used in a responsible and appropriate manner and that they are protected from risk and misuse in order to protect the Board.

3. Policy aims

Board members must be aware of their responsibilities and any rules and regulations governing usage of these resources and that, as an organisation, the Board must satisfy all relevant legal requirements.

As the Board uses the Scottish Government's SCOTS platform members are also bound by the IT Code of Conduct, which can be viewed here: - [IT Code of Conduct](#). Whilst this Code is written primarily in relation to Scottish Government employees, the broad principles and requirements also apply to Board members.

4. Personal Use

Although usage of the system is primarily for business purposes (including use for authorised training purposes), Board members are authorised to use the systems for personal use, as set out in the SG IT Code of conduct

It is the responsibility of the user to ensure that no other unauthorised persons access the system, use the equipment or hear or view materials, either on hard copy or electronically that are sensitive or confidential.

5. Action in the Event of Infringement

Abuse of the information or digital facilities and systems will be treated seriously. Failure to comply with the provisions of this policy and the spirit of it, in particular personal and appropriate use, may call in to question the user's suitability to undertake functions as a Board member.

There may be occasions where a member accidentally opens an e-mail or web page on a site which is classified as prohibited. If this does happen the member should close the page down and notify the Corporate Services Team as soon as possible. Additionally, if a member notices that they have accidentally sent information to a wrong e-mail they should let Corporate Services Team know immediately and attempt to recall the email. All users should also be aware that certain acts could lead to prosecution under current legislation. Any potentially illegal materials which are accessed through the Board's equipment will be passed to the appropriate authorities.

6. Guidance on Acceptable Use

The following list is neither exclusive nor exhaustive. Note that breaches of this policy will be treated seriously and may call into question the user's suitability to undertake functions as a Board member.

Computer and Electronic Communications **must not** be used:

- for commercial activities, for any illegal purpose, or for accessing, storing, receiving or sending any material deemed illegal, indecent, offensive or otherwise legally unacceptable.
- for fraudulent activities, or used to breach another organisation's security; and
- to send or display any text, images or sounds that are defamatory, libellous or obscene or that may offend.

Individuals **must**:

- take reasonable precautions to ensure that a computer virus or other malicious code is not transferred to any computer or network system within the Board; and
- ensure that organisational information accessed via computers and network systems is only made available to those who need to know such information in carrying out Board work.

Individuals **must not**:

- use any false identity in computer and electronic communications;
- attempt or participate in, the unauthorised entry or viewing of another user's account or into another system;
- engage in any activities that are liable to cause disruption or denial of service to others;
- copy or distribute any software without the permission of the Chief Executive or Chairperson. Any software must only be for business use. Improper use of copyrighted material is an illegal act and prosecution under criminal law may result;

- connect any computer equipment that has not been assessed as safe to our network;
- breach the data protection requirements and principles when sending information about identifiable individuals.

Members are responsible for any system access via their device whether this is at home or in a facility used by the Board as agreed. To avoid misuse, devices should be locked when users are away from their desk for short periods of time and members should log out each night. Passwords and usernames must not be disclosed to anyone and it is strictly prohibited to use other's e-mail accounts.

Access to the Internet is through the SCOTS system and firewall. Board members should be aware that Internet use may be audited by Scottish Government IT.

No information or points of view relating to the work of the Board should be shared or posted to social media or a newsgroup without the express authorisation of the Chief Executive or Chairperson.

Emails can be held to have the same status as a business letter. Where electronic correspondence is sent to another organisation, it shall be treated as if it were correspondence on the Board's headed paper and that the sender is representing the organisation.

7. Security and Legal Compliance

Laptops, smart phones and hand held devices should be password protected at all times. These items contain a substantial amount of sensitive and personal confidential information, if any of these are stolen, lost or misplaced you must report this immediately to the Corporate Services Team. If the work equipment has been stolen this must also be reported to the Police and you will be given a crime reference number. The Board are required to report issues of this nature to the Information Commissioner Office in Scotland.

8. Monitoring the Effectiveness of this Policy

The contents of our IT equipment and communications systems are, and remain at all times the property of the Board. Therefore all Board Members should have no expectation of privacy in any message, document, social media post, blog, discussion or any other information sent, received or stored on our IT systems.

We reserve the right to monitor, intercept and review, without further notice, Board Members activities using our IT equipment and communication systems to ensure that our rules are being complied with for legitimate business purposes.

We may store copies of such data or communications for a period of time, and may delete such copies from time to time without notice. Board members should therefore

not use the Board's IT resources and communications systems for any permitted matter that they may wish to be kept private or confidential.

9. Review

This policy will be reviewed from time to time by the Board's Management Group. This may be prompted by experience gained from its operation, advice obtained from reputable sources, changes in legislation or as a result of feedback gathered from Board members.