



Privileges and Procedures Committee

Legacy Report - 2018 - 2022

5th May 2022

R.67/2022

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Introduction

The Privileges and Procedures Committee (PPC) is responsible for the procedures of the States Assembly, for members' facilities and the code of conduct for members. The Committee consists of the Chair and three elected members who are not Ministers or Assistant Ministers, two elected members who are Ministers or Assistant Ministers and one elected member who is a member of the Scrutiny Liaison Committee.

PPC Remit

As prescribed by Standing orders, the remit of PPC is:

- a) to keep under review the composition, the practices and the procedures of the States as Jersey's legislature and bring forward for approval by the States amendments to the Law and standing orders as considered appropriate;
- b) to keep under review the rules for enfranchisement and for the conduct of elections and to bring forward for approval by the States amendments to the Public Elections (Jersey) Law 2002 as considered appropriate;
- c) to be responsible, in accordance with Article 24B of the Public Finances Law, for the preparation of the estimates of income and expenditure for the States and their services, and to ensure that the budget of the States is utilised in the most effective and cost-effective manner possible;
- d) to be responsible for the provision of accommodation, services and facilities for members of the States and to bring forward for approval, as appropriate, recommendations for improvements and changes to these facilities;
- e) to liaise as necessary with any person or body directed by the States to review the remuneration and expenses of elected members on all matters relating to such remuneration and expenses, and to bring forward for approval, as necessary, proposals relating to the terms of reference of any such person or body or to the arrangements relating to the remuneration of elected members;
- f) to take the necessary steps for the enforcement of the code of conduct for members of the States and in this context to promote high standards amongst members of the States and to champion and defend the privileges of members of the States;
- g) to be responsible for the provision of information to the public about the work of the States and the work of the Council of Ministers, the scrutiny panels, and the PAC, and to keep these public information services under review;
- h) to keep under review the procedures and enactments relating to public access to official information and the procedures relating to access to information for elected members;
- i) to produce, in consultation with the Bailiff, the chairmen's committee and the Greffier, an annual report on the work of the States and of committees and panels established by standing orders and present the report to the States

As this Assembly term ends, the Committee has considered the work undertaken this term and has produced this forward-looking legacy report with the aim of informing the future work programme of the next PPC. In addition, it is hoped that this report will serve as a useful reference point for other members and the wider public in setting out the Committee's reflections of the last term and highlighting matters that we hope will be subject of further prioritisation and development in the future.

Work undertaken

The following publications were presented to the Assembly by the Committee during this term of office¹:

Reports

| Title | Reference Number | Publication Date |
|---|----------------------------|---------------------|
| 2018 | | |
| Meetings of the States in 2019 | R.100/2018 | 27th July 2018 |
| States Assembly Annual Report 2017 | R.137/2018 | 18th October 2018 |
| Commissioner for Standards: Annual Report 2017-2018 | R.139/2018 | 22nd October 2018 |
| 2019 | | |
| Referendum Commission Report: Referendums in Jersey | R.49/2019 | 30th April 2019 |
| States Greffe Business Plan 2019 | R.51/2019 | 7th May 2019 |
| Meetings of the States in 2020 | R.82/2019 | 27th June 2019 |
| States Members' Remuneration Review Body: recommendations for remuneration beyond the 2022 General Election | R.89/2019 | 22nd July 2019 |
| States Assembly Gender Audit: Diversity Forum Report | R.96/2019 | 29th July 2019 |
| States of Jersey Complaints Panel: renewal of membership | R.102/2019 | 9th August 2019 |
| States of Jersey Complaints Panel: report for 2018 | R.114/2019 | 5th September 2019 |
| States Assembly Annual Report 2018 | R.119/2019 | 13th September 2019 |
| Commissioner for Standards: Annual Report 2018-2019 | R.128/2019 | 9th October 2019 |
| 2020 | | |
| Election expenditure and political donations | R.14/2020 | 25th February 2020 |

¹ This list does not include withdrawn amendments or propositions

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|---|----------------------------|---------------------|
| States Greffe and Legislative Drafting Office: Business Plan 2020 | R.42/2020 | 22nd April 2020 |
| Re-appointment of the Chair of the States of Jersey Complaints Panel | R.78/2020 | 24th July 2020 |
| Draft Legislation (Jersey) Law 202- Consultation | R.85/2020 | 19th August 2020 |
| States of Jersey Complaints Panel: appointment of members | R.97/2020 | 16th September 2020 |
| Meetings of the States in 2021 | R.102/2020 | 30th September 2020 |
| States Assembly Annual Report 2019 | R.106/2020 | 1st October 2020 |
| Independent Review of Jersey Members' Remuneration Process | R.121/2020 | 27th October 2020 |
| Commissioner for Standards: Annual Report 2019-2020 | R.123/2020 | 2nd November 2020 |
| States of Jersey Complaints Panel: report for 2019 | R.129/2020 | 11th November 2020 |
| 2021 | | |
| Time Limits on Speeches in Debates: Guidance on the Exercise of Discretion | R.3/2021 | 8th January 2021 |
| Policy Guidance in Respect of the Lodging and Presentation Processes | R.2/2021 | 8th January 2021 |
| States Greffe and Legislative Drafting Office Business Plan 2021 | R.30/2021 | 4th March 2021 |
| States Assembly Annual Report 2020 | R.121/2021 | 16th July 2021 |
| Commissioner for Standards Annual Report 2020-2021 | R.140/2021 | 6th September 2021 |
| Meetings of the States in 2022 | R.153/2021 | 24th October 2021 |
| Automatic Electoral Registration Project | R.164/2021 | 22nd October 2021 |
| Research project: How might the Standing Orders of the States of Jersey respond to the formation of political parties | R.165/2021 | 25th October 2021 |
| States of Jersey Complaints Panel: report for 2020 | R.166/2021 | 28th October 2021 |
| 2022 | | |
| Policy Guidance in respect of Standing Order 53(2): parental responsibilities | R.3/2022 | 11th January 2022 |

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|---|---------------------------|--------------------|
| Jersey Electoral Authority: Appointment of Chair and Members | R.7/2022 | 17th January 2022 |
| Democratic Accountability and Governance Sub-Committee | R.23/2022 | 18th February 2022 |
| Diversity of public sector appointments - Research by the Diversity Forum | R.25/2022 | 4th March 2022 |
| States Greffe and Legislative Drafting Office: Business Plan 2022 | R.27/2022 | 10th March 2022 |
| States Assembly Annual Report 2021 | R.50/2022 | 14th April 2022 |

In addition to the reports listed above, the Committee presented a number of findings report by the States of Jersey Complaints Board and investigation reports by the Commissioner for Standards.

Comments papers

| Title | Reference Number | Publication Date |
|---|------------------------------------|--------------------|
| 2018 | | |
| Public impact of Propositions: proposed amendment to Standing Orders (P.96/2018) – comments | P.96/2018 (Com) | 23rd August 2018 |
| Draft Sea Fisheries (Minimum Size Limits) (Amendment No. 6) (Jersey) Regulations 201- (P.93/2018) and Draft Sea Fisheries (Les Ecréhous) (Jersey) Regulations 201- comments | P.94/2018 (Com) | 31st August 2018 |
| 2019 | | |
| Jèrriais: promotion by the Public Sector (P.143/2018) – amendment (P.143/2018 Amd.) – comments | P.143/2018 Amd.Com | 8th February 2019 |
| Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed amendments (P.6/2019) - comments | P.6/2019 (Com) | 21st February 2019 |
| Public Elections (Expenditure and Donations) (Jersey) Law 2014: proposed review (P.7/2019) - comments | P.7/2019 (Com) | 21st February 2019 |
| Establishment of an elected Speaker (P.47/2019) - comments | P.47/2019 (Com) | 2nd July 2019 |
| 2020 | | |

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|---|------------------------------------|---------------------|
| Diversity Working Group (P.118/2019) - comments | P.118/2019 (Com) | 6th January 2020 |
| Ministerial Government: Review (P.98/2020) – comments | P.98/2020 (Com) | 17th September 2020 |
| Composition and Election of the States: proposed changes (P.139/2020) - comments | P.139-2020 Com (2) | 27th November 2020 |
| Draft Amendment (No. 49) of the Standing Orders of the States of Jersey (P.143/2020) - comments | P.143-2020 Com | 4th November 2020 |
| 2021 | | |
| Migration Control Policy (P.137/2020) Third Amendment - comments | P.137/2020 (Com) | 25th February 2021 |
| Amendment of the Standing Orders of the States of Jersey to Provide for Political Parties (P.166/2020) - comments | P.166/2020 (Com) | 19th January 2021 |
| 'Life in Jersey' Test and Eligibility for Election (P.2/2021) - comments | P.2/2021 (Com) | 3rd February 2021 |
| Draft Constitution of the States and Public Elections (Jersey) Law 202- Amendments - comments | P.17/2021 (Com) | 16th April 2021 |
| Draft Eligibility for Election (Amendment of Laws) (Jersey) Law 202 - comments | P.22/2021 (Com) | 9th April 2021 |
| Draft Elections (Miscellaneous Amendments) (Jersey) Law 202 – comments | P.56/2021 (Com) | 14th July 2021 |
| 2022 | | |
| Draft Children and Young People (Jersey) Law 202 - comments | P.107/2021 (Com) | 25th January 2022 |
| Amendment to Standing Orders - inclusion of Island Identity statement - comments | P.17/2022 (Com) | 2nd March 2022 |
| States Meetings – Remote participation and Proxy voting - comments | P.63/2022 (Com) | 14th April 2022 |

Amendments

| Title | Publication Date |
|--|--------------------|
| 2018 | |
| Draft Amendment (No. 36) of the Standing Orders of the States of Jersey | 13th August 2018 |
| 2020 | |
| Public Elections: declaration of donations exceeding the current threshold for declaration in law (P.120/2019) – amendment [P.120-2019 Amd.] | 14th January 2020 |
| 2021 | |
| Draft Constitution of the States and Public Elections (Jersey) Law 202-(P.17/2021): Third Amendment | 6th April 2021 |
| Proposed Government Plan 2022-2025 (P.90/2021): tenth amendment . Piquet House | 29th November 2021 |
| 2022 | |
| Amendment (No. 54) to Standing Orders – Amendments to the Code of Conduct for elected members and related matters (P.1/2022)– amendment (re-issue) | 15th February 2022 |

Propositions

| Title | Reference Number | Publication Date |
|---|---------------------------|-------------------|
| 2019 | | |
| Draft Amendment (No. 38) of the Standing Orders of the States of Jersey | P.1/2019 | 14th January 2019 |
| Draft Amendment (No. 39) of the Standing Orders of the States of Jersey | P.67/2019 | 27th June 2019 |
| Draft Amendment (No. 41) of the Standing Orders of the States of Jersey | P.72/2019 | 29th July 2019 |
| Draft Amendment (No. 42) of the Standing Orders of the States of Jersey | P.73/2019 | 30th July 2019 |
| Draft Amendment (No. 44) of the Standing Orders of the States of Jersey | P.77/2019 | 7th August 2019 |

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|---|----------------------------|---------------------|
| Greffier of the States: consent to extension of term of office | P.78/2019 | 13th August 2019 |
| States Assembly: time limits on speeches in debates | P.101/2019 | 11th September 2019 |
| Electoral Reform 2020 | P.126/2019 | 23rd December 2019 |
| 2020 | | |
| Draft Amendment (No. 46) of the Standing Orders of the States of Jersey | P.20/2020 | 16th March 2020 |
| States meetings in 2021: move to a three-week cycle | P.106/2020 | 24th August 2020 |
| Draft Amendment (No. 47) of the Standing Orders of the States of Jersey | P.109/2020 | 8th September 2020 |
| Draft Amendment (No. 48) of the Standing Orders of the States of Jersey | P.131/2020 | 13th October 2020 |
| Composition and Election of the States: proposed changes | P.139-2020 | 20th October 2020 |
| Draft Amendment (No. 51) of the Standing Orders of the States of Jersey | P.153-2020 | 3rd November 2020 |
| 2021 | | |
| Draft States of Jersey (Amendment No. 9) Law 202- | P.3/2021 | 22nd January 2021 |
| Draft Constitution of the States and Public Elections Law 202- | P.17/2021 | 8th March 2021 |
| Draft Eligibility for Election (Amendment of Laws) (Jersey) Law 202- | P.22/2021 | 15th March 2021 |
| Draft Amendment (No. 51) of the Standing Orders of the States of Jersey | P.23/2021 | 23rd March 2021 |
| Draft Legislation (Jersey) Law 202- | P.26/2021 | 26th March 2021 |
| States Members' Remuneration | P.40/2021 | 27th April 2021 |
| Draft Elections (Miscellaneous Amendments) (Jersey) Law 202- | P.56/2021 | 8th June 2021 |
| Draft Amendment (No. 52) of the Standing Orders of the States of Jersey | P.62/2021 | 8th June 2021 |

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| Draft Amendment (No. 53) of the Standing Orders of the States of Jersey | P.66/2021 | 10th June 2021 |
| States Meetings: Move to a three-week cycle | P.74/2021 | 30th July 2021 |
| Draft Legislation (Commencement of Law) (Jersey) Act 202- | P.82/2021 | 11th August 2021 |
| Draft Elections (Transitional Provisions) (Jersey) Regulations 202- | P.110/2021 | 6th December 2021 |
| Draft Elections (Miscellaneous Amendments -Commencement) (Jersey) Act 202- | P.111/2021 | 6th December 2021 |
| 2022 | | |
| Amendment (No. 54) to Standing Orders – Amendments to the Code of Conduct for elected members and related matters | P.1/2022 | 4th January 2022 |
| Amendment to Standing Orders – miscellaneous amendments | P.3/2022 | 11th January 2022 |
| Draft Public Elections (Donations to Political Parties – Threshold Amount) (Jersey) Regulations 202- | P.15/2022 | 4th February 2022 |
| Draft States of Jersey (Amendment – Remuneration of Elected Members) (Jersey) Law 202- | P.40/2022 | 3rd March 2022 |
| Amendments to Standing Orders – Written Questions | P.57/2022 | 10th March 2022 |
| Amendments to Standing Orders – Land Transactions | P.58/2022 | 10th March 2022 |
| Amendments to Standing Orders – Election Declaration Form | P.59/2022 | 10th March 2022 |
| Amendments to Standing Orders –Removal of references to Senator | P.60/2022 | 10th March 2022 |
| Greffier of the States: Consent to Appointment | P.72/2022 | 10th March 2022 |

Other methods of working

Sub-Committees

The Committee established six Sub-Committees to deal with and focus on particular issues. Each of the Sub-Committees operated on behalf of the Committee and reported back to it on a regular basis:

- **Election Observers:** The purpose of this Sub-Committee was to review and implement, where possible, the 18 recommendations made within the Election Observer Mission Report with the aim of increasing voter equity and equality and encouraging greater voter turnout in 2022.

Following its consideration of all 18 recommendations made in the Election Observer Mission report, the Sub-Committee brought forward a number of suggested improvements to the current electoral system. The first tranche of the Sub-Committee's legislative amendments related to voter inequality and inequity across the Island's districts and culminated in the Assembly's approval of [P.17/2021](#) 'Draft Constitution of the States and Public Elections (Jersey) Law 202-'.

P.17/2021 established an Assembly of 49 Members, 37 elected from 9 new districts of comparable population size, plus the 12 Parish Connétables. It also moved the election 2022 back by one month to June.

The second tranche of changes ([P.56/2021](#) 'Draft Elections (Miscellaneous Amendments) (Jersey) Law 202-'), amongst other things, established the Jersey Electoral Authority, extended access to postal voting and made changes to the nomination process.

The Committee has invited the Commonwealth Parliamentary Association to undertake another Election Observers Mission during the 2022 elections. Therefore, the next PPC may consider re-establishing the Sub-Committee to consider and implement any recommendations made by the CPA.

- **Political Awareness Education:** The purpose of this Sub-Committee was to facilitate closer co-operation between the work of the PPC relating to raising political awareness and engaging with the public about the work of the Assembly. It also engaged with other bodies working with young people to encourage an interest in politics, particularly Children and Young People, Education and Skills.

The Sub-Committee has produced a resources pack for schools in order to generate interest amongst young people about politics. Some of the Sub-Committee's plans for this term have been impacted by Covid-19 and the closure of schools.

It is anticipated that the aim of raising political awareness and engaging with the public about the work of the Assembly will continue into the next term - particularly with the support of the Digital and Public Engagement Team at the States Greffe. Therefore, the next PPC may consider re-establishing the Sub-Committee to continue its work in this area.

→ **States Members Pensions:** To oversee the States Members' pension scheme.

The Sub-Committee oversaw the development and delivery of the States Members' pension scheme during 2021 and 2022.

Part of the Sub-Committee's Terms of Reference is to meet at least twice a year to consider a 6 monthly report from the pension provider on the performance of the scheme, review the performance of the investment offerings within the scheme, review contribution rates and consider any feedback from States Members. In that regard, the next PPC may consider re-establishing the Sub-Committee to provide oversight over these matters.

→ **Diversity Forum:** The Diversity Forum was reconstituted as a PPC Sub-Committee in 2019. The Diversity Forum works towards the aim of the States Assembly fully reflecting the population of Jersey and representing all of the communities and interests in the Island. It aims to increase public engagement in democratic processes, particularly in relation to under-represented groups.

The Forum's principal achievements during this term have been:

- *Finalisation and publication of a [gender sensitive audit](#) of the States Assembly*
- *Making the Assembly's Standing Orders gender neutral*
- *Finalisation of work to enable Members absent at the start of a sitting to be excused on the basis of 'parental responsibilities'*
- *Organising a successful event in the Town Hall to promote civic participation*
- *Successfully ensuring that States Members come within the ambit of the States' contract for wellbeing support*
- *Publication of a report ([R.25/2022](#)) which included two papers 'Enhancing Diversity of Applications and Appointments to Board-level Public Sector Positions' and 'Proposed Areas for Consideration to Encourage Diversity'.*
- *Development of a programme of work to enhance the diversity of election candidates, for implementation by the States Greffe.*

The Diversity Forum has published a legacy report which includes a number of matters which have not been brought to a conclusion during this term. These include implementing the recommendations made in the gender sensitive audit; naming two rooms in the States Building after pioneering women politicians (Caroline Trachy and Ivy Forster); and continuing work on the action plan included in the Forum's report on improving diversity of recruitment to States-owned bodies and arm's length organisations.

The Forum also raised concerns that there is nothing in Standing Orders that requires the Diversity Forum to be re-established after the election. In that regard, the Forum suggests, in its legacy report, that it is set up under Standing Orders either as a permanent Sub-Committee of PPC or a standalone body.

→ **States Members' Remuneration:** The purpose of this Sub-Committee was to review each of the specific recommendations made in the Report: 'Independent Review of Jersey Members' Remuneration Process' (R.121/2020).

In June 2021, the States adopted a Proposition ([P.40/2021](#)) which discontinued the previous arrangements for setting States Members' pay, including the States Members' Remuneration Review Body, and established the framework for a new system. This was based on the work of the Sub-Committee, which had agreed the new arrangements in early 2021.

The States of Jersey (Remuneration of Elected Members) Law 202- was adopted by the States during its last meeting in April 2022. The Law sets out the process for setting Members' remuneration and PPC's role in appointing an independent reviewer. The actions required by the Committee in this regard are set out in further detail in the next section.

→ **Democratic Accountability and Governance:** The purpose of this Sub-Committee was to undertake a review of the accountability of government to the public and the Assembly, with a view to making recommendations for improvement.

In February 2021, a Sub-Committee was established to review Jersey's system of governance. The Committee published its report ([R.23/2022](#)) in February 2022 which included a number of recommendations for the States Assembly and Government to consider.

Following its publication, the Chair of the Sub-Committee, Senator Tracey Vallois, lodged an [amendment](#) calling for an addition to the Committee's Terms of Reference that a Sub-Committee should be established to keep under review the machinery of government. This was accepted by the States Assembly and therefore will be a matter for the next PPC to take forward.

Suggestions for future work

States Members' Remuneration

In 2021, the States adopted a new system for setting States Members' pay ([P.40/2021](#)). The States of Jersey (Remuneration of Elected Members) [Law](#) put the new arrangements on a statutory footing for the first time.

Article 2 of the Law inserted a new Article 44A in the States of Jersey Law 2005 which sets out the process for setting Members' remuneration. In summary:

- PPC must establish a panel, consisting of the Greffier of the States plus between 2 and 4 other people who may not be States Members or States Employees, to appoint a person to carry out a review of the amount of remuneration and allowances payable to elected States Members and produce a report;
- the panel must not appoint the reviewer until at least 14 days after PPC present a report to the States giving notice of the panel's proposed reviewer;
- once the appointment is made, PPC must direct the reviewer to carry out the review and, within 12 months, to produce the report to PPC;
- the reviewer, must consult elected members and the Minister for Treasury and Resources;
- the report must contain an assessment of the appropriate amount of remuneration, the date on which it should take effect (pay increases may be backdated - no earlier than the previous election; a decrease cannot be backdated), an explanation of why the date and amount is appropriate, and any other matters PPC may require;
- the report may contain provisions for allowances for elected members, a formula for altering the amount of remuneration over time by reference to an index produced by the Statistics Jersey, and any other matters relating to remuneration of elected members;
- PPC must present the report to the States.

Therefore, the next PPC is tasked, through the implementation of the Law, to establish a panel to appoint a reviewer to carry out a review of the amount of remuneration and allowances payable to States Members. The Committee must give 14 days' notice to the States (in a report) about its proposed reviewer before a formal appointment is made. The reviewer must complete the review within 12 months and produce a report to the Committee, which must also be presented to the States Assembly.

Political Parties

In January 2021, the States adopted P.166/2020 which required the Committee to investigate the formation of political parties and bring forward any necessary amendments to Standing Orders. In order to undertake this work, the Committee commissioned Dr Caroline Morris, Queen Mary University of London, Dr Matthew Bishop, University of Sheffield and Professor Jack Corbett, University of Southampton, from the Centre for Small States, who worked in collaboration with Paul Evans CBE.

Their final report was presented by the Committee in October 2021 ([R.165/2021](#)) which set out how Jersey's rules might be adapted to deal with the possible development of party politics.

When the report was published by the Committee, it advised States Members that it intended to establish a Sub-Committee to consider the recommendations made in the report and asked whether any Members would be interested in taking the matter forward. Unfortunately no expressions of interest were received, likely due to the timing of the report during a busy period. Therefore, the Committee agreed that this matter should be taken forward by the next Committee.

Children and Young People Law

The Children and Young People (Jersey) Law 202- (P.107/2021) was adopted by the States in February 2022. The Committee issued [Comments](#) on the Proposition and noted that the Law was a significant piece of Legislation which aimed to “*strengthen strategic planning for children and young people and introduce specific measures to promote the wellbeing of and safeguard children and young people, particularly the most vulnerable,*” following the recommendations of the report of the Independent Jersey Care Inquiry in 2017.

Part 6 of the Law introduces the concept of ‘corporate parenting’ in Jersey and the Schedule lists the bodies which are corporate parents of care leavers and looked after children. The Committee noted that the States Greffe is a “unit or department of administration established on behalf of the States” and so would become a corporate parent under the Law.

The Committee explained in its Comments paper that the States Greffe would begin work on its corporate parenting action plan, for consideration by the next Committee.

Commissioner for Standards

The current Commissioner for Standards, Paul Kernaghan, was appointed in September 2017. His term of office was originally due to end on 31st August 2022, however, as the next Committee was not going to be constituted until July, the Committee offered Mr Kernaghan a six-month extension to the end of February 2023, which he accepted.

During its discussions on this matter, the Committee noted that the States of Deliberation in Guernsey had considered whether to propose that the Commissioner for Standards be a pan-Island appointment. Guernsey does not have a Commissioner at the moment but has been moving in that direction for some time. The Committee wrote a letter to the President of the States Assembly and Constitution Committee in Guernsey in February 2022 advising him that the recruitment exercise was likely to start in September or October 2022, with a view to a new Commissioner taking up the position in March 2023. The letter also sought agreement from the President that the two Islands plan the recruitment as a joint exercise in the autumn.

The Committee received a response on 29th April 2022 from the President of the States Assembly and Constitution Committee to its letter dated 18th February 2022. The President is keen that the two Islands plan the recruitment as a joint exercise, therefore it is anticipated that the recruitment process would begin in the autumn when a job description would be drafted in collaboration with Guernsey.

The States adopted [P.1/2022](#) which, amongst other things, made amendments to the Code of Conduct for Elected Members. Part of the changes related to Declaration of Interests (SO106) which require Members to declare an interest if they have an interest in a matter which is subject of a proposition, written or oral question or any other matter before the States or one of its committees or panels. In the event that the interest being declared is a financial interest which is personal to that member, or which is shared with a small number of other people, SO106 states that the member shall not vote on any Proposition relating to the matter.

Para (4) of SO106 stipulates that the Bailiff will issue guidance on the interpretation of this Standing Order. It is anticipated that this guidance will be forthcoming early in the new term.

Standing Orders

55A Members present and able to vote by means of electronic communication in exceptional circumstances

Standing Order 55A is the provision which enables remote or hybrid meetings of the Assembly. At the States meeting on 14th September 2021 paragraph (1) of the Standing Order was disappplied, which means that remote or hybrid sittings are now the norm. The Committee subsequently agreed that a remote link should always be provided for States meetings in future, to enable people who cannot attend the Chamber for valid reasons to be able to participate in meetings. However, at the moment, the rules require the Greffe to provide the meeting link to all Members and no reason must be given for making use of it.

During its meeting in February 2022, the Greffier advised the Committee to consider adjusting the rules to ensure that sittings return to normal and use of the link for remote access is appropriately regulated. The general consensus amongst Members has been that the link should be available to those Members with a health reason not to attend, but who are not sufficiently unwell to be 'malade'.

The Committee considered whether to propose that Standing Order 55A(1) was permanently repealed and that Standing Order 55A(2) could be amended as follows:

(2) The Greffier must make arrangements to enable elected members who are absent at the start of a day on which the States is meeting for a reason related to their health or the health of a household member to participate in the meeting by means of electronic communication. The arrangements may include the meeting being conducted entirely by means of electronic communication.

The Committee decided not to propose any changes to SO 55A for the time being in order to assess how many Members were requesting the remote link. This may be a matter for the next Committee to revisit.

Remote participation from outside Jersey

During the last States sitting in April, the States approved part (a) of [P.63/2022](#) which called for remote participation and proxy voting. Part (a) related to remote participation in the States Assembly when Members are off-island:

(a) that, at any time when remote participation in States meetings is permitted generally, members should be able to participate remotely from outside Jersey in the event that unforeseen circumstances prevent their participation from in the Island, with the circumstances permitting such participation to be determined in accordance with guidance issued by the Bailiff

Standing Order 55A, which provides for fully virtual, or hybrid, sittings of the States Assembly is silent on the subject of Members participating remotely from outside the jurisdiction. However, the Bailiff has previously ruled that Members must be in Jersey to take part in a virtual or hybrid States sitting, as the Standing Order does not explicitly permit participation from outside Jersey.

Paragraph (a) states that Members can participate in virtual or hybrid States meetings from outside the Island, if "unforeseen circumstances" prevent them from being in the Island. In its [Comments](#) paper, the Committee highlighted that it would require a ruling from the Bailiff as to whether adopting this paragraph would be sufficient for this change to take effect, or whether a further proposition to amend Standing Order 55A would be required. It would also be for the Bailiff to determine the circumstances in which this provision would be used.

The next Committee may wish to write to the Bailiff to confirm whether the approval of part (a) of this Proposition requires a change to Standing Order 55A.

Other matters

In addition to the matters identified above, there are a number of other areas the next Committee may wish to consider and/or take forward:

- **The introduction of a behaviour code for Members.** In considering the work the Committee led on changing the Code of Conduct for Elected Members, the Diversity Forum commissioned research on the introduction of behaviour codes in other jurisdictions. These codes set out the behaviours expected from parliamentarians and other people who work in parliamentary buildings, in light of various high-profile bullying and harassment cases which were not capable of being resolved using conventional parliamentary standard processes. The Forum noted that this was a complex matter which brings into focus what similar arrangements could be put in place for States staff and suggested, in its legacy report, that the next Committee continue work on this matter.
- **The introduction of a recall procedure**, by which the public would have the opportunity to call for a by-election in the event of a Member committing a serious breach of the Code of Conduct. This was a matter discussed by the Committee during its work on the Code of Conduct for Elected Members, however was not progressed.
- **The Commonwealth Parliamentary Association Benchmark** '*The Legislature shall provide all legislators with adequate and appropriate resources to enable them to fulfil their constituency responsibilities*'. Although the Committee assessed Jersey as partially complying with this benchmark in its report, it felt that this matter should be explored further, and prioritised, by the next Committee. The Committee suggests that Members could be consulted on how they could be best supported with their constituency responsibilities during the next term.
- **Office accommodation for States Members.** The Committee originally lodged an amendment to the Government Plan 2022 - 25 in order to progress with a project to provide Members with dedicated office space. The Committee was quite keen to progress with acquiring Piquet House for Members' use but was aware that it was being prepared for the Justice and Home Affairs Department.

The Committee's amendment ultimately fell away because the Minister for Infrastructure proposed an alternative amendment which ensured that all appropriate sites with the potential to provide the required office spaces was included in a feasibility study. The Minister advised that funding of up to £100k already existed in the Central Planning Reserve and that the Treasury Minister would transfer the funds for the purposes of the feasibility. The Committee accepted the Minister's Proposition and it was approved by the Assembly.

Subsequently, Jersey Property Holding provided the Committee with four sites - 23 Hill Street, Piquet House, La Chasse and Maison Le Pape. The arrangements for the feasibility study will be for the next Committee to take forward.

Appendix 1

Committee Membership

Current Committee Membership



Deputy Carina Alves, Chair
26th June 2018 - Present
(Deputy Alves was elected as Vice-Chair on
17th June 2019 and then was elected as
Chair on 10th February 2021)



Senator Tracey Vallois, Vice-Chair
23rd February 2021 - Present



Connétable Simon Crowcroft
26th June 2018 - Present



Connétable Karen Shenton Stone
10th February 2021 – Present



Deputy Russel Labey
8th June 2018 – Present



Deputy Mary Le Hegarat
26th June 2018 – Present

(Deputy Labey was Chair of the Committee until 9th February 2021 when he became Minister for Housing and Communities. He then became a member of the Committee on 10th February 2021).



Deputy Gregory Guida
10th February 2021 – Present

Previous Committee Membership

Deputy Scott Wickenden - 26th June 2018 - 4th June 2019 when he became an Assistant Minister for Social Security (he was Vice-Chair from 28th June 2018 - 4th June 2019)

Connétable Chris Taylor - 26th June 2018 - 23rd August 2020 when he became Assistant Chief Minister

Deputy Jeremy Maçon - 26th June 2018 - 10th February 2021

Deputy Perchard - 4th June 2019 - 10th February 2021



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