



Code of Conduct for Members of the Victim's Payments Board

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Introduction

The Victims' Payments Board (VPB) was established in February 2021 as a body corporate under the Victims' Payments Regulations 2020 (the Regulations). The President of the VPB was appointed by the Lord Chief Justice. The Board comprises legal, medical and ordinary members appointed as judicial office holders by the Northern Ireland Judicial Appointments Commission.

The Code of Conduct (the Code) provides the basis on which Board members should seek to fulfil the duties and responsibilities conferred upon them by the Regulations. All Board members should subscribe to this Code and should be judged according to the way it is observed.

The provisions of the Code should be read in conjunction with 'A Statement of Ethics for the Judiciary in Northern Ireland' (see [here](#)) which regulates the conduct of all judicial office holders.

The overall work of the VPB, and the outworking of this Code, are underpinned by the Scheme's guiding principles, namely:

- the need to prioritise, and be responsive to, the needs of victims of Troubles-related incidents;
- the need to be transparent and to communicate effectively with the public and victims of Troubles-related incidents;
- the need for the Scheme to be straightforward and simple to navigate;
- the need for applications to be determined without delay;
- the need for personal data to be handled sensitively.

The Code sets high standards of personal and corporate conduct based on public service values and a recognition that the needs of victims come first. Compliance with the Code is essential to maintaining trust and confidence in the professional integrity and independence of the Board. The success of the Code depends on a vigorous and visible example provided by Board members and the consequential influence on all those who work for, and with, the organisation. The Code's precepts should inform and govern the decisions and conduct of all Board members.

Public service values matter in the life and work of the VPB. Those charged with exercising the Board's statutory functions, duties and powers have a responsibility to conduct VPB business with the utmost probity. They have a responsibility to respond impartially to victims and applicants to the Scheme, to use the public funds with which they are entrusted effectively and economically and to demonstrate high ethical standards of personal conduct.

The Code complements VPB's legislative framework, and other governing and administrative documents which set out the responsibilities and obligations of its Board members:

- the Regulations and other statutory requirements;
- members' Terms and Conditions of Appointment;
- members' Job Descriptions (legal, medical and ordinary);
- the Conflict of Interest Policy for Members
- [the TEO/VPB Partnership Agreement](#) .

The Board's statutory functions, duties and powers are:

- to receive and administer applications made to the Scheme;
- to determine entitlement to, and the amount of, payments in respect of injury caused by a Troubles-related incident;
- to develop guidance and make arrangements for the assessment of degree of permanent disablement;
- following determination, to notify applicants regarding eligibility to, and amount of, payments as soon as reasonably practicable;
- to constitute panels to assess and determine applications and appeals, conduct further assessments and undertake reviews of determinations;
- to facilitate the provision of independent advice and support to applicants;
- to develop operational policies and procedures;
- to appoint advisors to assist the VPB;
- to provide an annual report on the exercise of its functions.

The behaviour and actions of all Board members must be governed by the principles set out in this Code of Conduct. Each member has responsibility for ensuring they are familiar and comply with all provisions of the Code.

Principles of public life

When complying with the provisions of the Code, VPB also encourages and expects members to observe the Seven Principles of Public Life. These are:

Selflessness

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family or their friends.

Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the

performance of their official duties.

Objectivity

In carrying out public business, including making public appointments, awarding contracts or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

Openness

Holders of public office should be as open as possible about the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest demands.

Honesty

Holders of public office 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.

Leadership

Holders of public office should promote and support these principles by leadership and example.

Responsibilities as a Board member

Members must fulfil their duties and responsibilities to a high standard. They should act in good faith, in the best interests of victims and in line with the Board's strategic objectives. They must act diligently and to the full extent of their skills and knowledge.

Members must play a full and active role in the work of the Board. They are expected to take meaningful steps to make themselves aware of relevant matters and access information as necessary to enable them to perform their duties to a high standard.

They must use their best endeavours to attend all Board and Committee meetings. They should be well prepared by reading relevant papers in advance, enabling them to contribute to decision-making. Members must also commit to robust and honest participation at meetings. Attendance at meetings will be reviewed by the President, Committee Chairpersons and the Secretariat.

Members must observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to stewardship of public funds and the management of the Board.

Members should deal with the public and their affairs fairly, efficiently, promptly, effectively and sensitively. Members must not act in a way that favours, or unlawfully discriminates against, particular individuals or interests.

Members should promote an inclusive and diverse culture, and their actions should help create an environment where different perspectives and backgrounds are encouraged and valued.

The Board should conduct its business in a way that is socially responsible, forging open relationships with the communities it serves and conducting a dialogue with victims and their representatives about the provision of the services provided.

Members must demonstrate respect and courtesy to everyone they come in contact with in the course of their duties.

Members must not ask or encourage colleagues or staff to act in any way which would conflict with this Code.

Members must respect the principle of collective decision-making and share corporate responsibility for all decisions of the Board. Once the Board has made a decision, members should support and adhere to that decision.

Members must comply with all statutory or administrative requirements relating to the

work of the Board.

The Board should meet regularly and retain full and effective control over the organisation. It has corporate responsibility for discharging VPB's statutory duties; monitoring executive management of the organisation; and ensuring VPB fulfils its strategic aims and objectives.

Annex A provides further details of members' responsibilities as set out variously in the Code, Terms and Conditions of Appointment and relevant Job Descriptions.

ANNEX B provides further details of the standards of personal and professional conduct expected of panel members at oral hearings as set out variously in the Code and Oral Hearing Protocol.

General conduct

In fulfilling their duties and responsibilities, Board members should be particularly mindful of the following essential requirements.

Use of public funds

Board members must carry out their fiduciary obligations responsibly, including taking appropriate measures to ensure the Board uses resources efficiently, economically and effectively, avoiding waste and extravagance.

Board members have a duty to ensure impartiality, integrity and objectivity in relation to the safeguarding of public funds, and the proper custody of assets which have been publicly funded.

It will always be an improper use of public funds for public bodies to employ consultants or other companies to lobby the Assembly, Ministers or political parties.

Allowances

Board members must comply with the rules and procedures set by the Board regarding remuneration, allowances and expenses. It is the responsibility of members to ensure compliance with all relevant HMRC requirements concerning remuneration.

Gifts and hospitality

Board members must not accept any gifts or hospitality which might (or might reasonably appear to) compromise personal judgement or integrity, or place a

member under an improper obligation.

Members are responsible for their decisions on the acceptance of gifts or hospitality

and for ensuring such decisions can withstand public scrutiny and do not bring the Board into disrepute.

Members must never canvass or seek gifts or hospitality.

Members must comply with the rules and procedures set by the Board regarding the acceptance of gifts and hospitality. Where a gift or hospitality has been accepted, or even if it has been declined/returned, members should immediately notify the President and the Secretary, and ensure this is recorded in the Gifts and Hospitality Register.

This Register will be periodically reviewed by VPB's Business Assurance Committee or, as required, by TEO's Audit and Risk Management Committee.

Members should set an example in the use of public funds and the need for good value when incurring public expenditure. The use of VPB monies for hospitality incurred by members in the course of their duties should be carefully considered and capable of justification as reasonable. Members should be aware that expenditure on hospitality is open to scrutiny by internal and external auditors, and ill-considered action can diminish public respect and confidence in the work of the Board.

Use of official resources

Members must not misuse official resources for personal or political purposes. Use of such resources must be connected to their work as a Board member. Members must comply with the Board's policies, including those on data security and confidentiality. "Resources" in this context includes, but is not limited to, facilities, equipment, stationery, telephony and other services.

Use of personal email accounts or personal electronic devices not supplied by the Board is not permitted in relation to confidential or sensitive data obtained in the course of the work of the Board.

Use of official information

Members must not misuse information gained in the course of service as a Board member for personal gain or for political purposes. Unauthorised disclosure of any information gained in the course of Board duties, or its use by members or others for personal advancement, may be regarded as a grave breach of trust and confidence, and could constitute a criminal offence.

All members must comply with the UK General Data Protection Regulation and other associated legal obligations. Members must also comply with all applicable VPB/Departmental policy guidance regarding use of data, including data security.

Members have a duty to safeguard all written documents and electronic records received or retained while carrying out the work of the Board or its Committees. Any breach or loss of information must be reported to the Secretary immediately upon becoming aware a breach has occurred.

Members must treat all information, data and correspondence they have access to, as part of Board duties, with an appropriate level of sensitivity irrespective of any protected marking which may or may not be in place.

Confidentiality

Members must not, without proper authority, disclose confidential or sensitive information in any form, including written, verbal, electronic or otherwise, to any person. This duty continues to apply after members have left the Board. Confidential information should be used only in the capacity as a member and for the purpose for which it was received.

In exceptional circumstances confidentiality can, and is required, to be breached. Such circumstances would include where:

- there is significant risk of applicants harming themselves or someone else;
- there is a safeguarding issue; or
- there is a requirement to comply with a legal obligation.

In such cases, it is advisable but not obligatory, to obtain permission before breaching confidentiality.

Political activity

Board members should be, and be seen to be, politically impartial.

Members should be even-handed in all dealings with political parties.

As judicial office holders, Board members must forgo any kind of political activity and, on appointment, sever all ties with political parties.

Members should not make political statements on matters directly relating to the work of the VPB.

Members should not allow themselves to become embroiled in matters of political controversy.

Employment and appointment

Board members are required to inform the President if they wish to take up additional employment or appointments during their term of office.

Members must also ensure they are not being paid twice from the public purse for the same time.

Media

The Secretary is the official spokesperson of the Board. On receipt of any query from the media, the Board Secretary will consult with the President, VPB's Media partner and the DoJ Press Office on engagement with the media as appropriate.

If a member is contacted by the media, the member should refer the journalist or reporter to the Board Secretary.

Board members should be cautious about their exposure to the media, with particular caution urged regarding the use of social media.

Members should avoid making public statements about VPB work. In particular, they should avoid making statements that would raise any doubt regarding their impartiality.

Any requests for members to speak at a meeting or event in their role as a Board member require the prior approval of the President. The content of any speech or presentation also requires prior approval and must reflect the corporate position of the Board. Attendance at such events should be reported to the relevant Committee, or Board itself, for information. It is anticipated that the purpose of any such talks will be to increase awareness and improve understanding of the Scheme.

Members must not publicly discuss cases or proceedings.

Conflicts of Interest

A conflict of interest, or potential conflict of interest, is considered to include any association with an organisation or individual who may ultimately benefit or potentially benefit as a direct result of the relationship with the member. A conflict of interest may also arise if any decision or course of action a member makes or avoids making, in the course of their duties as a Board member, could create the perception of having been unduly or inappropriately influenced by interests or relationships outside of the Board. If in doubt, it is best to err on the side of caution and declare the circumstances at the earliest opportunity.

Members must ensure no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests – financial or otherwise. It should be noted the appearance of a conflict of interest, in terms of public perception, can be every bit as damaging as an actual conflict. Both should be avoided. Any conflict must be identified and resolved quickly in such a way as to safeguard the Boards' integrity, and in favour of the public interest.

As members must act with complete impartiality and in good faith, they are required to declare all existing or potential conflicts of interests which are then noted in the Register of Interests. If there is any doubt as to what should or should not be registered or declared, the member should discuss this with the President and Secretary. Members are responsible for ensuring their entries in the Register of Interests are accurate and up to date.

Where a conflict has been identified, the President will carefully consider what action, if any, needs to be taken to adequately avoid or mitigate the associated risk(s). The seriousness of the conflict, as well as the range of options available to handle, lessen or monitor it, will be assessed. A range of strategies may be considered, including:

- restricting a member's involvement in a particular Board matter;
- inviting the member to relinquish the interest creating the conflict;
- seeking further guidance from the Office of the Lady Chief Justice.

Any conflict of interest regarding a Board or Committee agenda item must be declared by members at the start of the meeting and be recorded in the minutes. Members must remove themselves from the discussion or determination of matters in respect of which they have a conflict of interest.

Members must not use, or attempt to use, the opportunity of public service to promote their personal interests.

Compliance

Members should satisfy themselves that the actions of the Board when conducting its business fully reflect the values set out in the Code of Conduct.

Members should ensure VPB has an open, transparent and safe working environment where colleagues and staff feel able to speak up and raise concerns.

Members should raise concerns about any breach of the Code, act of misconduct or irregularity with the President of the Board.

Personal liability of members

Although any legal proceedings initiated by a third party are likely to be brought against the Board, in exceptional cases proceedings (civil or, in certain cases, criminal) may be brought against the President, Secretary or other individual Board members. For example, members may be personally liable if they make a fraudulent or negligent statement which results in loss to a third party.

TEO will accept responsibility for meeting the legitimate expenses of any civil liability (including any damages awarded) incurred by any member of the Victims' Payments Board where the expenses are properly incurred in bringing or defending any legal challenge arising out of the discharge of his or her statutory functions honestly and in good faith.

Annex A: Administrative Requirements and Responsibilities

Introduction

The fundamental work of the Board is to determine applications under the Scheme, and members have a duty to comply with all statutory and administrative requirements relating to that work.

In particular, members of the Board have a responsibility to sit regularly as part of decision-making panels to consider and determine applications, appeals and reviews.

Failure to provide availability for panel hearings impacts on the Scheme's ability to progress and determine applications and undermines adherence to the guiding principle of determining applications without delay.

Annex A references members' responsibilities as set out variously in the VPB Code of Conduct for Members, Terms and Conditions of Appointment and relevant Job Descriptions.

Responsibilities of VPB Membership

As set out in the Code of Conduct, all members must play a full and active role in the work of the Board. They are expected to take meaningful steps to make themselves aware of relevant matters and access information as necessary to enable them to perform their duties to a high standard.

The Terms and Conditions of Appointment and relevant Job Descriptions note members' primary function is to sit as a member of a panel to determine if initial applications are eligible for an award and whether an applicant is entitled to a payment in accordance with the Regulations; and, where appropriate, to consider and determine reviews and appeals.

Therefore, to fulfil their Board duties, comply with administrative requirements and discharge their core function, it is essential all members make themselves available for panel hearings to determine applications, reviews and appeals. The Job Descriptions make clear the requirement for members to provide availability to sit on panels and draw attention to the importance of regular attendance at hearings. In doing so, members are required to liaise with the Secretariat regarding the scheduling and listing of hearings (paper based and in person), and to give adequate notice of inability to attend.

Members also have a duty to assist the President with corporate governance responsibilities such as setting strategy, policy development, business planning and risk management. While the work of Board Committees regarding governance, planning, oversight and assurance is vital, it remains secondary to, and an enabler of, members' primary and core function, namely, to consider and determine

applications, reviews and appeals in a timely manner. As such, it is essential the governance, oversight and assurance functions are regularly informed by panel members who contribute first-hand experience of emerging risks, omissions/inadequacies in Guidance or its application, or the need for operational and business improvements.

Additionally, members must use their best endeavours to attend all Board and Committee meetings. They should be well prepared by reading relevant papers in advance, enabling them to contribute meaningfully to decision-making. Members must also commit to robust and honest participation at meetings. Attendance at meetings will be reviewed by the President and Secretariat, and by Committee Chairs as appropriate.

To enable members to perform their duties to the highest possible standards, members are required to keep abreast of relevant legislative changes and emerging case-law, and developments in policy, procedure, practice and Guidance; make themselves aware of relevant matters; and access information as necessary. Accordingly, members are required to attend training and development provided at formal Board meetings and on other ad hoc occasions (either virtually or in person); and to make full and regular use of the Board's Database.

All Board members are, therefore, expected to:

- Provide regular availability to sit as a panel member
- Liaise regularly and promptly with the Secretariat regarding the scheduling and listing of hearings
- Check emails frequently
- Log onto VPB laptops every week to keep abreast of correspondence, regular updates and information, and to ensure connectivity to VPB IT systems
- Use **only** VPB encrypted laptops for all VPB business.
- Consult the Database regularly, and as required, to keep abreast of new materials and familiarise themselves with panel determinations
- Attend training and development programmes and opportunities provided by the Board.
- Attend and participate actively in Board meetings

ANNEX B: Standards of Conduct at Oral Hearings:

Introduction:

The standards of personal and professional conduct required of Board members when fulfilling their duty to enable full and fair oral hearings are set out in the Members' Code of Conduct and in the Oral Hearing Protocol (OHP):GN 17/23. These include:

- Acting in good faith at all times
- Upholding the highest standards of integrity, impartiality and objectivity
- Demonstrating respect and courtesy to everyone
- Using best endeavours to deal with matters fairly, efficiently, promptly and sensitively

Annex B provides details of particular standards of conduct required of members in respect of oral hearing proceedings and applies equally to hearings conducted in person or by virtual means.

: Standards of Personal and Professional Conduct:

When conducting oral hearings **Panel Members:**

- Should give due care and attention to the entirety of the evidence and the course of proceedings and not be distracted by other tasks or matters
- Should not research materials relevant to the incident in the course of the hearing. Any and all additional information required should be identified in advance of the hearing and directions issued for the Secretariat to obtain the material and add it to the bundle
- Should not reference or question an applicant/appellant regarding material/evidence which has not been provided to the parties in advance of the hearing as this has the potential for rendering proceedings as unfair and undermining the Scheme's principles
- Should not convey an accepted position in respect of any matter/issue (for instance 'presence' at a TRI) unless that has been agreed explicitly with, and by, all panel members

- Should not express a personal opinion on any matter to the applicant/appellant or representative during the hearing
- Should resist making findings of fact in the course of the evidential hearing and without first discussing the matter in private session with other panel members
- Should avoid an overly conversational and informal approach at oral hearings in favour of striking the appropriate tone and degree of professional propriety required of legal proceedings
- Should be particularly aware of non-verbal elements of their communication such as body language and tone of voice in conveying attitudes and feelings.