

*As at 19th August 2020*



**CODE OF CONDUCT**  
**for**  
**MEMBERS OF THE**  
**STATES OF DELIBERATION**

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Approved by Resolution of the States  
on the 28<sup>th</sup> September 2006  
amended 30<sup>th</sup> September 2009, 27<sup>th</sup> May 2011,  
30<sup>th</sup> May 2012, 24<sup>th</sup> September 2013,  
29<sup>th</sup> April 2015, 17<sup>th</sup> March 2016, 28<sup>th</sup> June 2018 and 19<sup>th</sup> August 2020

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# **Code of Conduct for Members of the States of Deliberation**

**Presentation to States' Members  
Thursday 15<sup>th</sup> October, 2020**

# The purpose of today's session

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- To provide an overview of the Code of Conduct for Members of the States of Deliberation, including:
  - The purpose of the code
  - The principles of the code
  - The States Members' Conduct Panel
  - Procedure for consideration of complaints
  - Absolute Privilege for States' Proceedings
- To update you on upcoming changes to the investigation of complaints.
- To enable you to ask any questions you may have about the Code

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# The Code of Conduct

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- Before entering office, you are required to take an oath of office or make an affirmation in which you promise that “well and faithfully” you will perform the duties attaching to membership of the States of Deliberation and **that you will adhere to the provisions set out in the Code of Conduct.**
- It is therefore essential that you familiarise yourself with the Code and its requirements.



# Purpose of the Code

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- The purpose of the Code of Conduct is to assist you in the discharge of your obligations to the States, your constituents and the public.
- As Members you are required to comply with the provisions of this code in all aspects of your **public life**.
- The Code does not seek to regulate what as Members you do in your purely private and personal lives. However, you must be aware that some private and personal matters may impinge on your public roles.





# Public Duty

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- Your primary duties are:
  - to act in the public interest; and
  - to represent the interests of those who you have been elected to serve conscientiously.
- In so doing you have a duty on all occasions to act in accordance with your oaths of office, and in accordance with the public trust placed in you.
- You must respect the rule of law (including relevant international law and treaty obligations) and the administration of justice.
- You must give due priority to attending States' Meetings and should be present in the Chamber when the States are meeting.



# Personal Conduct

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- The Code states that Members of the States of Deliberation should observe the general principles of conduct for holders of public office.
- These principles are adapted from The Seven Principles of Public Life (“Nolan Principles”) for holders of public office (Committee on Standards in Public Life, 1995).

# The Principles in Practice

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- The Code sets out information regarding applying the principles in practice, including:
  - Resolving conflict between public and private interest
  - Members' Conduct
  - Relationship with the Civil Service
  - Possible inducements, including gifts and hospitality
  - Use of States facilities
  - Register and Declaration of Members' Interests
  - Payments from Third Parties
  - Confidential Information

## CIVIL SERVICE CODE

### INTRODUCTION

1. The Civil Service forms an integral and key part of government. It supports the States of Deliberation, Departments and Committees in formulating and implementing their policies, and in the delivery of public services. Civil servants are recruited on merit through fair and open competition. You can take pride in carrying out your role with dedication and a commitment to the Civil Service and its core values: integrity, honesty, objectivity and impartiality.
  - > **Integrity** is about putting the public good above your own personal interests in whatever you do as a civil servant.
  - > **Honesty** involves being truthful and transparent.
  - > **Objectivity** means that you base your advice and decisions on rigorous analysis of the evidence.
  - > **Impartiality** requires you to act solely according to the merits of the case and without bias. In a politically impartial Civil Service, you must not let your own political views influence your work.
2. These core values support good government and ensure the achievement of the highest possible standards in all that the Civil Service does. This in turn helps the Civil Service to gain and retain the respect of States Members<sup>1</sup>, the public, other organisations it works with, and its many customers, and to fulfil its role in Island life.
3. This Code sets out the standards of behaviour expected of you and all other civil servants and the duties that civil servants owe to States Members<sup>2</sup> the public, other organisations the Civil Service works with, and its many customers. These standards and duties flow from the core values. Individual Departments and Committees may also have their own separate mission and values statements based on the core values including the standards of behaviour expected of you in your dealings with your colleagues.

<sup>1</sup>States Members include non-States Members of States Departments or Committees.

<sup>2</sup>Similar standards are set out in the Code of Conduct for Members of the States of Guernsey.

### STANDARDS OF BEHAVIOUR

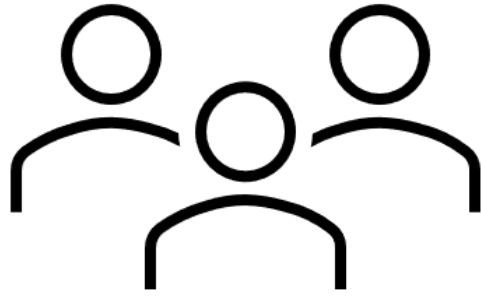
#### INTEGRITY

4. You must:
  - > conscientiously fulfil your duties and obligations
  - > always act in a way that is professional and that deserves and retains the confidence of those with whom you have dealings, whether they be States Members, members of the public or other civil servants
  - > ensure the proper and efficient use of public money
  - > deal with the public and their affairs fairly, efficiently, promptly and effectively
  - > comply with the law.

# Civil Service Code of Conduct

- The **Civil Service Code of Conduct** is available as Appendix 2 to your Code of Conduct.
- The Members' Code states that you shall uphold the political impartiality of the Civil Service and shall not ask civil servants to act in a manner which would conflict with the Civil Service Code.
- You should familiarise yourself with the contents of the Civil Service Code of Conduct
- In reaching decisions you shall give fair consideration and due weight to informed and impartial advice from civil servants, as well as to other considerations and advice from other persons.





# States Members' Conduct Panel

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**Chairman:** The Very Reverend John A. Guille

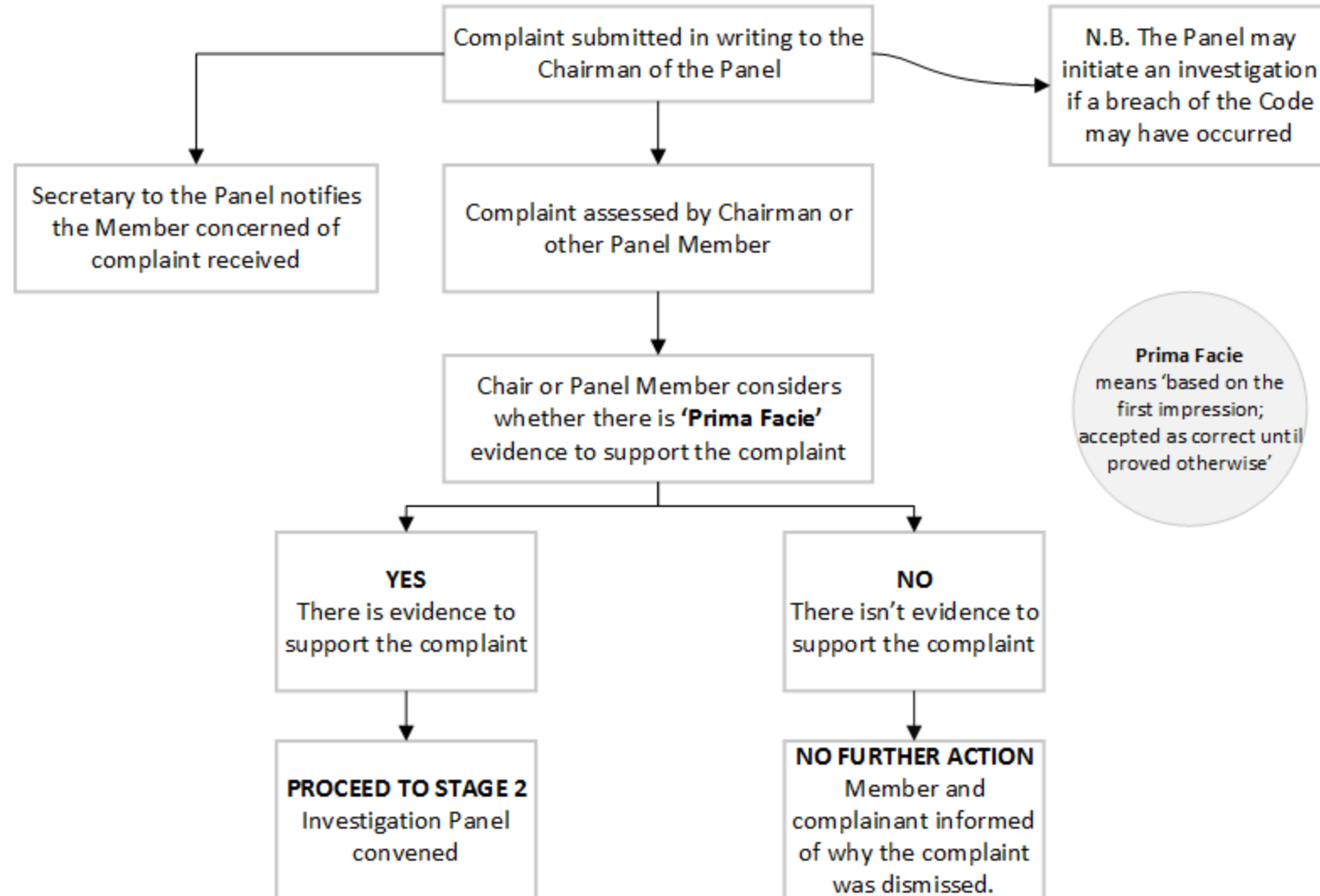
**Deputy Chairman:** Mr Allister H. Langlois

**Other Members:** Advocate Russell Clark  
Dame Mary Perkins DBE  
Mrs Barbara E. Steer  
Advocate Louise C. Hall  
Mr Stephen Trevor  
Mr Mick A. Fooks  
Vacancy  
Vacancy

- The Panel's role is to investigate complaints referred to it.
- It comprises a Chairman, a Deputy Chairman and eight ordinary members appointed by the Presiding Officer.
- It is supported by the Secretary to the Panel, Adrian Nicolle.
- The States agreed in August 2020 that the Panel will be replaced by a Commissioner for Standards in this political term.
- The States' Assembly & Constitution Committee is under resolution to return to the States with legislation to support the establishment of the position of Commissioner for Standards.

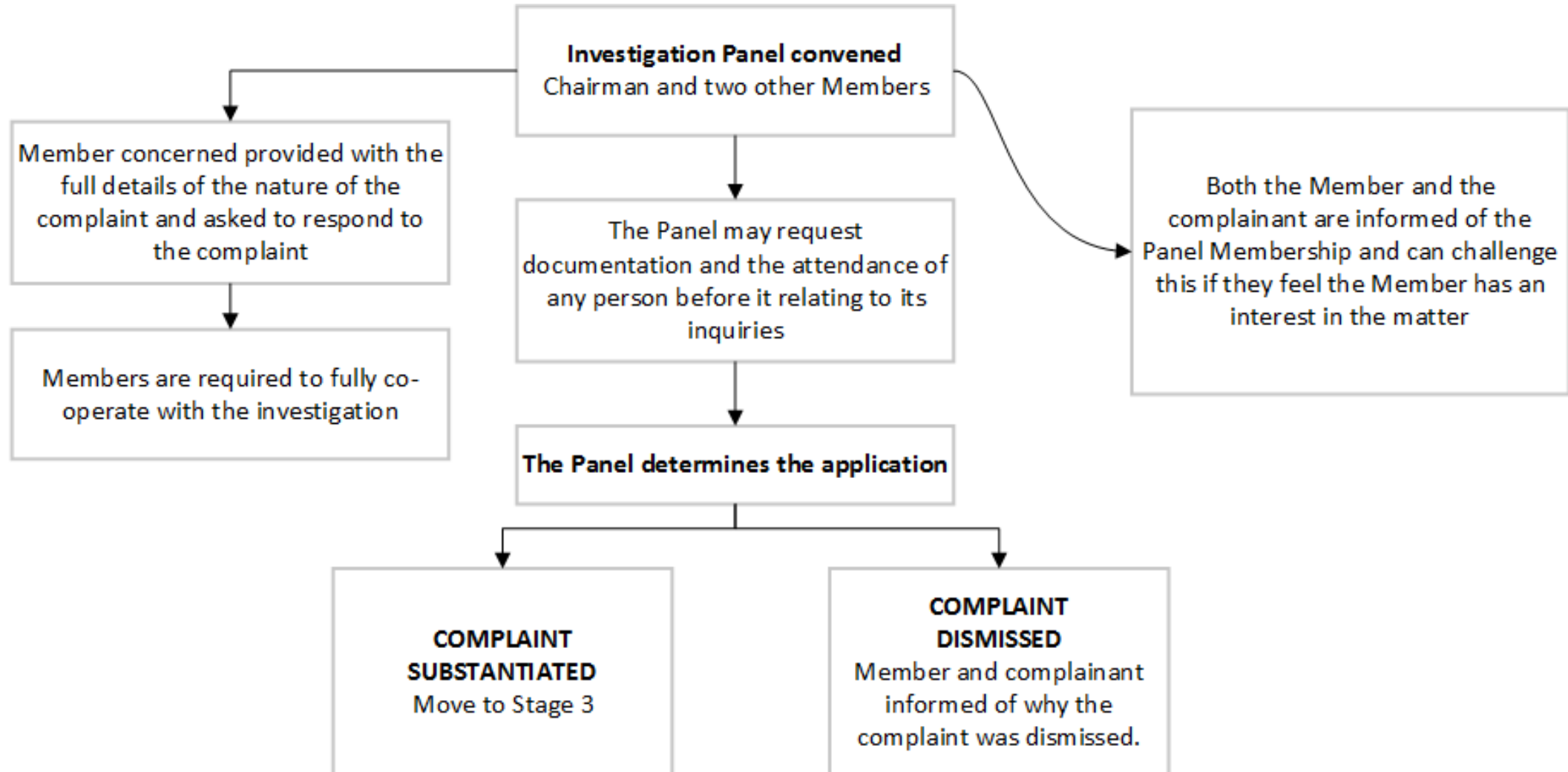
# Procedure for consideration of complaints: Stage 1

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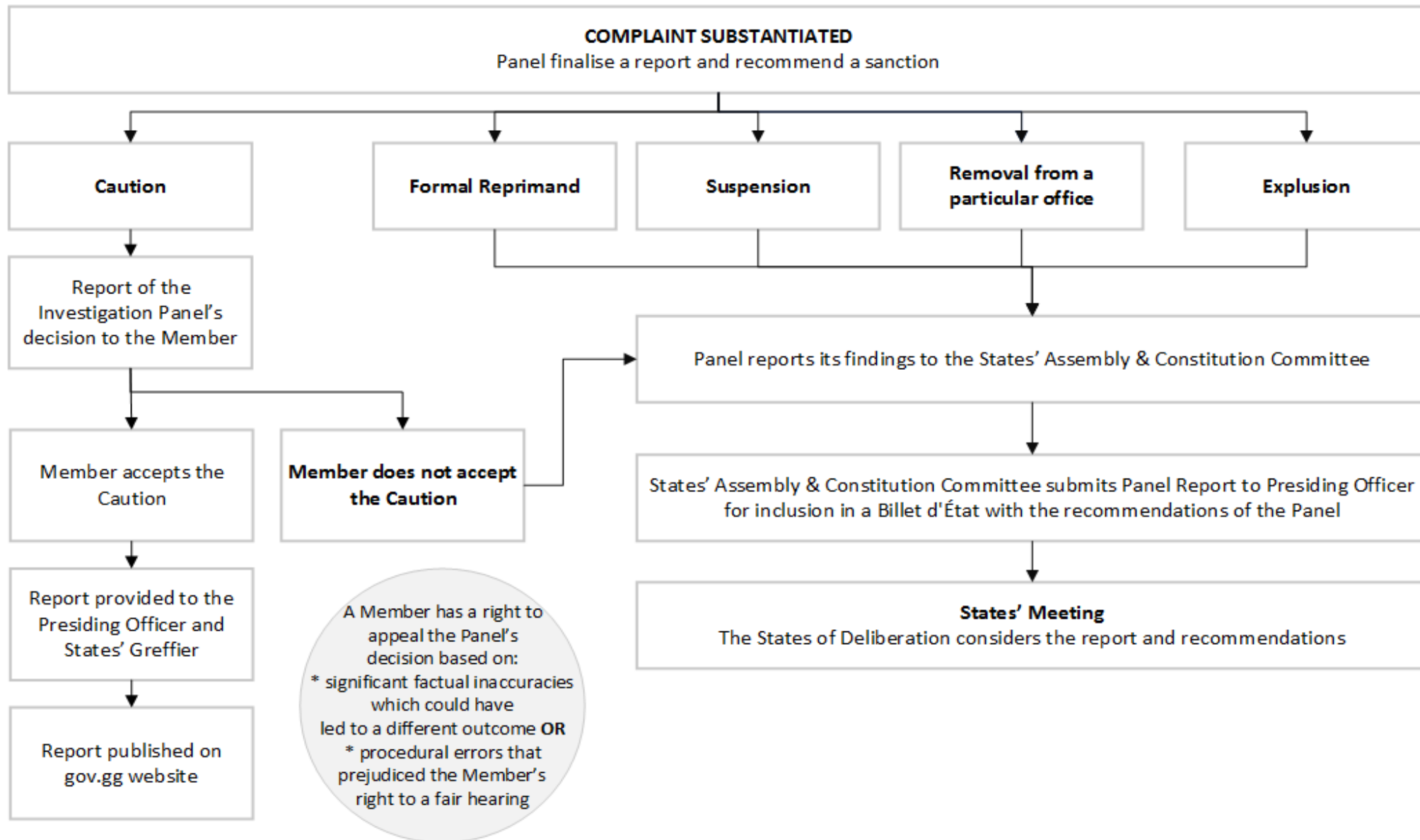


# Procedure for consideration of complaints: Stage 2

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# Procedure for consideration of complaints: Stage 3



# Absolute Privilege for States Proceedings

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## *Absolute privilege for Members in the course of States proceedings*

20A (1) No civil or criminal proceedings may be instituted against a Member of the States of Deliberation for or in respect of –

- (a) any words spoken before, or written in any report to, the States of Deliberation or any department, or
- (b) any matter or thing brought by him in or before the States of Deliberation or any department by requête, amendment, sursis, question, report or other written document.

(2) No civil or criminal proceedings may be instituted against a Member of the States of Election for or in respect of –

- (a) any words spoken before, or written in any report to, the States of Election, or
- (b) any matter or thing brought by him in or before the States of Election by written document.

- The Reform Law confers absolute privilege on Members in respect of any words spoken in, or in any report to, the States or any Committee.
- Absolute privilege is a complete defence to any legal proceedings arising as a result of what is said or published. It confers protection even when the words complained of are spoken or published maliciously, or when their being spoken or published would otherwise amount to a criminal offence.
- Members are afforded this immunity to enable them to air any matter, regardless of the power, wealth or status of those criticised.
- **The counter-balance to privilege, however, is responsibility.**



# Investigation of allegations of abuse of privilege

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Privileges Panel convened

First Instance Panel

Privileges Panel

- A Privileges Panel will be convened for the purpose of investigating an alleged abuse of privilege comprising five of the ten most senior Members (by length of service).
- Two Members are appointed to sit on the 'First Instance Panel' along with a Law Officer.
- If they resolve that a prima facie case has been made (i.e. if there is evidence to suggest abuse of privilege), it is referred to a Privileges Panel.
- The Privileges Panel reports its finding to the States.

# Future changes to the Code of Conduct

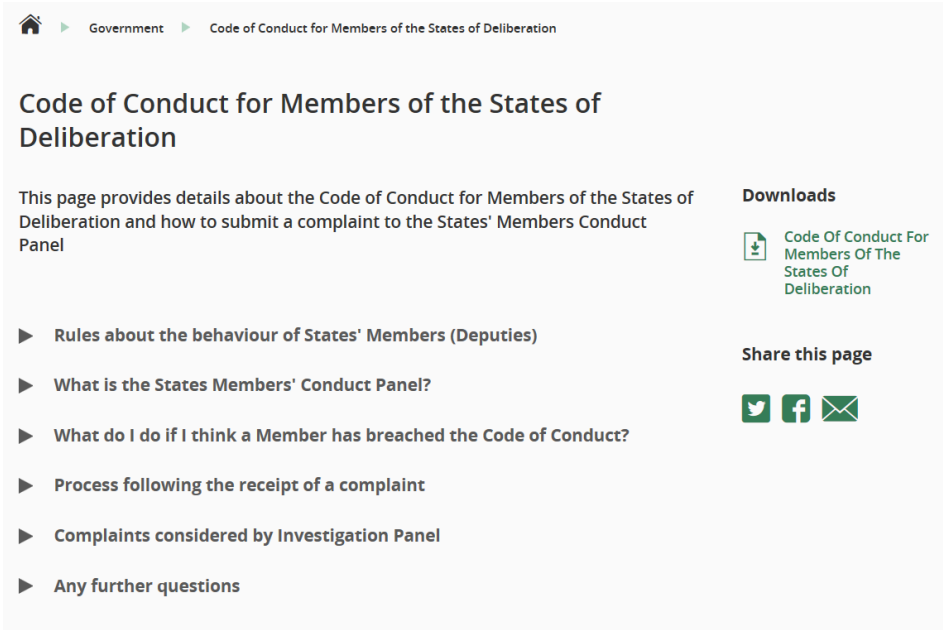
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## STATES' ASSEMBLY & CONSTITUTION COMMITTEE

### REVIEW OF THE CODE OF CONDUCT FOR MEMBERS OF THE STATES OF DELIBERATION P.2020/44

- X. After consideration of the policy letter entitled "Review of the Code of Conduct for Members of the States of Deliberation" dated 25<sup>th</sup> February, 2020:-
1. To agree that the position of Commissioner for Standards should be established:
    - a) to investigate alleged breaches of the Code of Conduct for Members of the States of Deliberation, replacing the States Members' Conduct Panel; and
    - b) to investigate allegations of abuse of privilege, replacing the Privileges Panel.
  2. To agree that the Commissioner for Standards should be made responsible for keeping the operation of the Code of Conduct and its associated procedures under review and for making recommendations for change to the States' Assembly & Constitution Committee as necessary.
  3. To direct the preparation of such legislation as may be necessary to give effect to the above decisions and paragraphs 3.6 to 3.8 of the policy letter.
  4. To agree the changes to the Code of Conduct for Members of the States of Deliberation, and other procedural recommendations, as detailed in the tables under paragraph 4.2 of the policy letter.

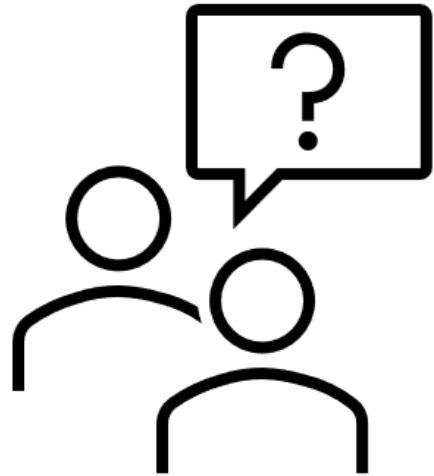
- On 19<sup>th</sup> August, 2020, the States considered the 'Review of the Code of Conduct for Members of the States of Deliberation'.
- It agreed the position of Commissioner for Standards should be established:
  - (a) to investigate alleged breaches of the Code of Conduct; and
  - (b) to investigate allegations of abuse of privilege.
- The Commissioner role will be underpinned by specific, stand-alone legislation which needs to be brought back to the States for approval.
- This workstream will need to be considered and progressed by the States' Assembly & Constitution Committee appointed in October, 2020.



# Other changes in the pipeline

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- A dedicated page has been created [www.gov.gg/memberscodeofconduct](http://www.gov.gg/memberscodeofconduct) providing information on the Code of Conduct.
- Guidance notes on the Code of Conduct process, and an accompanying proforma, are being drafted and will be published on the webpage once finalised.
- When appointed, the States' Assembly & Constitution Committee will look at approaching the Commissioner for Standards in Jersey, regarding taking on the role, and working with the States of Jersey regarding future appointments to the role.



# **Any questions?**

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