



CODE OF CONDUCT

for

**MEMBERS OF THE
STATES OF DELIBERATION**

**Approved by Resolution of the States
on the 28th September 2006
amended 30th September 2009, 27th May 2011,
30th May 2012, 24th September 2013,
29th April 2015, 17th March 2016 and 28th June 2018.**

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INDEX
section

Absolute Privilege	35
Civil Service, relations with	10
Commencement	53
Complaints Procedures – General	26
Complaints Procedures – Privilege	38
Confidential Information	18
Conflict between public and private interest	7
Definitions	51
Former Members of the States	51
General Principles	6
Gifts, Benefits and Hospitality	11
Members' conduct	8
Members' Interests, registration and declaration of	15
Non-States Members of Departments/Committees	50
Personal Conduct	6
Public Duty	2
Purpose of Code	1
States Facilities, use of	14
States Members' Conduct Panel	20
Suspension of a Member	46
Third parties, payments from	17
Unspent convictions, declaration of	15A

Code of Conduct for Members of the States of Deliberation

approved by Resolution of the States on the 28th September, 2006, 30th September 2009 and 27th May 2011, pursuant to article 20F(1) of The Reform (Guernsey) Law, 1948, as amended¹.

PART I

Purpose of the Code

1. The purpose of the Code of Conduct is to assist elected Members of the States of Deliberation [hereinafter referred to as “Members”] in the discharge of their obligations to the States, their constituents and the public. All Members are required to comply with the provisions of this code in all aspects of their public life. Whilst it does not seek to regulate what Members do in their purely private and personal lives they must, however, be aware that some private and personal matters may impinge on their public rôles.

Public Duty

2. Members, before entering office², take an oath or affirm allegiance to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law. They also take an oath of office or make an affirmation in which they promise that “well and faithfully” they will perform the duties attaching to membership of the States of Deliberation.
3. The primary duty of Members is to act in the public interest. In so doing Members have a duty on all occasions to act in accordance with their oaths, and in accordance with the public trust placed in them.
4. Members have a duty to respect the rule of law and the administration of justice. In this context “law” includes such international law and treaty obligations as are for the time being applicable.
5. Whilst Members have a general duty to act in the best interests of the public as a whole they have a special duty to be accessible to the people of the electoral district for which they have been elected to serve and to represent their interests conscientiously.

Personal Conduct

6. Members shall observe the following general principles of conduct for holders of public office –
 - **Selflessness**
Members shall take decisions solely in terms of the public interest. They shall not do so in order to gain financial or other material benefits for themselves, their family or friends, their business associates or any voluntary or charitable organisation with which they are involved.
 - **Integrity**
Members shall not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - **Objectivity**
In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, Members shall make choices on merit, and at no time improperly discriminate against or afford undue preferential treatment to any group or individual.
 - **Accountability**
Members are accountable for their decisions and actions to the States and the public and must submit themselves to whatever scrutiny is appropriate to their office.
 - **Openness**
Members shall be as open as possible about all decisions and actions that they take and must not knowingly deceive or mislead. They shall give reasons for their decisions and restrict information only when the wider public interest, or statutory provision, clearly demand.

¹ Article 20F(1) inserted by The Reform (Guernsey) (Amendment) Law, 2006

² Article 19 of The Reform (Guernsey) Law, 1948, as amended

- **Honesty**

Members have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

- **Leadership**

Members shall promote and support these principles by leadership and example.

The Principles in Practice

Conflict between public and private interest

7. Members shall 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 two, at once, and in favour of the public interest. After leaving their official positions, they will not take improper advantage of their previous office.

Members' Conduct

8. Members shall at all times conduct themselves in a manner which will tend to maintain and strengthen the public's trust and confidence in the integrity of the States of Deliberation and never undertake any action which would bring the States, or its Members generally, into disrepute.
9. Members shall at all times treat other Members, civil servants 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.

Relationship with the Civil Service

10. Members 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. Members should familiarize themselves with the contents of that Code. In reaching decisions they 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.

Possible inducements, including gifts and hospitality

11. The acceptance by a Member of a bribe, including any fee, compensation or reward, to influence his or her conduct as a Member, in connection with the promotion of, or opposition to, any matter submitted or intended to be submitted to the States of Deliberation, or any Department or Committee of the States, and any trading in influence to secure undue advantage is contrary to law.³
12. The acceptance of hospitality may be acceptable in appropriate circumstances as a means of effecting States' business. However, Members shall not accept gifts, hospitality or services that might appear to place the recipient under any form of obligation to the giver. In receiving any gift or hospitality Members should consider subjectively whether they would be prepared to justify acceptance to the public.
13. Members must comply with the requirements of the Rules of Procedure of the States of Deliberation concerning declarations of interests in respect of gifts and hospitality. Any money or tangible gifts received by a Member which are required to be declared must not be retained but must be transferred or delivered into the ownership of the States.

Use of States facilities

14. To avoid misrepresentation of the States and to avoid the improper use of States' assets, Members must not use any goods, services or facilities provided for the functioning of government
 - (a) for private purposes; nor
 - (b) except where generally available in accordance with published arrangements to all Members, for electoral district purposes.

³ The Prevention of Corruption (Bailiwick of Guernsey) Law, 2003

Register and Declaration of Members' Interests

15. Members must fulfil conscientiously the requirements of the Rules of Procedure of the States of Deliberation in respect of the registration of interests in the Register of Members' Interests and must always draw attention to any relevant and material interest in any proceedings of the States of Deliberation, its Departments or Committees.
- 15A. A Member shall not knowingly or recklessly make a false statement in a Declaration of Unspent Convictions.
16. In any activities with, or on behalf of, any organisation with which a Member has a financial relationship, including activities which may not be a matter of public record such as informal meetings and functions, he or she must always bear in mind the need to be open and frank with the Presiding Officer, Law Officers, Ministers, Members and officials.

Payments from Third Parties

17. Members must not accept, from a third party, any payment or gift in respect of their participation in any proceedings of the States, its Departments or Committees.

Confidential Information

18. Members must bear in mind that confidential information which they receive in the course of their duties may only be used in connection with those duties, and that such information must never be used for the purpose of financial gain or otherwise in their own personal interest or that of their families, friends, business associates or any voluntary or charitable organisation with which they are involved.
- 18A. For the avoidance of doubt the 'confidential information' referred to in the previous paragraph includes, but is not limited to, Department and Committee minutes and other papers circulated to members thereof. The content of such minutes and other papers is not to be disclosed to any third party other than by resolution of the Department or Committee concerned.
19. In addition, Members shall not disclose publicly, or to any third party, personal information about named individuals which they receive in the course of their duties, unless it is both lawful and clearly in the wider public interest to do so. Members must, at all times, have regard to all relevant data protection, human rights and other legislation when dealing with confidential information and must be aware of the consequences of breaching confidentiality.
- 19A. For the avoidance of doubt, all correspondence, howsoever received, between a Department or Committee and a Member of the States shall be treated as confidential under the Code of Practice for Access to Public Information unless expressed otherwise and shall not be disclosed to any third party, whether within the States or outside, in whole or in part, by any means, without the express consent of the author of that correspondence.
- 19B. The obligations under section 19 not to disclose personal information publicly or to any third party, and under section 19A to treat correspondence as confidential and not to disclose correspondence to any third party, shall be treated as not having been breached or disregarded where the disclosure or treating takes place in accordance with arrangements approved for the operation and management of a private office or administrative scheme under section 19C.
- 19C. The Chief Executive may from time to time approve arrangements for the operation and management of any private office or administrative scheme that are proposed by any Member and are intended for the purpose of enabling that Member to deal with correspondence and information relating to the affairs or business of the States of Deliberation or any committee of the States. An approval under this section shall be made upon and subject to the current application process requirements being met and such terms and conditions as the Chief Executive and the States' Assembly & Constitution Committee thinks fit, including for the purpose of ensuring that –
 - (a) information relating to the affairs of the States of Deliberation or any committee of the States, and
 - (b) information relating to any third party (including personal data relating to any individual),

are given suitable protection including, in the case of personal data relating to a living individual, protection in accordance with the provisions of the current Data Protection Law.

19D. Where the Chief Executive is of opinion that -

- (a) the terms or conditions of an approval given under section 19C
 - (i) have been breached, or
 - (ii) are inadequate for the purpose referred to in section 19C, or

(b) there is other good reason,

he may at any time by written notice given to the Member concerned revoke, suspend or vary an approval under section 19C.

PART II

States Members' Conduct Panel

20. There shall be established a States Members' Conduct Panel [hereinafter referred to as "the Panel"] the purpose of which shall be to investigate complaints referred to it in accordance with procedures set out in Part III of this Code.
21. The Panel shall comprise a Chairman, a Deputy Chairman and eight ordinary members appointed in writing by the Presiding Officer for a period of five years. Members of the States and their spouses shall not be eligible to serve on the Panel. A person so appointed may at any time resign his appointment by notice in writing delivered to the Presiding Officer.
22. Members whose term of office comes to an end by effluxion of time shall be eligible, if otherwise qualified, for re-appointment.
23. If it appears to the Presiding Officer that a Member of the Panel
 - (a) has been absent from the Island for a period longer than six consecutive months; or
 - (b) is incapacitated by physical or mental illness; or
 - (c) is otherwise unable or unfit to discharge the functions of a member of the Panel
 the Presiding Officer may declare his office to be vacant and thereupon shall appoint a person to fill the position vacated.
24. A member of the Panel who has any direct or indirect personal interest in a matter referred to the Panel shall forthwith declare that interest to the Chairman of the Panel and shall take no further part in the investigation of the matter concerned. In the case of the Chairman he shall declare any such interest to the Deputy Chairman of the Panel.
25. In the event that both the Chairman and Deputy Chairman are unable to act, the Presiding Officer shall appoint one of the ordinary members to be Acting Chairman in respect of the particular matter to be investigated.

PART III

Procedure for Complaints relating to Part I matters

26. Complaints, whether from Members or from members of the public, alleging that the conduct of a Member is in breach of the Code of Conduct set out in Part I must be addressed in writing to the Chairman of the Panel.
27. Unsubstantiated allegations will not be considered by the Chairman of the Panel. Complainants are required to supply the Chairman of the Panel with supporting evidence and a complaint founded only upon a media report will not normally be treated as a substantiated allegation. Anonymous complaints will only be considered in exceptional circumstances.
- 27A. Immediately upon receipt of a complaint the secretary to the Panel shall notify the Member concerned that a complaint has been made.
28. If the Chairman of the Panel is satisfied that there is prima facie evidence to support the complaint he will ask the Member concerned to respond to the complaint and will then conduct an investigation. The Investigation Panel will comprise the Chairman and two other members of the Conduct Panel, one of whom shall be nominated by the Chairman, and the other being nominated by the Member under investigation. If the Member declines to so nominate, or fails to do so within such period as shall be determined by the Chairman, he shall forfeit his right and the Chairman shall make the appointment. The Member concerned will at every stage be given full details of the nature of the complaint and will be invited to address the Investigation Panel.
29. All Members are required to co-operate fully and promptly with the Investigation Panel during any investigation, even if the Member concerned considers that the alleged breach is unsubstantiated. Failure to co-operate in any investigation will, in itself, be regarded as a breach of the Code.

30. The Investigation Panel may request the production of papers and records and may request the attendance of any person before it, and may request that specific documents in the possession of a Member relating to its inquiries be laid before it.
31. If the Chairman when considering the prima facie evidence or the Investigation Panel in the course of the investigation has cause to believe that a criminal offence may have been committed, he or it (as the case may be) shall immediately suspend the proceedings and forthwith refer the matter to the Chief Officer of Police. The investigation shall not be resumed until either judicial proceedings have been concluded or the Chief Officer of Police has certified to the Chairman that he has no further interest in the matter.
32. Where the Investigation Panel finds that a complaint has been substantiated but is of the view that the breach of conduct was of a minor nature it will normally dispose of the matter by cautioning the Member concerned. A report of the Investigation Panel's decision in such cases shall be forwarded to the Presiding Officer and to Her Majesty's Greffier who shall make the said report available for public inspection whenever the Greffe is open for normal business.
33. Where the Panel finds that a complaint has been substantiated and it is of the opinion that the Member should be formally reprimanded, suspended, removed from a particular office or expelled, or, where a Member refuses to accept a caution in the circumstances set out in the previous paragraph, it shall report its findings to the States Assembly and Constitution Committee which, in turn, shall submit that report to the Presiding Officer for inclusion in a Billet d'État with the recommendations of the Panel. Notwithstanding a Member's refusal to accept a caution, the States may resolve that the Member be cautioned.
34. Where the complaint concerns the Chairman or a Member of the States Assembly and Constitution Committee, and where the Panel finds that the complaint has been substantiated and is of the opinion that the Member should be formally reprimanded, suspended, removed from a particular office or expelled, it shall report its findings to a panel comprising the five most senior Members of the States by length of service who do not have a seat on the States Assembly and Constitution Committee who, in turn, shall submit that report to the Presiding Officer for inclusion in a Billet d'État with the recommendations of the Panel.
- 34A. For the avoidance of doubt mediation between the complainant and the accused Member is not permitted in the processing of complaints made pursuant to this Code of Conduct.

PART IV

Absolute Privilege for States Proceedings

35. The Law⁴ confers absolute privilege on Members in respect of any words spoken in, or in any report to, the States or any Department or Committee thereof. This includes requêtes, amendments, sursis, questions, reports and other written documents. 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.
36. Members are afforded this immunity to enable them to air any matter, regardless of the power, wealth or status of those criticised.
37. The counter-balance to privilege, however, is responsibility; and Part V of this Code sets out the mechanism for the investigation of allegations of abuse of privilege and, where such an allegation is found to be substantiated, the penalties which may be imposed on the Member concerned.

⁴ Article 20A of The Reform (Guernsey) Law, 1948, as amended

PART V

Investigation of Allegations of Abuse of Privilege

38. A Privileges Panel convened for the purpose of investigating an alleged abuse of privilege shall comprise five of the ten most senior Members, by length of service, appointed by the Presiding Officer, save that
 - (a) If the Presiding Officer deems it inappropriate for some or all of the ten most senior Members to sit on the Privileges Panel he may appoint some or all of the next ten most senior Members as Members of the Panel;
 - (b) The two Members appointed to sit on the First Instance Panel shall not be eligible to sit on the Privileges Panel.
39. A Member alleging that another Member has abused privilege shall request the Presiding Officer to direct that the alleged abuse be referred to a Privileges Panel for consideration.
40. A request that an alleged abuse of privilege be referred to a Privileges Panel shall include a statement that it is a motion laid pursuant to this paragraph and shall set out the full details of the basis on which the Member making the request alleges abuse of privilege. In particular, the said Member shall provide sufficient information to show that there is a prima facie case for the matter to be referred to a Privileges Panel.
41. A request made pursuant to the previous paragraph shall be referred by the Presiding Officer to a First Instance Panel selected by him and comprising two of the ten most senior Members, by length of service and one of the Law Officers.
42. The alleged abuse shall only be so referred to a Privileges Panel if the First Instance Panel has resolved that a prima facie case has been made by the Member alleging the abuse of privilege.
43. The Member concerned will be invited to address the Privileges Panel. All Members are required to co-operate fully with the Privileges Panel during any investigation, even if the Member concerned considers that the alleged abuse is unsubstantiated. Failure to co-operate in an investigation will be regarded as a breach of the Code.
44. The Privileges Panel may request the production of papers and records and may request the attendance of any person before it, and may request that specific documents in the possession of a Member relating to its inquiries be laid before it.
45. When the Privileges Panel has concluded its investigations it shall report its findings directly to the States, and, if the allegation is upheld, the Privileges Panel shall advise the States as to whether they should reprimand, suspend or expel the offending Member. When a suspension is proposed the terms of the proposed suspension shall be set out in the report of the Privileges Panel. Members of either the First Instance Panel or Privileges Panel shall not be precluded from taking part in the States proceedings.

PART VI

Suspension of a Member

46. The States may, in dealing with breaches of conduct or abuse of privilege, suspend a Member either from all States service or from a particular office or function, e.g. from the membership of a particular Department or Committee.
47. A Member suspended from a particular office or function may not, during the period of his suspension, take any part in meetings or other matters relating to that office or function but may, in all other matters, continue to serve as a Member of the States.

48. A Member suspended from all States service shall not, during the period of his suspension:
- enter the States Chamber or its precincts when the States are meeting;
 - take part in any meeting or other matter relating to the States or a Department or Committee of the States;
 - sign any report, requête or other document relating to the business of the States;
 - ask any question pursuant to Rule 6 of the Rules of Procedure.
49. The States shall, when resolving that a Member be suspended, specify in each case whether any or all of the allowances payable to the Member pursuant to the Rules for Payments to States Members should cease during the period of suspension.

PART VII

General

Applicability to Former Members of the States of Deliberation and Non-States Members of States Departments and Committees

50. This Code shall, where the context so permits, apply in relation to paragraphs 18, 18A and 19 (Confidential Information), to former Members of the States of Deliberation and Non-States Members of States Departments and Committees.

Definitions

51. In this Code
- “absolute privilege” has the meaning assigned to it in Article 20A of the Reform (Guernsey) Law, 1948, as amended;
 - “abuse of privilege” means abuse of absolute privilege;
 - “Members of the States of Deliberation” and “Members” means People’s Deputies and Alderney Representatives;
 - the disciplines and standards of behaviour prescribed are also applicable in the context of electronic communications.
52. In Part III reference to “the Chairman” includes “the Deputy Chairman” where the context so permits.

Commencement

53. This Code of Conduct shall come into force on the day following the registration in the Royal Court of The Reform (Guernsey) (Amendment) Law, 2006.

Appendix 1

STATES MEMBERS' CONDUCT PANEL

[appointed by the Presiding Officer pursuant Part II of The Code]

The appointments shown below became effective on 1st March, 2017 and will continue until 28th February, 2022, subject to the operation of the relevant sections of Part II of The Code relating to the extension and termination of appointments.

Chairman: Mrs. Judith M. Beaugeard

Deputy Chairman: Mr. Allister H. Langlois

Other Members: Advocate Russell Clark
Mr. Peter L. Gillson
Mrs. Sandra A. James, MBE
The Very Reverend John A. Guille
Mr. Scott J. Ogier
Dame Mary Perkins, DBE
Mrs. Barbara E. Steer
Mrs. Jennifer D. Strachan

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 Members¹, 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 Members² 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.

¹States Members include non-States Members of States Departments or Committees.

²Similar 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.

5. You must not:

- > misuse your official position or information acquired in the course of your official duties to further your private interests or those of others
- > accept gifts or hospitality or receive other benefits from a third party which might reasonably be seen to compromise your personal judgement or integrity
- > disclose confidential information without authority. This duty continues to apply after you leave the Civil Service.

HONESTY

6. You must:

- > set out facts and issues truthfully
- > use resources only for the authorised public purposes for which they are provided.

7. You must not:

- > be influenced by pressures from others or the prospect of personal gain
- > deceive or knowingly mislead States Members, other civil servants or members of the public .

OBJECTIVITY

8. You must:

- > provide information and advice, including advice to States Members, on the basis of the evidence, and accurately present the options
- > take decisions on the merits of the case
- > take due account of expert and professional advice.

9. You must not:

- > ignore inconvenient facts or relevant considerations when providing advice or taking decisions
- > frustrate the implementation of policies once decisions are taken by declining to take, or abstaining from, action which flows from decisions.

IMPARTIALITY

10. You must:

- > carry out your responsibilities in a way that is fair, just and equitable and reflects the Civil Service commitment to equality and diversity.

11. You must not:

- > act in a way that unjustifiably favours or discriminates against particular individuals or interests.

POLITICAL IMPARTIALITY

12. Civil servants must maintain political impartiality: you must serve the States of Guernsey to the best of your ability in a way which is consistent with the requirements of this Code and irrespective of your own political beliefs.

13. You must:
- > implement decisions conscientiously
 - > act in a way which deserves and retains the confidence of States Members, while at the same time ensuring that you will be able to establish the same relationship with those whom you may be required to serve in the future
 - > comply with any restrictions that have been laid down on your political activities.
14. You must not:
- > allow your personal political views to determine any advice you give or your actions.

RIGHTS & RESPONSIBILITIES

15. Your Chief Officer has a duty to make you aware of this Code and its values. If you believe you are being required to act in a way which conflicts with this Code, your Chief Officer has a duty to consider your concern, and to ensure that you are not penalised for raising such a concern.
16. If you have such a concern¹, you should in the first instance raise it with your line manager or someone else in your line management chain. If for any reason you would find this difficult, you should raise the matter with your Chief Officer or equivalent.
17. If you become aware of actions by others which you believe conflict with this Code you should report this to your line manager or someone else in your line management chain; alternatively you may wish to seek advice from your Chief Officer or equivalent.
18. This Code is part of the contractual relationship between you and the States of Guernsey as your employer. It lays down the high standards of behaviour expected of you which follow from your position in public and Island life as a civil servant. You can take pride in living up to these values.

¹ *The Disclosure of Malpractice section in the Established Staff Directive "Conduct" may also apply in some circumstances, and is available on the States Intranet*
<http://bridge/hr/empinfo/Established%20Staff%20Information/Conduct.aspx>

Evidence of criminal or unlawful activity should be reported to the Police or other appropriate authorities.

November 2007