

STATES OF JERSEY



AMENDMENT TO STANDING ORDERS – CODE OF CONDUCT

Lodged au Greffe on 11th November 2025
by the Privileges and Procedures Committee
Earliest date for debate: 20th January 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

Re-issue Note

This proposition has been re-issued to include Appendix 2 – Guidance on the Code of Conduct for the States Assembly.

REPORT

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

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.

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?**

The 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 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 and lodged for debate [States Assembly | P.35/2025](#) along with draft Guidance notes [States Assembly | P.35/2025 Add](#). However, prior to the proposed debate date, the Committee agreed in July 2025 that the lodged version of the draft Code should be withdrawn, in order that

the feedback from the two briefing sessions held in June and the submissions received could be adequately reviewed against the draft and changes incorporated.

Having considered the feedback received, the Committee merged four of the draft Rules (6 with 7 and 3 with 10) to avoid repetition so there are now 26 Rules in total. The Committee considered a full submission from Deputy M.R. Scott of St. Brelade, but did not endorse her suggestions for changes to the draft Code.

The purpose of revising the Code was to make it more accessible and clearer for both Members and the public. Moving it to a Rules based format, which is the style adopted across a number of jurisdictions, including the House of Commons, Northern Ireland and Welsh Assembly has allowed for the Code to be made more succinct and for related areas to be grouped together in a logical manner. The headings suggested are:

- Behaviour (1-11)
- Register and declaration of interests (12-14)
- Relationship with the Civil Service (15-17)
- Confidential Information (18-20)
- Commissioner for Standards (21-26)

The rationale behind the main changes to the Code

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 the 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 8 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 9 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 11 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 12 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 13 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 15-17, which relate to Members' relationship with the Civil Service, have been simplified and made more succinct.

Rule 18 - 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 21 -26 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

Contents

Part 1 – Purpose and scope of the code

Part 2 – Interpretation and overarching principles of conduct

Part 3 – Members standards of personal conduct in practice

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 public.
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 always place the public at the heart of decision making and 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 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 and should conduct themselves in a manner which strengthens the public's trust and confidence in the integrity of the States of Jersey.

Rule 7.

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

Rule 8.

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

Rule 9.

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 10.

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 11.

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.

Register and declaration of interests, gifts and hospitality

Rule 12.

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 13.

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 14.

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 15.

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 16.

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

Rule 17.

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 18.

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

- (iv) 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;

- (v) **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**
- (vi) **not prevent any person from gaining access to information as permitted by law.**

Rule 19.

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 20.

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 21.

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 22.

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 23.

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

Rule 24.

Members must not publicly 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 25.

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

Rule 26.

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

Appendix 2 – Guidance on the Code of Conduct

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

9. 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

10. The primary duty of elected Members is to act in the interests of the people of Jersey and of the States.
11. 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 always place the public at the heart of decision making and 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.

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. In always placing the public at the heart of decision making, Members need to consider all of those who may be affected as individuals but more importantly how the Island at large may be affected.

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.

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.

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 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 and should conduct themselves in a manner which strengthens the public's trust and confidence in the integrity of the States of Jersey.

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.

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 7.

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 or pleads guilty to any offences. 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 8.

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 9.

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 10.

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 11.

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 12.

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 13.

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 14.

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 15.

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 16.

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 17.

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 18.

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

- (vii) 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;**
- (viii) 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**
- (ix) 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 19.

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 20.

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

- (iv) **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;**
- (v) **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**
- (vi) **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 21.

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 22.

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 23.

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 24.

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 25.

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 26. 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.