

# STATES OF JERSEY



## ETHICAL STANDARDS – STATES MEMBERS (P.75/2023): COMMENTS

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Presented to the States on 10th October 2023  
by the Privileges and Procedures Committee

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STATES GREFFE

## COMMENTS

The proposition lodged by Deputy Moz Scott intends for the standards of behaviour in the States Assembly to better reflect ethical practices. The Committee has a number of comments on the proposition and will take each paragraph ((a) – (d)) in turn:

**(a) that the professional standards detailed within the Code of Conduct for elected Members should be revised to better align with best ethical standards and practice in professional organisations outside the States Assembly and civil service**

The Committee agrees that the Code of Conduct for elected Members needs to be revised. The Committee has discussed this with the Commissioner for Standards who will be sending a letter to the Committee with her suggestions for change in due course. The Commissioner has already identified a number of issues with the Code, including for example, that the descriptors are out of date in relation to the 7 principles.

The Commissioner would like to see the professional standards aligned to codes of conduct within other political systems. Given this view, the Committee would be concerned if it were stipulated that standards would need to align with random professional organisations.

Once the Commissioner has sent her suggestions, the Committee intends to undertake a piece of work to revise the Code to better align with best practice in political systems elsewhere. Therefore, the Committee rejects this part of the proposition.

**(b) that a support framework for States Members should be established to provide recourse to an independent third party to offer informal rulings and advice on conduct issues before matters are formally referred to the Commissioner for Standards**

The Committee does not agree with establishing any framework which would create a “pre-Commissioner” type role or facility. The Committee believes that this would be entirely inappropriate and not in line with any other standards processes. For all complaints, the Commissioner conducts a preliminary assessment, and she will not consider any complaints which fall outside the scope of the Code or are frivolous or vexatious.

Whether the complainant is a member of the public or an elected Member, the Commissioner’s statement makes it clear that they may wish to consider whether it might first be useful, if appropriate, to try to resolve their complaint informally.

The Committee does agree that not every disagreement needs to be a formal complaint. However, members can already, in theory, speak to their political colleagues about disagreements before making anything formal. The Deputy mentions the cost and time for submitting formal complaints to the Commissioner, particularly if they are formally investigated. However, the Committee points out that appointing someone independent would also incur time and costs.

It is also important to note that the States Greffe has, in the past, offered mediation for members to work through any challenges or disagreements. This provision would always be made available to any member who felt that this was needed.

- (c) that the Privileges and Procedures Committee should produce a body of guidelines and training materials for States Members regarding interpretation of the Code of Conduct and guidelines on how to support and respond to formal claims regarding conduct with objective evidence**

The Committee already provides training and guidance which is undertaken by the States Greffe Members' Resources Team. This includes regularly updating the Members' Handbook, induction programme and organising briefing sessions throughout the term for members. The Committee regularly reviews training and guidance programmes provided to members; therefore, it does not accept this part of the proposition.

- (d) that provision should be made within Standing Orders to make it mandatory for all elected States Members to attend training relating to the Code of Conduct and its interpretation**

The Committee has recently discussed whether the Code of Conduct should include a mechanism whereby some training packages are mandatory. This followed a number of comments made by the Commissioner for Standards in her recent report highlighting the importance of training for members: *"Public life as an elected member requires professionalism and high standards; in this respect, training (both formal and on-the-job) is essential"*.

The Committee decided not to pursue this and agreed to explore alternative routes in the first instance. In that regard, the Committee has requested the States Greffe to record and publish attendance levels on all training sessions which the Committee hopes will encourage greater turnout by members. Therefore, the Committee does not support this part of the proposition.