

STATES OF JERSEY



BREACHES OF THE CODE OF CONDUCT: REVIEW OF STANDING ORDERS (P.101/2025) – AMENDMENT

Lodged au Greffe on 18th November 2025
by Deputy M.R. Scott of St. Brelade
Earliest date for debate: 25th November 2025

STATES GREFFE

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After the words ‘such review to include but not be limited to, consideration of’ insert the words “current procedures for the handling of complaints and disclosure of personal details,”.

DEPUTY M.R. SCOTT OF ST. BRELADE

Note: After this amendment, the proposition would read as follows –

THE STATES are asked to decide whether they are of opinion –

to request the Privileges and Procedures Committee to review, with a view to amending, all Standing Orders in relation to breaches of the Code of Conduct, such review to include, but not be limited to, consideration of **current procedures for the handling of complaints and disclosure of personal details**, disqualification mechanisms and varying lengths of suspension (paid and unpaid), and to present a report to the Assembly no later than 31st December 2026 with its findings and recommendations.

REPORT

I have brought this amendment to clarify or expand the scope of the main Proposition so that it achieves what is suggested in its title: to propose that the Privileges and Procedures Committee (PPC) conduct a comprehensive review of all Standing Orders relating to breaches of the Code of Conduct and not just those relating to lengths of suspension and to consider disqualification mechanisms.

This may accord with the proposer's intention. There is some doubt, however, because the Report accompanying the main Proposition only refers to Standing Orders 21A, 21AA, 21B and 164. These relate to forms of suspension and sanction. It does not mention, for example, Standing Order 158 which also relates to breaches of Code of Conduct (or allegations of breach). Preliminary advice on the interpretation of the Proposition provided to me by a Greffe officer has suggested that the Proposition 'is interpreted to be about sanctions and what happens following a breach of Code of Conduct'.

In the following sentence I have italicised words in the main Proposition that suggest otherwise. It seeks the 'review, with a view to amending, *all* Standing Orders in relation to breaches of the Code of Conduct, *such review to include, but not be limited to*, disqualification mechanisms and varying lengths of suspension (paid and unpaid)'. This could suggest a broader interpretation.

The Report accompanying the main Propositions includes, under the heading 'Key Issues for Review', the issue of 'Appeals and Procedural Fairness'. Its conclusion suggests the aim of the Proposition is to 'request PPC to review and modernise standing orders', 'promote accountability, fairness and transparency' and 'reinforce the Assembly's ethical standards' as well as the consideration of graduated levels of sanctions and recall mechanisms. The Report also refers to the timeliness of the main Proposition as a revised form of Code of Conduct is to be debated early next year.

It is important that clear policies and procedures are developed and published in relation to the whole process of dealing with the identification of, consideration of and enforcement of breaches of Code of Conduct. The review should not be confined to only one aspect of the process.

As the proposer of the main Proposition has stated in her report, Jersey's democratic integrity relies on public confidence in elected representatives. This includes the decisions we make as an elected body or as part of any body constituted under our Standing Orders. The PPC serves both the public and States Members in promoting procedural fairness and enforcement of the Code of Conduct. This includes making its processes and methodology clear to those bringing complaints - before they have brought them - so that they know how those complaints will be handled, when the outcomes will be communicated to them and the reasons for those outcomes.

One matter that merits consideration is the practice of publicly disclosing personal details of complainants, particularly those of members of the public. While this appears to be allowable under parliamentary privilege, public authorities and public services ombudsmen generally are constrained from publishing details of complainants under data protection principles based on human rights law. Public disclosure of personal details could reduce enforcement of the Code of Conduct: fear of potential retaliation could deter the making of complaints. Accordingly, I am proposing that the PPC

consider this aspect of procedure as part of the proposed review and standing order modernisation too.

Financial and staffing implications

There are no additional or staffing implications arising from this other than the work of PPC.

Children's Rights Impact Assessment

I consider this amendment to have no direct or indirect impact on children **other than consideration of their human rights by the PPC** and that the duty to have due regard to the UN Convention on the Rights of the Child does not otherwise arise. Accordingly, a Children's Rights Impact Assessment is not required under the Children (Convention Rights) (Jersey) Law 2022.