

STATES OF JERSEY



ETHICAL STANDARDS - STATES MEMBERS

Lodged au Greffe on 26th September 2023
by Deputy M.R. Scott of St. Brelade
Earliest date for debate: 17th October 2023

STATES GREFFE

PROPOSITION

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

- (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;
- (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;
- (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;
- (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; and
- (e) that the Privileges and Procedures Committee should bring forward the necessary changes to Standing Orders to bring effect to the changes detailed above for consideration by the Assembly no later than 30th June 2025.

DEPUTY M.R. SCOTT OF ST. BRELADE

REPORT

The intention of this Proposition is clear – there is a need for the standards of behaviour in the States Assembly to reflect the best ethical practices possible. This would be consistent with the principles of community leadership and promote openness and transparency – beginning to rebuild the trust that many of the public have lost in the Assembly. As the most recent [Lifestyle and Opinions Survey](#) demonstrated, the States Assembly was the least trusted of all public bodies, and 28% of non-voters said they did not vote because they did not trust the political system.

Paragraph (a)

Paragraph (a) of the Proposition identifies the main thrust of the whole proposition – that the Assembly need to be held to account to the highest ethical standards of conduct and that this should be reflected in the Standing Orders of the Assembly.

This specifically refers to the best standards of practise in professional organisations, seeking to improve the existing provision by reviewing those standards applied in organisations outside of parliament or the civil service.

I would consider that such amendments would, amongst other things –

- (a) clarify the definition of ‘public interest’ and ‘conflict of interest’;
- (b) offer clarity of the circumstances in which a States Member should seek to be recused from States business; and
- (c) address behaviour that might reasonably be regarded as harassment, bullying or intimidation by any States Member.

Paragraph (b)

At present States Members have recourse to the Commissioner for Standards. Her role entails¹, amongst other things, investigation of complaints into breaches of the Code of Conduct and initiation of such investigations in her own right.

But not every disagreement needs such assessment – which comes with its burdens of cost and time, along with negative publicity and negative impact on mental health. Where Members may need advice, or opinion, there should be someone independent to whom they can turn.

Paragraph (c)

Paragraph (c) provides Members with clearer guidance on interpretation of Code of Conduct principles without requiring the confrontation or negative implications involved in filing a complaint.

This would in turn reduce the need for Members to turn to the independent assistance in (b) and subsequently ensure that only the most appropriate breaches or complaints are escalated to the Commissioner, saving time and money.

¹ [COMMISSIONER FOR STANDARDS \(JERSEY\) LAW 2017 \(jerseylaw.je\)](#)

This part also includes production of training materials for States Members – to ensure that the training detailed in paragraph (d) can be accessed by all Members outside of delivered sessions.

Finally, this paragraph seeks the production of guidelines to assist parties to provide context in submissions using reliable and objective evidence when pursuing and responding to formal complaints to save time and money and to support disclosure of submissions.

Paragraph (d)

This part is very straightforward in its aims. All States Members should be obligated to attend training on these matters. It does not matter if you are a new Member or have served multiple terms – this training is of benefit to all.

Paragraph (e)

Paragraph (e) merely time limits the actions required by the proposition. It is not intended to over burden PPC and Officers, rather to give them sufficient time to undertake and implement the changes in a thorough manner.

Financial and staffing implications

Financial and staffing implications will be mostly centred on review and drafting time required to implement the changes. Whilst the actions required are substantial, the time frame should allow Officers to undertake this within business-as-usual operations.