

SCHEDULE 3ⁱ

(Standing Order 155)

CODE OF CONDUCT FOR ELECTED MEMBERS

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 and scope of the code

Purpose of the Code

1. The purpose of the Code of Conduct (Code) is to set out the principles and rules governing Members' conduct to support good governance and public accountability.

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 conduct

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.

Part 3 – Members standards of personal conduct in practice

Members’ Standards of Personal Conduct (The Rules)

Members should abide by the following rules of conduct –

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 relevant organisations, private societies and clubs.

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):

- (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 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.

ⁱ Schedule 3 inserted by R&O.152/2005, amended by R&O.52/2010, substituted by P.102/2025