

# STATES OF JERSEY



## **AMENDMENT TO STANDING ORDERS – REVISED CODE OF CONDUCT (P.35/2025): ADDENDUM**

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**Presented to the States on 4th June 2025  
by the Privileges and Procedures Committee**

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**STATES GREFFE**

## **COMMENTS**

This document is published as a companion to P.35/2025 ‘Amendment to Standing Orders – Revised Code of Conduct’. PPC’s intention is for Guidance Notes to be published alongside the revised Code of Conduct to provide greater clarity and explanation. It is anticipated that the Guidance will be a living document, updated periodically to ensure relevant examples are included to illustrate the scope and interpretation of each Rule.

## **Guidance on the Code of Conduct for the States Assembly**

This guidance aims to provide clarity and explanation of the Code of Conduct for Members, staff and the public. It has been agreed by the Privileges and Procedures Committee and published as a companion to the Code; primarily to help and guide Members in maintaining appropriate standards of conduct when performing their role, rather than seeking to restrict Members in the way in which they act. Essentially the main purpose in applying and enforcing the Code is to build and maintain public trust and confidence in States Members.

Whilst this guidance is not enforceable, the Commissioner for Standards may consider its contents when looking at complaints, although it is recognised that it cannot cover every conceivable situation or circumstance. The guidance aims to help those who may wish to make a complaint about a Member to understand whether or not a breach may have occurred, although essentially that will be a matter on which the Commissioner will determine. Complaints which are frivolous, vexatious or non-specific are likely to be determined as inadmissible.

### **Part 1**

#### **Purpose of the Code**

1. The purpose of the Code of Conduct (Code) is to assist elected Members in the discharge of their obligations to the States, their constituents and the public of Jersey.

#### **Public duty**

2. The primary duty of elected Members is to act in the interests of the people of Jersey and of the States.
3. All elected Members are required to comply with this Code. A Guidance to the Code of Conduct is available and regularly updated to provide further information and explanation in relation to the Code. This can assist Members and the Commissioner for Standards will also have regard to it when considering any complaint of a failure to comply with the Code.
4. **Members are expected to comply with the Code at all times; whilst they hold public office the Code applies to their conduct in their public and private lives.**  
A complaint can be made in relation to Members' conduct in any context, regardless of whether it relates to a Member's public or private life. It also applies to the use of social media.

#### **5. The Code does not apply:**

- (a) **during States meetings when the Presiding Officer maintains order**
  - (b) **in relation to the standard of service and outcomes received from a Member.**
- (a) The Standing Orders are applied during a States Meeting by the Bailiff or Presiding Officer in order to maintain order and regulate Members' behaviours. The Commissioner cannot investigate complaints about matters which arise during a States meeting in the Chamber and which have been subject to determination at that time by the Chair;

- (b) This reflects that the Code does not relate to how ‘effective’ a Member is perceived to be in the performance of their role, whether in terms of the swiftness of their response to emails or phone calls; their contributions in the Chamber or their work in Government or Scrutiny. However the Code does apply in relation to Members’ conduct when performing their role. For example, if a Member uses abusive language when speaking to a member of the public a complaint could be raised as a possible breach of the Code.
6. The conduct of Members during meetings of the States Assembly is usually addressed by the Presiding Officer through the application and interpretation of Standing Orders. However, if the Presiding Officer, in dealing with matters relating to conduct, considers there is a need for further or more detailed investigation, they may make a referral to the Commissioner for Standards.
- 7. In addition to this Code, Members must comply with the Standing Orders of the States, including the obligation to declare and register financial and other interests.**  
Standing Orders require Members to register all relevant interests as defined in Standing Order 106. This is to make publicly available any interests which might reasonably be thought to influence their actions.
- 8. Complaints relating to conduct which occurred more than 6 months previously will, in all but exceptional circumstances, be beyond the scope of the Code.**  
Complaints should be timely. In most instances it is better for both the complainant and the Member who is the subject of the complaint for matters to be addressed swiftly. Dealing with an issue in the moment is preferable to something resurfacing months later and can often reignite a problem which would otherwise have dissipated. Furthermore, witnesses’ recollections may not be as strong. However, it should be recognised that sometimes people may take a while to decide to bring a complaint, and that is understandable, especially if the matter is emotive, and therefore the Commissioner will consider each case submitted after the 6 month period on its own merit.

## **Part 2**

The Code sets out a number of overarching principles which express in general terms how Members must behave. Each principle is accompanied by text, which illustrates conduct which is applicable.

### **Part 3**

#### **Rule 1.**

##### **Members must uphold the overarching principles of the Code.**

This Rule should only be relied upon in making a complaint when no other Rule applies. Whenever a complaint about conduct is submitted, the person making that complaint should consider whether any of the other more specific Rules would be more appropriate.

#### **Rule 2.**

##### **Members must act truthfully.**

Members should not make statements which they know – or ought to have known- to be false. Members may be held to account for making false statements, for not taking reasonable and prudent steps to verify those statements and for not taking timely and appropriate steps to address them once they become known.

Whilst Members are expected to fact check any opinions or assertions, it is inevitable that sometimes incorrect or ‘honestly made’ statements will occur. There may be occasions where a Member misquotes a financial figure or detail, but providing they correct that error at the earliest opportunity this would not normally constitute a breach. A complaint would normally be based upon an alleged lie and the substantiveness of the consequences of a lie would be likely to be a factor in the determination of such behaviour constituting a breach.

#### **Rule 3.**

##### **Members must act in what they believe to be the best interests of Jersey as a whole.**

Acting in the public interest is a concept that is fundamental to our representative democratic system of government and also good public administration.

Acting in the public interest means acting for the common good of the community. The meaning of 'the public interest' is often taken as self-evident, but in social science and economics, public interest is "the welfare or well-being of the general public" and society.

Members should adopt a logical approach when making decisions and attempting to determine what outcome would be in the public interest, or in instances where there is a range of potentially positive outcomes, what would be most in the public interest.

A fundamental rationale for debating matters in the Assembly is to allow the Island's elected representatives to assess competing interests and make informed decisions that are in the public interest. Where conflicting or competing public interests are evident, it may be possible to address them through compromise or prioritisation. Sometimes it may be more appropriate to choose the option which causes the least harm rather than the most good.

While there may be circumstances where public interest objectives are entirely incompatible, where one must be chosen at the expense of the other, in practice it is more likely that there will be degrees of incompatibility between various objectives. Every policy decision, such as a decision to build a road or to approve a development application, requires a weighing up and balancing of interests, at least to some extent. In most cases there will be winners and losers. Members should consider all of those who may be affected as individuals but more importantly how the Island at large may be affected.

**Rule 4.**

**Members should be accessible to the people of the constituency for which they have been elected to serve and represent their interests conscientiously.**

This Rule does not mean that Members should be expected to be answering calls 24/7 or responding to every single email immediately, but they should provide constituents with methods by which they can be contacted and try to manage responses in a timely manner. In many respects this Rule relates to how Members communicate with the public and manage expectations; most complaints arise from prolonged delays in communications. Members should try to provide some form of acknowledgement, however brief, that they have received a message, and, if applicable, advising that they are not in a position to respond immediately and which gives an indication of the estimated timescale within which they will be in touch.

**Rule 5.**

**Members must give priority to attendance at meetings of the States in accordance with the terms of their oath of office and should be present in the Chamber when the States are meeting unless they have very compelling reasons not to do so.**

Members should prioritise attendance at States meetings and, unless they are unwell, when they are in the Island but unable to attend in person they should request access to the Teams link to meetings.

**Rule 6.**

**Members must not act or behave in a manner in the course of their public and private life, that brings the Assembly or its Members generally into disrepute.**

The actions which can be deemed to bring the Assembly into disrepute are wide ranging. Previous examples have been the use of inappropriate and/or abusive language, verbal aggression or a criminal conviction for a matter which did not in itself impact on a Member's eligibility to remain in their elected role.

**Rule 7.**

**Members should at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Jersey.**

28% of respondents to the Jersey Opinions and Lifestyle Survey 2022 cited lack of trust in the political system as a reason they did not vote. Members should at all times behave in such a way that inspires confidence and trust and the easiest way to do that is to comply with all of the Rules of the Code of Conduct.

**Rule 8.**

**Members must uphold the law in accordance with their oath of office.**

This Rule covers where criminal law has been breached, for example if a Member is convicted or cautioned for a public order offence. If no charge is brought or there is deemed insufficient evidence for a charge or a caution, then the Member concerned will not be considered to have breached this Rule.

**Rule 9.**

**Members must not engage in unwanted behaviour, harassment, bullying or discrimination.**

In the Code 'Bullying' means offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise

unfairly or injure someone, whether through persistent behaviour or a single grossly unacceptable act.

‘Discrimination’ includes behaviour that discriminates against any person on grounds of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, carer status, race, religion or belief, sex, sexual orientation, political opinion and language preference;

‘Harassment’ means unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual and includes sexual harassment;

‘Unwanted behaviour’ means behaviour which is not encouraged or reciprocated by the recipient, regardless of whether it was meant to cause offence, and whether it is repeated or an isolated incident;

In interpreting and applying the definitions of ‘bullying’, ‘harassment’, ‘discrimination’ and ‘unwanted behaviour’:

- (i) the intention of the person complained about is irrelevant.
- (ii) the test is whether a reasonable and impartial person would consider the conduct would fall within one of the definitions having regard to the context of the behaviour complained about.
- (iii) the respective rights under the Human Rights legislation of both the person complained about and the person subject to the conduct in question must be respected.

#### **Rule 10.**

**Members should base their conduct on a consideration of the public interest, avoid conflict between personal interest and the public interest and resolve any conflict between the 2, at once, and in favour of the public interest.**

A logical approach is needed to determine what outcome would be in the public interest, or in instances where there is a range of potentially positive outcomes, what would be most in the public interest.

Every policy decision, such as a decision to build a road or to approve a development application, requires a weighing up and balancing of interests, at least to some extent. In most cases there will be winners and losers. Members need to consider all of those who may be affected as individuals but more importantly how the Island at large may be affected. A Member’s own personal interest in the matter under discussion should be declared and the public interest given priority. For example when discussing changes to Sunday Trading, a Member should seek to evaluate their position based on the evidence presented, such as the possible economic and socio benefits of the proposals or the potential negative impact on those for whom it would become a regular working day, rather than the impact on them personally if they own a shop or have a close relative who worked in retail.

#### **Rule 11.**

**Members must not subject anyone to personal attack in any communication, whether verbal, written or by some form of digital medium (for example gifs or memes), in a manner that would be considered excessive or abusive by a reasonable**

**and impartial person, having regard to the context in which the comments were made.**

Members can participate in robust debate with political opponents or others. Criticising opposing ideas and opinions is part of the ‘cut and thrust’ of the political process and democratic debate, but this should not descend into personal abuse. Members can challenge or question policy and legitimately scrutinise performance but the important distinction arises when those behaviours are taken outside of the context of a debate in the States Chamber. How a Member communicates with colleagues outside of that arena and indeed how they respond to the electorate is covered by this Rule. Members should treat others with respect and not target others on a personal level when their opinions differ from their own. Comments made on social media or within online discussion forums should be respectful and polite.

#### **Rule 12.**

**Members should at all times treat other members of the States, officers, and members of the public with respect and courtesy and without malice, notwithstanding the disagreements on issues and policy which are a normal part of the political process.**

Treating others with respect and courtesy does not mean that Members cannot participate in robust debate with political opponents or others. Criticism of opposing ideas and opinions is part of the democratic process, but this should not descend into personal abuse. Politeness costs nothing.

Members should not be expected to put up with rude, abusive or threatening language and they have the right for reasonable language to be used when they are addressed by colleagues or the public. Members may warn that persistent use of unreasonable language, whether in person, on a phone call or email exchange, will result in that communication being ended and could impact upon their willingness to respond to future communications. Members should be mindful that some people use offensive language when they are in a panic or are frustrated.

Some unacceptable behaviour does not involve any threatening actions but simply involves unreasonable demands which, if met, would impact detrimentally on a Member’s other responsibilities and which also may not assist the constituent in progressing their case. What constitutes unreasonable demands may depend on the circumstances surrounding the behaviour but could include demanding responses or action within an unreasonable timescale, repeated phone calls or letters to the Member or continuing refusal to accept a decision made in relation to a case.

#### **Rule 13.**

**Members must ensure that the use of facilities and services provided to them, including meeting rooms and office spaces, is in support of their parliamentary activities, and is in accordance with all relevant policies.**

This Rule requires Members to respect the facilities made available to them and to adhere to the policies which have been agreed in relation to matters such as access and acceptable use. For instance, Members must take responsibility for any visitors they bring into the States Building or other areas of the parliamentary estate. Whilst accepting that maintaining a strict separation between personal and political matters can be difficult, Members should not use Assembly facilities to conduct personal, business or commercial activities.



Members should seek advice in advance from the Greffier where there is any doubt about whether a proposed activity is a permitted use of resources.

#### **Register and declaration of interests, gifts and hospitality**

##### **Rule 14.**

**Members must not accept any financial inducement, gift, hospitality or other benefit as an incentive or reward for carrying out their functions as a Member of the Assembly, influencing proceedings in the Assembly, or which might otherwise appear to a reasonable and impartial person to influence, or potentially influence, their actions as a Member. Any gift, hospitality or service which is accepted must be registered in accordance with the rules on the registration of interests.**

As a general rule, if a Member is unsure whether an interest should be declared, then they should declare it. They should consider whether there is any way in which the hospitality, gift or other benefit could be regarded as significant or influential, however small, and if they are unsure they should err on the side of caution and make a declaration.

Members should treat with caution any offer of hospitality, a gift, a favour or benefit. Members are not prohibited from accepting reasonable hospitality or modest tokens of goodwill, particularly where refusal could cause offence. But a Member should not accept any offer that might reasonably be thought to influence their judgement in carrying out their duties. The value of any benefit, its connection to a Member's duties, its source, the transparency of its receipt and the frequency of receipt of similar offers may all be factors which could be relevant to any judgement in relation to a breach of this Rule.

Financial interests include material benefits and payments in kind. The aim of this Rule is openness. Neither registration nor declaration imply any wrongdoing; but a lack of transparency could give rise to suspicion and speculation and reduce the public's trust in a Member or indeed the Assembly.

##### **Rule 15.**

**Members must declare, whether in Assembly proceedings or elsewhere in their capacity as a public office holder, any relevant interest which might reasonably be thought to influence their approach to a matter under consideration, including membership of certain organisations, such as private societies and clubs that have specific terms and agreements, including membership by selection or invitation only.**

As a general rule, if a Member is unsure whether an interest should be declared, then they should declare it. They should consider whether there is any way in which the hospitality, gift or other benefit could be regarded as significant or influential, however small, and if they are unsure they should err on the side of caution and make a declaration.

The requirement for interests to be declared, applies in almost every aspect of a Member's activities, in the Chamber, in Committees and Panels and in their contacts with others, including Ministers, other Members, public officials and the public. It covers, as well as registrable interests, other financial interests which meet the test of relevance, but which do not require registration, including past interests and expected future interests and the indirect financial interests of a spouse, partner or close family member. Members may also declare non-financial interests if they consider these meet

the same test of relevance. The test is whether those interests might reasonably be thought by others to influence a Member's actions, words or vote.

This Rule addresses the principle that a perceived conflict of interest should be treated as seriously as an actual conflict. For this reason, the membership of certain organisations, such as private societies and clubs that have specific terms and agreements, including membership by selection or invitation only, should be declared on the Members' Register of Interests. This addresses a perception of fraternity, loyalty and/or being beholden to an organisation such that it could be judged to influence a Member.

#### **Rule 16.**

**Members must be open and transparent with other Members and officials in disclosing any activities undertaken in relation to, or on behalf of, any individual or organisation with which a Member has a financial relationship.**

This Rule ensures that Members make full declarations of interest when those interests are of a financial nature outside of Assembly proceedings, for example when discussing new policy directives with officers. It serves to ensure that all relevant interests are divulged, in order to identify any perceived conflicts which could be considered to have influenced a decision, position or vote. Given our small Island community, they should include declarations if there is a connection with close family or friends.

As a general rule, if a Member is unsure whether an interest should be declared, then they should declare it. They should consider whether there is any way in which their interest could be regarded as significant or influential, however small, and if they are unsure they should err on the side of caution and make a declaration.

#### **Relationship with the civil service**

#### **Rule 17.**

**Members who have a complaint about the conduct, or concerns about the capability, of a States' employee or officer should raise the matter, without undue delay, with the employee's or officer's line manager (or, if he or she has none, the person who has the power to suspend the employee or officer), in order that the disciplinary or capability procedures applicable to the employee or officer are commenced, rather than raising the matter in public.**

The Rule simply asks Members to follow the proper complaints process in relation to the conduct or capability of an officer within the public sector and not seek to criticise that officer in public. Raising such concerns in a public forum, where the individual concerned would have no right of reply, would represent a misuse of power by Members.

#### **Rule 18.**

**Members should observe the confidentiality of any disciplinary or capability procedure regarding a States' employee or officer and its outcome.**

It is not appropriate for Members to discuss the outcome of any disciplinary or capability procedure which they may be aware of in relation to an officer within the public sector. Aside from the fact that the information would most probably have been shared with Members in confidence and therefore any discussions would represent a breach of that trust, such individuals would have no right of reply, which would represent a misuse of power by Members.

**Rule 19.**

**Members must uphold the political impartiality of the Civil Service and must not ask officers to act in a manner which would conflict with the Civil Service Codes of Practice.**

Where an officer has indicated that a relevant Code or their political impartiality would prevent them from doing something, Members must not apply pressure to influence their decision or otherwise induce a change of position as this would represent a misuse of power by Members.

**Confidential information****Rule 20.**

**Members must, in relation to the disclosure of information (including draft reports, propositions and amendments):**

- (i) that is confidential or otherwise protectively marked, only disclose it when authorised to do so by the person or authority controlling the information, or when disclosure is required or permitted by law;**
- (ii) only use information received in confidence in their capacity as a Member of the Assembly and not use, or attempt to use, such information for any malicious purpose or the purposes of financial or any other personal advantage; and**
- (iii) not prevent any person from gaining access to information as permitted by law.**

Certain information may be agreed as ‘confidential’. This is not through any desire to withhold information from the public. Rather, there are a number of difficulties which could arise through the unauthorised disclosure of confidential material -

- public discussion of draft reports, propositions or amendments might give preliminary views a status they do not warrant;
- the premature announcement of options could raise public expectations or give rise to unnecessary concerns;
- it may be difficult for Members to freely deliberate on the content of a draft report, proposition or amendment especially if there has been a strong public response, whether positive or negative, to the ‘leaked’ information;
- it may be difficult to get witnesses to give evidence if members are shown to be incapable of treating their proceedings in confidence; and
- it could lead to a loss of mutual trust between Members and a breakdown of confidence in the operation of the Committee or Panel concerned.

Members should be aware that any information that they process may be released to individuals or into the wider public domain in accordance with legislation relating to public access to information. It is important that Members appreciate that this Rule is still applicable after they cease to be an elected Member.

**Rule 21.**

**Members must not disclose publicly, or to any third party, things said, or information produced, in a meeting of the States that is conducted ‘in camera’, unless the States have permitted such disclosure.**

Although ‘in camera’ debates are rare, they are normally undertaken for a specific reason. It could be that this type of debate is chosen to allow a discussion in relation to an appointment, so as to protect the reputation of a person being considered for a position, who would not have a right of reply; or it could be to impart very confidential or commercially sensitive information to help Members reach a particular decision. A Member who later discloses details of what was discussed ‘in camera’ would be breaking the circle of trust in which such information was shared.

#### **Rule 22.**

**Elected members shall co-operate when requested to appear and give evidence before or produce documents to –**

- (i) a scrutiny or review panel, for the purpose of the review, consideration or scrutiny of a matter by the panel pursuant to its terms of reference and the topics assigned to it, or to a sub-panel or any person appointed by the scrutiny panel to review, consider, scrutinize or liaise upon any particular matter;**
- (ii) the PAC and the PPC, for the purpose of the preparation of a report upon or assessment of any matter pursuant to the PAC’s and the PPC’s terms of reference; and**
- (iii) a committee of inquiry, for the purpose of the inquiry which the committee is appointed to conduct.**

This Rule simply requires Members to engage fully with Committees and Panels of the States. They are expected to be co-operative and open.

#### **Commissioner for Standards**

#### **Rule 23.**

**Members must not lobby a Member of the Privileges and Procedures Committee or the Commissioner for Standards in a manner calculated or intended to improperly influence their consideration as to whether a breach of the Code has occurred, or in relation to the imposition of a sanction.**

This includes direct lobbying through conversations, e-mails and so on but also includes making comments in the mainstream and social media which seek to influence the Committee’s or Commissioner’s consideration.

#### **Rule 24.**

**Members must not encourage another Member to contravene the Code, including the rules in relation to the process and investigation of complaints by the Commissioner for Standards.**

The basis for determining whether a Member has encouraged another to breach the Code will be whether an impartial or reasonable person would perceive their behaviour as directly encouraging a contravention. Indirect encouragement is less likely to be considered a breach of the Code.

#### **Rule 25.**

**Members must comply with the procedures for the investigation of complaints by the Commissioner and cooperate at all times.**

Members must engage with the Commissioner's investigative process and should not seek to delay or undermine it. A Member must not refuse to meet with the Commissioner or ignore requests for interviews or evidence and they should provide papers, emails and any supporting documentation requested in a timely manner.

**Rule 26.**

**Members must not disclose details in relation to any investigation by the Commissioner for Standards except when authorised to do so by law, or by the Commissioner or other investigatory authority.**

Members should not discuss the details of anything discussed during interviews or any evidence which they may have given. They should not advise the media, whether mainstream or social, that they have made a complaint or indeed are the subject of a complaint.

**Rule 27.**

**Members must not misrepresent any findings made by the Commissioner for Standards in relation to any complaints they have considered.**

Members who are the subject of a complaint are given an opportunity to provide feedback on the investigation to the Privileges and Procedures Committee and they are invited to accept the findings. Once they do so, it would be unacceptable for them to later seek to criticise or undermine those findings. Similarly, those Members who make a complaint are expected to accept the outcome and should not seek to revisit matters which have already been adjudicated upon and concluded. This also extends to those complaints determined to be inadmissible.

**Rule 28.**

**Members must not make frivolous, vexatious or manifestly unfounded complaints to the Commissioner for Standards**

The impact of having a complaint made against you should not be underestimated. Members may find the process stressful and upsetting and the duration of investigations, however swift, places them under pressure for that period of time, which can impact on wellbeing, confidence and lead to the re-evaluation of political futures. Complaints should therefore not be made lightly, particularly by Members against each other. No one wants the complaints process to become weaponised.