



Involvement by members of staff in other aspects of the criminal justice system

Introduction

1. In principle, the Commission encourages members of staff to involve themselves in outside activities of various kinds: it is not only valuable from the point of view of personal development but it is right that our staff should contribute more generally to public affairs, subject of course to the demands of Commission business. However, set against that is the countervailing consideration that the Commission is independent and must be seen to be independent, which has certain implications for connections with other parts of the criminal justice system. The purpose of this policy is to give some indication of how these different considerations should be applied in particular cases. The policy is to be read in conjunction with the Commission's Time Off Policy (#1323411) which deals with such issues as time off to perform public functions and reduction in work hours.
2. The Commission does not believe that it is necessary to have an absolute blanket rule forbidding any involvement in other parts of the criminal justice system. While each case will be considered on its individual facts, and therefore early advice should be sought, preferably before any application is made, the Commission will apply this policy in a sensible way. In particular, the staff member's role within the Commission will be a significant factor. Thus, while a fairly strict approach will be apt in respect of Commissioners, a more liberal line will apply in respect of those staff who have no direct involvement in casework. Case Review Managers will be subject to a stricter regime than their support staff colleagues though less restrictive than in the case of Commissioners.
3. It cannot be too strongly emphasised that, where permission has been granted to assume a role with another agency, extreme care must be taken to avoid any actual or apparent conflict of interest in particular cases. For example, a member of casework who is a Special Constable needs to ensure that he or she avoids any involvement in a case concerning his/her police force; similarly, a magistrate would have to avoid dealing with any case from the court or area where he/she was a member.
4. Examples of possible involvement are listed below. The list is not intended to be comprehensive, but is merely illustrative.
 - Prison boards of visitors
 - Parole Board
 - Local Probation Boards
 - Criminal Justice Boards

- Police Authorities
- Judicial office, e.g. JP, recorder, deputy district judge
- Legal practice, e.g. with a firm of solicitors or chambers
- Special Constable

Most of the above are likely to be approved with the exception of private legal practice. Nominal associations with law firms or chambers will be considered individually.

Process

5. It is important that agreement of the Commission is sought before entering into any commitment with another organisation. Anyone wishing to become involved, in any way at all, with another part of the Criminal Justice System should in the first instance write to the HR and Facilities Manager outlining:
 - The name of the body concerned and its role
 - The nature of the proposed relationship
 - Whether any conflict or perceived conflict is likely
 - The extent of the commitment
 - How any time commitment during working hours will be made up¹
 - Whether the post is remunerated and, if so, at what rate
6. The HR and Facilities Manager will carefully consider the request. The Chief Executive will normally be consulted. Having considered the request, the HR and Facilities Manager will write to the employee to let him/her know the outcome and of any conditions that may need to be attached to any agreement.

Commissioners

7. Commissioners are the holders of independent statutory offices and are not, therefore, employees of the Commission. The Commission is not responsible for their appointment and has only limited powers in relation to certain matters once they have been appointed. However, the following represents the Commission's own policy which, it is hoped, will inform both the appointment process and the terms on which Commissioners serve once appointed. Commissioners should raise particular matters concerning their own position with the Chair, who will consult the Ministry of Justice as appropriate.
8. So far as practice is concerned, the Commission is aware that legal practice, for example, makes demands on practitioners which may make it extremely difficult to discharge commitments to the Commission. Furthermore, the Commission has identified specific roles in the criminal justice system which it regards as raising an unacceptable level of conflict. These include being a lawyer in criminal practice and sitting or working in the Court of Appeal Criminal Division).
9. Commissioners who hold such appointments prior to their appointment should relinquish them on appointment as a Commissioner; and Commissioners in post should not seek or accept such appointments (except towards the end of

¹ Refer to the Time Off Policy #1323411 for guidance on how time commitments should be dealt with.

their appointments when seeking posts that will continue once they have left the Commission).

Senior Management Team

10. The Director of Casework Operations and Chief Executive Officer will be subject to the strict approach governing Commissioners, but other Directors will be governed by the earlier paragraphs of this policy.