

STATES OF JERSEY



AMENDMENT TO STANDING ORDERS – REVISED CODE OF CONDUCT

Lodged au Greffe on 30th April 2025
by the Privileges and Procedures Committee
Earliest date for debate: 3rd June 2025

STATES GREFFE

PROPOSITION

THE STATES are asked to decide whether they are of opinion to make the following amendment to the Standing Orders of the States of Jersey, with immediate effect –

to replace the Code of Conduct for Elected Members contained in Schedule 3 to the Standing Orders of the States of Jersey with the revised Code of Conduct contained in Appendix 1 to the report accompanying the proposition.

PRIVILEGES AND PROCEDURES COMMITTEE

REPORT

Background

In 2024 the Committee sought Members views on the existing Code of Conduct from Members, the Commissioner for Standards and colleagues from across the British Isles Standards Network. The response rate was initially quite low, so PPC extended the deadline twice to ensure every Member had ample opportunity to participate. The Committee reviewed the responses at its meeting in December and again in early 2025 and the Code was redrafted to reflect the key points raised.

As well as being asked to provide comments regarding the current Code and the way in which breaches are currently addressed, the Committee posed some specific questions as part of its consultation –

- **Should the Commissioner for Standards make recommendations regarding the sanctions to be imposed in the event of a breach of the Code?**
- **Should the declaration of interests be more explicit in relation to non-financial interests and require a declaration from Members, not just in Assembly proceedings, but also during any interaction as a public representative, in relation to any relevant interest which might reasonably be thought by others to influence their approach to the matter under consideration?**
- **Should there be a time limit on submissions of complaints in relation to a potential breach?**
- **Should Members' expected behaviours be better defined within the Code?**
- **Do you have any further comments or suggestions you would like to add? Do you think that a recall mechanism should be built into our legislation in the event that a Member loses the trust of the electorate following a breach of the Code?**

A majority of respondents were content for the Commissioner for Standards to make recommendations regarding the imposition of sanctions to PPC, mindful that it was entirely a matter for the Committee what it took to the Assembly. The responses in relation to the final question about establishing a recall mechanism did not provide a consensus view and the Committee was concerned about whether such a mechanism would be used fairly and responsibly or weaponised by a vocal minority. It was therefore not minded to pursue this option at this time. Similarly, the Committee considered introducing a specific rule in relation to the potential misuse by a Member of their position to confer an advantage or preferential treatment for themselves or others, but was wary of imposing a rule which could impact upon a Member's ability to support constituents. The Committee considered that Members should not use their position to influence a process or service for themselves or others which would not ordinarily be accessible, such as requesting that a constituent be given priority over others in accessing a service, simply because that person had a Member's support. However, it was agreed by the Committee that separate guidelines on lobbying could be produced which addressed this area more specifically.

The rationale behind the amendments

The following revisions reflect the suggestions made during the consultation.

Part 1 has been reformatted to provide an overview of the purpose of the Code and its scope. It references a Guidance Note which will accompany the Code and which will

provide additional information in order to help Members and the public better understand the provisions.

This Part references the fact that the conduct of Members during States meetings is usually addressed by the Bailiff or Presiding Officer and that Members are bound to comply with Standing Orders. It also makes it explicit that the Presiding Officer is able to refer matters to the Commissioner should they consider this to be appropriate. It is made expressly clear that the Code is applied to Members at all times, including their personal and private lives.

Members are reminded that they must comply with Standing Orders in relation to the declaration and registration of financial and other interests.

There is a succinct reference to when the Code should not be applied.

The consultation produced agreement that a time limit should be imposed for complaints, matters should be dealt with swiftly and it was in no one's interest to revisit incidents long after they occurred. Aside from making it difficult for witnesses to recall detailed facts during any investigation which ensued, it also increased the stress for both the complainant and Member concerned to have matters raised long after they had taken place. However there needed to be acknowledgement that victims of harassment or abuse might need more time to process and report incidents and so there is a provision for discretion to be applied, as appropriate.

In Part 2 an addition has been made to the overarching principles which underpin Members' behaviour in public life (based on the Nolan seven principles of public life) to include reference to 'Respect'. In researching the Codes of other jurisdictions, the Committee noted that it had been recognised that the Nolan principles, whilst still relevant and appropriate, were enhanced by this addition which reflected that this is a key tenet of public life applicable to the Members of the Assembly.

The major change to the Code is the way in which the principles are detailed in practice in Part 3. The existing Code is set out in paragraphs and is quite 'wordy' with some paragraphs containing a number of rules. It is not always explicit as to their meaning; some elements are open to interpretation and this results in a Code which is not easily understood by Members or the public. The Committee has looked at the way other jurisdictions have presented their Codes and considers that the proposed rules-based format provides greater clarity.

Aspects of the existing Code are retained and rephrased to be more concise where applicable, recognising that the introduction of Guidance notes will enable more detailed explanations to be provided elsewhere. Additional elements have been included, with many of the respondents to the consultation expressing a desire for stronger guidelines on what behaviours are unacceptable. The new Code includes clear definitions of bullying, discrimination, harassment and unwanted behaviour, to address any ambiguity or misinterpretation of these terms. There are also new rules to reflect the way in which Members are expected to engage with the Commissioner for Standards and any investigatory process.

The new or heavily amended rules –

Rule 1 Members must uphold the Overarching principles

The overarching principles support the interpretation of the Rules and can also be applied directly where no specific Rule exists in relation to a Member's conduct which falls short of the standards embodied by the overarching principles. It is for this reason that upholding the overarching principles is the first rule, although it should only be relied upon if there is not a more applicable or appropriate rule against which to consider a complaint.

Rule 2 Members must act truthfully

Trust in Members and the Assembly is at a low, as seen in recent Jersey Opinion and Lifestyle Survey (JOLS) surveys. An explicit reference to Members acting in a truthful manner, whilst acknowledging that there may be times when Members misspeak and make incorrect, but 'honestly made' statements, makes it clear that all Members respect and adhere to the principle of honesty in their public and private lives.

Rule 9 Members must not engage in unwanted behaviour, harassment, bullying or discrimination.

Explicit reference is made to unwanted behaviour, harassment, bullying or discrimination. The former Code had no direct reference to these behaviours, although 'good conduct' was implied.

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.

This new Rule directly addresses cases of egregious personal attack and gives effect to the Principle of Respect. The application of this Rule has to be balanced against the strong protection of the Right to Freedom of Expression under Article 10 of the European Convention on Human Rights.

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 is a new Rule which 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.

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.

This Rule has been redrafted to be more succinct, and detailed guidance will be provided separately.

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.

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 declarations of interest 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 or stance.

Rules 17-19, which relate to Members' relationship with the Civil Service, have been simplified and made more succinct.

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.**

This is a new Rule, lifted from the Codes of other jurisdictions, which ensures Members are 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 also important that Members appreciate that this Rule is still applicable after they cease to be an elected Member.

Rules 23 -28 relate to respect for the Code and the Commissioner for Standards' processes.

Having a whole section on the rules of engagement with the Commissioner provides support to the postholder which has been lacking since the role was created. This was not an issue previously, but the conduct of some Members in relation to the process and outcomes of investigations have left the Commissioner somewhat exposed and the target for unjustified criticism. It is not appropriate for Members who have been found to have breached the Code to then disparage or undermine the process, but that is a matter for those Members concerned and the Assembly must draw their own

conclusions regarding their motives for doing so. The additional rules are not bespoke – they have been lifted from other jurisdictions.

Financial and staffing implications

There are no financial and staffing implications arising from this proposition.

Children’s Rights Impact Assessment

A Children’s Rights Impact Assessment (CRIA) has not been prepared in relation to this proposition as a CRIA is not required, in accordance with Schedule 2 to the [Children \(Convention Rights\) \(Jersey\) Law 2022](#).

Appendix 1 – Revised Code of Conduct

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.
5. The Code does not apply:
during States meetings when the Presiding Officer maintains order
in relation to the standard of service and outcomes received from a Member.
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.
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.

Part 2

Interpretation and overarching Principles of the Code

Elected members should observe the following overarching principles of conduct for holders of public office –

Selflessness

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

Integrity

Members must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

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

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Respect

Members must always respect the dignity of others and must not engage in discriminatory or unwanted behaviour.

The standards of Personal Conduct set out in Part 3 of this Code are to be interpreted in accordance with the foregoing overarching principles and a breach of the Code means a breach of any of the standards set out in Part 3.

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. (3) 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.

Members' Standards of Personal Conduct (The Rules)

Members should abide by the following rules of conduct –
(*new/amended Rules shown in **bold***)

Behaviour

Rule 1.

Members must uphold the overarching principles of the Code.

Rule 2.

Members must act truthfully.

Rule 3.

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

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.

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.

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.

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.

Rule 8.

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

Rule 9.

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

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.

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.

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.

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 rules.

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.

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.**

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.

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.

Rule 18.

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

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.

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.**

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.

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.**

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.

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.

Rule 25.

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

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.

Rule 27.

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

Rule 28. Members must not make frivolous, vexatious or manifestly unfounded complaints to the Commissioner for Standards