



**CODE OF CONDUCT AND ETHICS FOR PUBLIC
OFFICERS IN THE COUNTY GOVERNMENT OF
MOMBASA**

Reviewed 2020 [2015]

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PREFACE

The Mombasa County Public Service Board (The Board) is established in accordance with Article 235 of the Kenyan Constitution (CoK) 2010 and section 57 of the County Governments Act, No.17 of 2012. The Board primarily handles the county's human resource management.

The objects and purpose as per Article 235 stipulates that the county government is responsible for–

- i. establishing and abolishing offices in its public service;
- ii. appointing persons to hold or act in those offices, and confirming appointments; and
- iii. exercising disciplinary control over and removing persons holding or acting in those offices.

The County Governments Act further provides the framework of uniform norms and standards for staffing for county governments. The Board is proud of its organization and the services it delivers to the public officers and citizens of Mombasa County. It recognizes that it is only through the commitment and effort of each Public Officer in its workforce that the excellent quality of these services is achieved and public trust is maintained.

All Public Officers are expected to be aware of and comply with this Code of Conduct and Ethics. The Code clarifies the Board's expectations of its officers and re-affirms our commitment to caring for our need and maintaining fiscal responsibility on behalf of the public and our Public Officers. It provides a guide for consistent behavior in delivering of services.

All Public Officers are therefore expected to observe and demonstrate highest standard of behavior as a commitment to the Code of Conduct and Ethics.

CS Jeizan Faruk

Secretary/ Chief Executive Officer

MOMBASA COUNTY PUBLIC SERVICE BOARD

PREAMBLE

The Constitution of Kenya, 2010 establishes the County government for each county and sets out their functions in part two of the Fourth Schedule. The County Governments Act, 2012 establishes a public service in the county to enable and ensure expedient discharge of county government functions to the people. Further the Act establishes the County Public Service Board which is the body empowered to recruit and employ people within the county public service. Specifically, the County Governments Act, 2012 states that:

‘The County Public Service Board shall regulate the engagement of persons on permanent and pensionable terms, contract, volunteer and casual workers, staff of joint ventures and attachment of interns in its public bodies and offices.’

Subsequently, the County Government of Mombasa through the Mombasa County Public Service Board is committed to ensuring transparency, merit, diversity and equality among others while engaging persons. Further, the County government will strive to provide its employees with a working environment that is fair, consistent, caring and supportive of professional and individual growth.

Against this backdrop, this Code of conduct has been developed to be observed by and binding upon Public Officers in the County Executive. The Code is intended to establish standards of integrity and ethical conduct in the leadership and management of public affairs of the County Executive by ensuring that the Public Officers respect the values, principles and provisions of the Constitution and other applicable laws or policies on the standards of conduct and performance expected of holders of public office in the discharge of their duties.

MANDATE OF THE BOARD

The objects and functions of the County Public Service Board as established is to:

- a) establish and abolish offices in the county public service;
- b) appoint persons to hold or act in offices of the county public service including in the Boards of cities and urban areas within the county and to confirm appointments;
- c) exercise disciplinary control over, and remove, persons holding or acting in those offices as provided for under this Part;
- d) prepare regular reports for submission to the county assembly on the execution of the functions of the Board;
- e) promote in the county public service the values and principles referred to in Articles 10 and 232;
- f) facilitate the development of coherent, integrated human resource planning and budgeting for personnel emoluments in counties;
- g) advise the county government on human resource management and development;
- h) advise county government on implementation and monitoring of the national performance management system in counties; and
- i) Carry out any other activities relevant to its principal mandates.

COUNTY VISION

To see Mombasa County as a vibrant modern regional commercial hub with a high standard of living for its residents.

COUNTY MISSION

To provide high quality services through transformational leadership by ensuring prudent utilization of resources to foster socio-economic development to the residents of Mombasa.

CORE VALUES

Patriotism

Professionalism

Integrity

Human dignity

Good governance

Diversity

PART I- PRELIMINARY

1. Citation

This Code may be cited as the Code of Conduct and Ethics for Public Officers in the Mombasa County Public Service Board.

2. Application of the Code

This Code shall apply to all staff in the Executive Arm of the County Government of Mombasa.

3. Interpretation

In this Code, unless the context otherwise requires—

All interpretations and meanings in this Code shall be in line with the Constitution of Kenya 2010, County Governments Act No.17 of 2012, the Leadership and Integrity Act No.19 of 2012 and Public Officer Ethics Act, No.4 of 2003 (Rev. 2016).

“**Authorized officer**” includes the holder of the office of county Authorized officer in a county department; or in case of a department that is not assigned or under the administration of a county Authorized officer, the head of that department and any other public officer appointed by the Board to be an Authorized officer with respect to a specified public body including a city or urban area.

“**The Board**” means Mombasa County Public Service Board;

“**Code**” means the Code of Conduct and Ethics for Public Officers in the County Executive of Mombasa;

“**Commission**” means the Ethics and Anti-Corruption Commission established under section 3 of the Ethics and Anti-corruption commission Act, No. 22 of 2011;

“**County**” means the County Government of Mombasa;

“**county staff**” means an employee on permanent, contractual (includes consultants) and temporary terms including unpaid and part time staff, and all staff of county; corporation or of a statutory body under the County Government, public and state officers, and members of Boards serving the County;

“**harambee**” means the public collection of funds;

“Personal interest” means a matter in which a County staff has a direct or indirect pecuniary or non-pecuniary interest and includes the interest of this or her spouse, child, business associate or agent;

“public officer” means a public officer as defined in Article 260 of the Constitution;

PART II- COMPLIANCE WITH THE PUBLIC OFFICERS ETHICS ACT 2003 AND LEADERSHIP AND INTEGRITY ACT 2012

4. Guiding Values, Principles and Requirements

This Code of Conduct and Ethics is guided by the principles of Article 10 and 232 of The Constitution of Kenya 2010, the Public Officer Ethics Act No.3 of 2003 (Rev. 2016), the Leadership and Integrity Act No.19 of 2012, the County Governments Act No.17 of 2012 and all applicable laws.

5. Conduct of Public Officers in the Service of the County Government of Mombasa

A county staff shall conduct themselves both in public and in their private life in a manner that does not bring the Service into disrepute.

6. Leadership and Integrity

A county staff appointed to a public office will be required to demonstrate respect for the people; bring honour to the service and dignity to the office; and promote public confidence and integrity, as stipulated in Chapter Six of the Constitution of Kenya (2010).

7. Rule of law

A county staff shall —

- (a) respect and abide by the Constitution and all other laws;
- (b) carry out the duties of his or her office in accordance with the law;
- (c) In carrying out his or her duties not violate the rights and fundamental freedoms of any person under the Bill of Rights (Chapter IV of the Constitution of Kenya, 2010) unless otherwise expressly provided for in the law and in accordance with Article 24 of the

Constitution.

8. Public Trust

In the discharge of duties and responsibilities, a county staff shall have regard to the fact that authority and responsibility assigned to them is a public trust to be exercised in the best interest of the office and the people of Kenya.

9. Responsibility and duties

Subject to the Constitution and any other law, a county staff shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of his or her office.

10. Performance of duties

A county staff shall, to the best of his or her ability —

- (a) carry out the duties of the office efficiently and honestly;
- (b) carry out the duties in a transparent and accountable manner;
- (c) keep accurate records and documents relating to the functions of the office;
- (d) not be absent from duty without official permission;
- (e) not engage in private business during official working hours; and
- (f) report truthfully on all matters of the organization which they represent.

11. Professionalism

In the discharge of the functions of the County Government, a county staff shall —

- (1) carry out his or her duties in a way that maintains public confidence in the integrity of his or her office;
- (2) treat members of the public and his or her fellow officers with courtesy and respect both in terms of actions and communication whether written, verbal or non-verbal;
- (3) not discriminate against any person;
- (4) ensure the efficient, effective and economic use of resources in his or her charge;
- (5) be accountable for his or her administrative acts.
- (6) to the extent appropriate to his or her office, seek to improve the standards of performance and level of professionalism at the County;
- (7) if a member of a professional body, observe the ethical and professional requirements

and standards of that body;

(8) (1) Observe the official working hours and not be absent without proper authorization or reasonable cause;

(a) A county staff is required to work 40 hours spread over 5 days in a week.

(b) Monday to Friday: 7.30 a.m. to 12.30 p.m.
2.00 p.m. to 5.00 p.m.

(2) Notwithstanding 5(1), County staff required to work beyond working hours by virtue of the nature of their duties and responsibilities shall observe the designated working hours as communicated by the relevant Authorized officer.

(9) maintain an appropriate standard of dress and personal hygiene in accordance to applicable guidelines or circulars issued from time to time;

(10) discharge any duties and responsibilities entrusted to him or her in a professional manner.

12. Competence

In discharging the duties and responsibilities at the County, a county staff shall ensure the highest level of efficiency and efficacy guarded by the highest standards of professionalism based on continuous improvement of knowledge, skills and attitudes.

13. Confidentiality

A county staff shall —

(a) not at any time disclose confidential information to third parties or use any non-public information acquired in the course of their work in a manner that is detrimental to the County to gain personal advantage or to adversely affect the interest of another staff member or a member of the public;

(b) not give interviews regarding the activities of the County, other than at the request of the County Secretary or except those who are authorized;

(c) not use or associate the name of the County with any act, function, organization, society, club or business, except with the written permission from the County Secretary;

(d) comply with the applicable policy on confidentiality.

14. Integrity

A county staff shall —

- (a) adhere to high standards of ethical behavior in the course of performing his or her duties;
- (b) observe the principles of transparency, accountability, objectivity and impartiality in decision making and maintain irreproachable standards of professional conduct.

15. Conduct of private affairs

A county staff shall conduct his or her private affairs in a way that maintains public confidence in the integrity of his or her office.

16. Financial integrity

A county staff shall —

- (a) not use his/her office to unlawfully or wrongfully enrich himself or herself or any other person;
- (b) subject to Article 76(2)(b) of the Constitution, not seek or accept a personal loan or benefit which may compromise him or her in carrying out the duties;
- (c) pay any taxes, loans or other debts due from him within the prescribed period;
- (d) live within his or her means and shall not incur any financial liability that he or she cannot satisfy.

17. Tax, financial and legal obligations

A county staff shall —

- (a) pay any taxes due from him or her within the prescribed period, legal obligations.
- (b) not neglect his or her financial or legal obligations.

18. Moral and Ethical Requirements

(1) A county staff shall observe and maintain the following ethical and moral requirements—

- (a) demonstrate honesty in the conduct of his or her public and private affairs
- (b) not to engage in activities that amount to abuse of office;

- (c) accurately and honestly represent information to the public;
- (d) not engage in wrongful conduct in furtherance of personal benefit;
- (e) not misuse public resources;
- (f) not falsify any records;
- (g) not sexually harass or have inappropriate sexual relations with other County staff, staff of the office or any other person;
- (h) not engage in actions which would lead to his or her removal from the membership of a professional body in accordance with the law;
- (i) not commit offences and in particular, any of the offences under Parts XV and XVI of the Penal Code (Cap. 63), the Sexual Offences Act (No. 3 of 2006), the Counter-Trafficking in Persons Act (No. 8 of 2010), and the Children Act (No. 8 of 2001);
- (j) not engage in fighting or physical confrontation with any person;
- (k) maintain high standards of etiquette at all times.

19. Fraud, Bribery and Corruption

- (1) A county staff shall not engage in fraud, bribery or corrupt activities
 - (a) a county staff shall not misuse his or her authority for personal benefit or for the gain of third parties;
 - (b) a county staff shall not promise, offer, give, or receive a benefit or anything of value, including cash, gifts, entertainment, or other advantage or gratification intended to unfairly influence a decision or obtain an unfair advantage;
 - (c) a county staff shall not be involved in cheating, forgery, embezzlement, misappropriation, altering physical or electronic documents and records, preparing and using fictitious and fraudulent information and reports, submitting false claims and deliberately failing to report a fraudulent act;
 - (d) a county staff shall not directly or indirectly promise, give, solicit favours or kickbacks from the general public or customers either in cash or in kind, in the discharge of their duties;
 - (e) a county staff shall not favor relatives, friends or associates in provision of services.

(2) A county staff shall report any fraudulent or corrupt behavior committed in the County Public Service by another County Staff or member of the public or both to the Board or the Commission.

20. Gifts and Benefits in kind

(1) A gift or donation given to a county staff, in his or her official capacity shall be treated as a gift or donation to the County and should not exceed Ksh. 20,000 or such amounts that may be prescribed.

(2) Notwithstanding sub-paragraph (1), the county staff may receive a gift given in his or her official capacity, provided that —

(a) the gift is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality;

(b) the gift is not monetary; and

(c) the gift does not exceed twenty thousand shillings, Ksh 20,000 or such other amount as may be prescribed by Commission in the regulations.

(3) Without limiting the generality of sub-paragraph (2), a county staff shall not—

(a) accept or solicit gifts, hospitality or other benefits from a person who—

(i.) has an interest that may be achieved by the carrying out or not carrying out of the county staff's duties;

(ii.) carries on regulated activities with respect to which the county staff has a role;

(iii.) has a contractual or legal relationship with the County;

(b) accept or offer gifts of jewelry or other gifts comprising precious metals or stones, ivory or any other animal part protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or

(c) any other type of gift specified by the Commission in the regulations.

(4) A county staff shall not receive a gift which is given with an intention of compromising his or her integrity, objectivity or impartiality.

- (5) Subject to sub-paragraph (2), a county staff who receives a gift or donation shall declare the gift or donation to their respective department.
- (6) A county staff who receives a gift or donation shall declare it to the respective Authorized officer of his or her department within seven days of receipt of the gift.
- (7) Respective Authorized officers shall keep a gifts register in the form set out in the Second schedule to this Code of—
 - (a) all gifts received by County staff in that department;
 - (b) and all gifts given by the department.
- (8) The gift register and gifts shall be surrendered to the Board by the department through the Authorized officer and the Board shall comply with the Ethics and Anti-Corruption regulations on the receiving and disposal of gifts—
 - (a) The gift can be received and maintained in good condition until such time as it is donated or otherwise utilized. Where there is decision to utilize the gift, the Board shall register it in the same manner as any item procured by the public entity.
 - (b) The gift can be received and disposed of in accordance with the provisions of Public Procurement and Asset Disposal Act, 2005 (No. 3 of 2005).
 - (c) The gift can be retained by the officer as deemed fit by the Board.

21. Wrongful or unlawful acquisition of property

A county staff shall not use the office to wrongfully or unlawfully influence the acquisition of property.

22. Conflict of Interest

- (1) A county staff shall use the best efforts to avoid being in a situation where his/her personal interests conflict with or appear to conflict with their official duties.
- (2) Without limiting the generality of sub-paragraph (1), a County staff shall not hold shares or have any other interest in a company, partnership or other body, directly or through another person, if the holding of those shares or having that interest would result in a conflict with his or her official duties.

- (3) A county staff whose personal interests are or may be in conflict with his or her official duties shall declare the personal interests to their respective departmental Authorized officer or the Board.
- (4) The Department, Board or the Commission may give direction on the appropriate action to be taken by the county staff or such other person to avoid the conflict of interest and the county staff shall —
 - (i.) comply with any directions to avoid the conflict; and
 - (ii.) refrain from participating in any deliberations with respect to the matter.
- (5) Notwithstanding any directions to the contrary under subsection (4) (i) above, a county staff shall not award a contract, or influence the award of a contract, to:
 - (a) Himself or herself;
 - (b) a spouse or child or relative;
 - (c) a business associate or agent; or
 - (d) a corporation, private company, partnership, persons or other body in which the officer appears to have a substantial or controlling interest.
- (6) In this section, “personal interest” includes the interest of a spouse, child, business associate or agent or any other matter in which the County staff has a direct or indirect pecuniary or non-pecuniary interest;
- (7) An Authorized officer whose personal interest conflict with his or her official duties shall declare the personal interests to the County Secretary immediately and refrain from participating in any deliberations in respect to the matter.
- (8) Where the personal interests of the County Secretary conflict with his or her official duties, the County Secretary shall declare the personal interests to the Board immediately and refrain from participating in any deliberations in respect to the matter.
- (9) Where a county Staff is present at a meeting where an issue which is likely to result in a conflict of interest are to be discussed, the county staff shall declare their interest at the beginning of the meeting or before the issue is deliberated upon.

(10) A declaration of a conflict of interest under sub-paragraph (9) shall be recorded in the minutes of that meeting.

(11) A County staff or agent of the procuring entity or a member of a board or committee of the procuring entity who has a conflict of interest with respect to a procurement —

- a) shall declare his or her interest in the matter
- b) shall not take part in the procurement proceedings
- c) shall not, after a procurement contract has been entered into, take part in any decision relating to the procurement or contract.

(12) All county staff who form part of recruitment, training, development and promotion processes shall submit conflict of interest declarations at the beginnings of each process.

(13) Where there is a conflict of interest the County staff shall declare and excuse him/herself from the deliberations or committee meeting or access to information dealing with that particular item and will not participate in any decision relating to the matter.

(14) All Authorized officers shall maintain a register of conflicts of interest in the form set out in the Third Schedule to this Code in which an affected County staff shall register the particulars of registrable interests, stating the nature and extent of the conflict.

(15) For the purposes of sub-paragraph (11), the registrable interests include the interests set out in the Third Schedule to this Code.

(16) All Authorized officers shall submit quarterly returns of the registered interests to the Board.

(17) The Board shall keep the register of conflicts of interests for five years after the last entry in each volume of the register.

(18) A county staff shall amend the record of his or her registrable interest in the register maintained under sub-paragraph (9) whenever there is a change in those registrable interest and such an amendment shall be made within thirty days of the change in the conflict of interest.

23. Participation in tenders

- (1) A county staff shall not participate in a tender for the supply of goods or services to a public entity in which he or she is serving.
- (2) Notwithstanding subparagraph (1) a company or entity associated with the county staff shall not be construed as participating in the tender of the public entity unless —
 - (a) The county staff has a controlling shareholding in the company or entity or
 - (b) The county staff is a director of the company or
 - (c) The county staff is a managing partner in a law firm providing services to the public entity.

24. Collections and Harambees

- (1) A county Staff shall not—
 - (a) use his or her office or place of work as a venue for harambees. soliciting or collecting harambees;
 - (b) either as a collector or a promoter of collection harambee, obtain money or other property from a person by using his or her official position in any way to exert pressure;
 - (c) preside at a harambee, or play a central role in the organization of a harambee, or appear as a guest of honour at a harambee; or
 - (d) participate at a harambee in such a way as to reflect adversely on his integrity or impartiality or interfere with the performance of his or her duties.
- (2) For the purposes of this rule, "collection", "collector" and "promoter" have the same meanings as are assigned to them in section 2 of the Public Collections Act.

25. Bank Accounts outside Kenya

- (1) Subject to article 76 (2) of the constitution of Kenya or any other written law, a county staff shall not open or continue operate a bank account outside of Kenya without the approval of the Commission.
- (2) A county staff who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to the commission using the prescribed form for approval to open or operate a bank account.

- (3) A county staff who operates or controls the operation of a bank account outside Kenya shall submit statements of the account annually to the Commission and shall authorize the Commission to verify the statements and any other relevant information from the foreign financial institution in which the account is held.
- (4) Subject to sub-paragraph (1) and (2), upon commencement of this Code, a county staff who operates a bank account outside Kenya shall close the account within six months or such a period as the Commission may, by notice in the Gazette Prescribe;
- (5) Subject to sub-paragraph (4) a county staff may open or continue to operate a bank account outside Kenya as may be authorized by the Commission in writing.
- (6) Without prejudice to the foregoing provisions of this section, a county staff who fails to declare operation or control of a bank account outside Kenya commits an offence and shall, upon conviction, be liable to imprisonment for a term not exceeding five years, or a fine not exceeding five million shillings, or both.

26. Acting for foreigners

- (1) A county staff shall not be an agent of, or further the interests of a foreign government, organization or individual in a manner that may be detrimental to the security interests of Kenya except when acting in the course of official duty
- (2) For the purposes of this paragraph –
 - (a) An individual is a foreigner if the individual is not a citizen of Kenya; and
 - (b) An organization is foreign if it is established outside Kenya or is owned or controlled by a foreign government, organization or individual.

27. Care of County Property

A county staff—

- 1) shall take all reasonable steps to ensure that public property that is entrusted to his or her custody, possession or control is in good repair and condition.
- 2) shall not use public property, funds or services that are acquired in the course of or as a result of the official duties, for private activities of that are not related to his or her official work.
- 3) who attains the retirement age, resigns, is at the end of the contract term or election

term, or is removed from office shall within seven (7) days before vacating office, return all the public property in their custody, possession or control in a good and working condition to the relevant Authorized officer.

- 4) who contravenes subparagraph (2) or (3) shall, in addition to any other penalties provided for under the Constitution, the Act or any other law, be personally liable for any loss or damage to the public property.

28. Misuse of official information

- (1) A county staff shall not directly or indirectly use or allow any person under the officer's authority to use any information obtained through or in connection with the office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise.
- (2) A county staff shall not be deemed to have violated the requirements of sub-paragraph (1), if the information given is –
 - (a) Pursuant to a court order;
 - (b) For purposes of educational, research, literary, scientific or other purposes not prohibited by law; or
 - (c) In compliance with Article 35 of the Constitution and the relevant law
- (3) Notwithstanding the generality of sub-paragraph (1), a county staff shall take all reasonable steps to ensure that confidential or secret information or documents entrusted to his or her care are adequately protected from improper or inadvertent disclosure.

29. Political Neutrality

- (1) A county staff shall not, in the performance of his or her duties –
 - (a) act as an agent for, or so as to further the interest of a political party or political candidate at an election; or
 - (b) manifest support for, or opposition to, any political party or political candidate at an election.
- 2) A county staff shall remain politically neutral during his or her term of employment.
- 3) Without prejudice to the generality of sub-paragraph (2) a county staff shall not—

- (a) engage in the activities of any political party or political candidate or act as an agent of a political party or a political candidate at an election; or
- (b) publicly indicate support for or opposition against any political party or political candidate at an election.

30. Independence and Impartiality

A county staff shall, at all times, carry out the duties of the office with independence and impartiality and act in a fair manner that avoids creating appearance or apprehension of bias: they shall not be influenced by self-interest, practice favoritism, nepotism, tribalism, cronyism, religious bias, political consideration, public clamor, loyalty to a political party, fear of criticism in the discharge of their duties and responsibilities or corrupt or unethical practice

31. Nepotism

A county staff shall not practice nepotism or favoritism.

32. Equal Opportunity

A county staff shall—

- (a) not engage in or tolerate any discrimination in the workplace;
- (b) shall not discriminate against fellow County Staff on the basis of age, tribe, race, colour, nationality, religion, disability, pregnancy, sex/gender, whistle blower status, and use of workers' compensation, political beliefs, or any other category prescribed under law;
- (c) is expected to be tolerant and accept individual differences and should avoid stereotyping others with whom they interact both at work and in the broader community.

33. Giving of Advice

A county staff who has a duty to give advice shall give honest, accurate and impartial advice without fear or favour.

34. Gainful Employment

- (a) A County staff who is serving on a full-time basis shall not participate in any other gainful employment during his/her term of employment.

- (b) **“gainful employment”** means work that a person can pursue and perform for money or other form of compensation or remuneration which is inherently incompatible with the responsibilities of the Public or which results in the impairment of the judgement of the Public Officer in the execution of the functions of the Public or results in a conflict of interest.

35. Offers of future employment

A County staff shall —

- (a) not allow himself or herself to be influenced in the performance of their duties by plans or expectations for or offers of future employment or benefits;
- (b) disclose, in writing, to the Board and the Commission all offers of future employment or benefits that could place him/her in a situation of conflict of interest.

36. Former public officer acting in a Government or public entity matter

A former public officer shall not be engaged by or act for a person or entity in a manner in which the former officer was originally engaged in as an officer of the public entity, for at least two years after his or her employment with the public entity ends.

37. Misleading the Public

A county staff shall not knowingly give false or misleading information to members of the public.

38. Falsification of records

A county staff shall not falsify any records or misrepresent information to the public.

39. Bullying

- (1) A county staff shall not bully any person;
- (2) For the purposes of sub-paragraph (1), "bullying" shall include offensive behavior which is vindictive, cruel, malicious or humiliating and which is intended to undermine another person.

40. Alcohol and Substance Abuse

- (a) A county staff is strictly prohibited from possessing, selling or being under the influence of alcohol, illegal drugs, psychotropic substances and misused prescription medications or other controlled substances while on the job, during work hours or in the County vehicles or in any other manner that may affect the County Staff's work performance or County's interests.
- (b) A county staff affected by the use of alcohol and substance abuse, shall receive support for treatment from the County for the restoration of the staff's health to ensure effective performance.

41. Sexual Harassment

- (1) A county staff shall not sexually harass a member of the public or another county staff.
- (2) A county staff shall not directly or indirectly request a fellow county staff for sexual intercourse, sexual contact or any other form of sexual activity with either -
 - (a) a promise of preferential treatment in employment;
 - (b) a threat of detrimental treatment in employment; or
 - (c) a threat about the present or future employment status of the employee.
- (3) For the purposes of sub-paragraph (1), "sexual harassment" shall include— -
 - (a) making a request or exerting pressure for sexual activity or favors;
 - (b) making intentional or careless physical contact that is sexual in nature;
 - (c) uses visual material of sexual nature and
 - (d) making gestures, noises, jokes, advances or comments/remarks, including innuendos, regarding another person's sexuality
 - (e) sending of sexually suggestive texts, pictures or videos
 - (e) and/ or any other as prescribed in the Sexual Offences Act, 2006.

42. Work Place Violence

A county staff is prohibited from making threats or engaging in violent activities. The following behavior, while not an exhaustive list, provides examples of conduct that is considered violent: -

- (a) causing physical injury to another person;

- (b) making threats;
- (c) aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress;
- (d) intentionally damaging the County's property or property of another employee;
- (e) possession of ammunition, a firearm, weapon or other item intended to be used as a weapon on County property or while on County business.

43. Submission of Declaration of Income, Assets and Liabilities

- (1) A county staff shall, submit to the Board, any declaration or clarification required under the Public Officer Ethics Act No.3 of 2003 (Rev 2016) and the Leadership and Integrity Act, No.17 of 2012 and any other applicable law.
- (2) A county staff shall submit a declaration on income, assets and liabilities of him or herself, his or her spouse or spouses and his or her dependent children under the age of 18 years as follows;
 - (a) Initial declaration - within thirty (30) days of joining the service;
 - (b) Biennial declaration – every two years while in service;
 - (c) Final declaration - within thirty (30) days of leaving the service.
- (3) The Declaration under sub-paragraph (2) shall be submitted to the County Public Service Board.
- (4) The Board shall keep custody of the all declarations by the County Staff.
- (5) A declaration filed by a County staff in accordance with the provisions of sub-paragraph (3) shall be accessible to the Commission and any other person, subject to the provisions of Section 30 of the Public Officer Ethics Act, 2003.

44. Acting through Others

- (1) A county staff shall not –
 - (a) cause anything to be done through another person that would constitute a contravention of this Code, the Constitution or any other law if done by the County officer or
 - (b) allow or direct a person under their supervision or control to do anything that is in contravention of this Code, the Constitution or any other law.

- (2) Subparagraph (1) (b) shall not apply where anything is done without the County staff's knowledge or consent or if the County staff has taken reasonable steps to prevent it.

45. Use of Social Media

A County staff shall not use social media in a manner that is prejudicial to any county staff, public interest, national cohesion or that otherwise constitutes a breach of any law.

46. Reporting improper orders

- (a) If a county staff considers that anything required of him or her is in contravention of the Code or is otherwise improper or unethical, the County staff shall report the matter to the Commission.
- (b) The Commission shall investigate the matter and take appropriate action within ninety days of receiving the report.

47. Protection of Whistle Blowers

- (a) There will be no victimization for disclosures made in good faith to protect the interests and image of the County or its staff.
- (b) The information shared shall be handled confidentially and the identity of the source shall not be revealed.
- (c) The Board shall develop and publicize a policy on whistle bower protection.

48. Breach of the Code

- (1) Any person may lodge a complaint alleging breach of this Code by the county staff to the respective department or Board for enquiries;
- (2) Breach of the Code amounts to misconduct for which the county staff may be subjected to disciplinary proceedings;
- (3) Where the breach of the Code amounts to violation of the Constitution, the county staff may be removed from office in accordance with Article 251 of the Constitution.
- (4) A county staff may be suspended from office pending the investigation and determination of allegations made against him/her where such suspension is considered necessary.
- (5) A county staff shall have breached the Code if-

- (a) He or she is directly involved in the contravention of a provision of this Code.
- (b) He or she causes anything to be done in contravention of a provision of this Code through another person;
- (c) He or she allows or directs a person under his or her supervision or control to do anything that is a contravention of a provision of this Code.

PART III—ENFORCEMENT OF THE CODE OF CONDUCT AND ETHICS

49. Management Responsibility

- (a) As part of effective management, each Authorized officer must ensure that officers working under him/her are aware of, sign and act in compliance with this Code.
- (b) Management must make every effort to establish and maintain adequate systems, procedures and controls to prevent and detect fraud, theft, breach of trust, conflict of interest, bias and any form of wrongdoing.
- (c) It is the responsibility of management to ensure that each incident of suspected breach of this Code of Conduct and the Act is investigated and thereafter relevant action is taken in accordance with the Constitution (Article 47), the Employment Act (Part VI) and any other applicable law.

50. Enforcement of the Ethical Standards

The Authorized officers shall be responsible for the enforcement of this Code.

At all times, County staff shall: —

- (a) place the interest of the Public above personal interest;
- (b) respect the rights and dignity of all individuals;
- (c) help all those who seek his/her professional services without discrimination, fear or favor;
- (d) give honest, competent and accountable professional services;
- (e) recognize the extent of his/her professional expertise and undertake only those activities that are within his/her professional competence;
- (f) appreciate multicultural, multi-ethnic, gender and regional differences and sensitivity and Kenya's unity in diversity;

- (g) at all times maintain highest standards of professional competence and continually update and extend his/her professional knowledge and skills;
- (h) observe time tested and universal values of integrity such as honesty, truthfulness, impartiality, incorruptibility, competence and efficiency in all dealings with the public;

51. Disciplinary procedure

Where a county staff fails to observe any of the above provisions or where a member has committed, whether directly, or by agent, a breach of this Code, appropriate action will be taken by a Disciplinary Committees constituted by the Authorized officer.

- (a) The Disciplinary Committee shall carry out its mandate in line with the Constitution (Article 47), the Employment Act (Part VI) and any other applicable law;
- (b) The Disciplinary Committee shall deal with the issue based on the facts presented to it. Penalties for misconduct shall include but limited to reprimanding, suspension and dismissal;
- (c) Failure to follow the guidelines given by this Code shall in itself constitute misconduct, and it means that the officer concerned may be at risk of having to justify his/her actions to the Disciplinary Committee;
- (d) The Authorized officer will at all times inquire into an apparent failure by a Public Officer to observe the ethical requirements, and may refer the matter to the Disciplinary Committee.

52. Reporting/Complaints procedures

- (a) Any breach of the provisions of this Code shall be reported in writing to the Office of the County Ombudsman/ public complaints in the Board.
- (b) The County Ombudsman shall keep a register of complaints that shall specify the nature of the complaint, the dates and the place where the incidence occurred as in the form set out in the Fourth Schedule to this Code. The complaints shall be lodged upon receipt and issued with a reference number.
- (c) The County Ombudsman may write to the Authorized officer to inquire into the allegation.

- (d) A county staff or party(ies) against whom an allegation has been made shall be informed of the allegation in writing within fourteen days of the receipt of the report and shall be given adequate opportunity to challenge the allegation. The County staff or party(ies) against whom such allegations have been made shall make a response in writing within 7 days of receipt of notification of the allegation.
- (e) The County Ombudsman shall carry out its own investigations and refer the complaint in accordance to its nature to the Departmental Complaints Committee which will make recommendations on the issue or escalate to the relevant authority.
- (f) A person who makes an allegation against a county staff shall be entitled to be informed of any action taken in relation to the allegation.
- (g) Where an investigation against a county staff under this paragraph has been initiated, and the County staff resigns his or her office before the investigation has been completed, the investigation may be continued even after the resignation of the County staff.
- (h) Subject to any other written law, a county staff against whom an allegation has been made under this paragraph may be suspended from office while an inquiry is made regarding the allegation.
- (i) The Board shall determine the matter within a reasonable time and submit a recommendation to the relevant office or authority for necessary action.
- (j) The Board shall develop and publicize a policy on complaints.

53. Referral for possible civil or criminal proceedings

If upon investigation under this Part the Board is of the opinion that civil or criminal proceedings should be preferred against a county staff, the Board shall refer the matter to—

- (a) the Ethics and Anti-Corruption Commission;
- (b) the Commission on Administrative Justice;
- (c) the Director of Public Prosecutions;
- (d) or any other competent authority.

54. Implementation of the Code

Each county staff shall take personal responsibility for compliance with the provisions of this Code.

55. Review of the Code

- (a) This Code is a dynamic document with an intention to lay out the required standard of ethics and professionalism of each Public Officer. The Board shall review the code from time to time to reflect the changing environment and operations of the Public at periodic intervals of five (5) years.
- (b) Any review of the Code shall be notified to the Public Officers in writing (whether through an internal memo or email) within 21 days of such review.

CODE OF CONDUCT AFFIRMATION FORM

The Code defines core values on which the Public’s vision and mission are based, summarizes ethical principles that reflect the organization’s core values, establishes a set of specific ethical standards that guide the Public’s practice and provides the basis on which the stakeholders can hold the Public accountable. The Public requires that all its officers positively affirm that they have read and understood the **Code of Conduct and Ethics**. Please complete and sign the following form to fulfill this requirement.

AFFIRMATION OF THE CODE OF CONDUCT AND ETHICS

- I have obtained a paper copy/soft copy of the **Code Conduct and Ethics**;
[Please review the contents of the **Code of Conduct and Ethics** before signing below:]

- I affirm that I am responsible to read, understand, and abide by the Code of Conduct and Ethics as well as other Public’s policies and regulations;

- I understand that I am engaged as an employee of the Public in a mutually beneficial relationship and that I am expected to meet the expectations of the Public’s stakeholders;

- I understand that the Code is subject to review and I am expected to abide by any changes brought about by such review; and

- I understand that if I do not abide by the Code, I may be subject to disciplinary process and sanctions.

Signature: _____

Name: _____

Personal Number: _____

ID No. : _____

Postal Address: _____

Date: _____

Witness name: _____

Signature: _____

Date: _____

SECOND SCHEDULE

Form A

(r. 5(4))

Serial No:

GIFT DECLARATION FORM

(To be submitted in duplicate. Attach relevant information or documentation relating to the gift)

PART I

Recipient's Name:

Recipient's designation:

National ID/Passport No:

Recipient's Employer:

Name of the donor institution:

Name and title of the presenter:

Description of the gift:

Estimated value of the gift:

Current location of the gift:

Date of receipt/issuance of the gift:

Date of declaration of the gift:

Date the gift was surrendered where applicable:

Function at which the gift was received/ issued:

Signature of declarant:

PART II – Recommendation of the Processing Officer

Retain /Surrender (strike as appropriate)

.....

Remarks of the Authorizing Officer

.....

.....

Name and Designation of the Authorized officer

Signature and Date

.....

.....

REGISTER OF GIFTS RECIEVED
(TEMPLATE)

Name of Entity/Department:

Financial Year (FY):

Serial No.	Name of the officer receiving the gift	ID/PP No	Name of entity and officer giving the gift	Description of the gift	Estimated market value of the gift	Date of receipt the gift	Occasion or function in which the gift is offered	Date of declaration of the gift in the register	Decision on the gift surrendered	Any other relevant information

**REGISTER OF GIFTS GIVEN
(TEMPLATE)**

Name of Entity/Department:

Financial Year (FY):

Item No.	Name of the officer giving the gift on behalf of the entity	ID/PP No	Name of entity and officer given the gift	Designation of the Officer given the gift	Description of the gift	Estimated market value of the gift	Date of giving the gift	Occasion or function in which the gift is offered	Any other relevant information

Serial No:

THIRD SCHEDULE

DECLARATION OF CONFLICT OF INTEREST FORM

(To be submitted in duplicate)

Name of State Officer or Public officer:

Designation of the officer:

Personal File No:

Description of the Conflict of Interest

Name and Address of the person with whom the officer has an interest	Nature of interest	Estimated value of the interest	Date the interest was acquired	Date the interest ceased (if applicable)	Remarks(if any)

I, the undersigned, holding the position ofat ID/PP No.....being aware of the provisions of 46 (1) (d) and 46 (2) of the Leadership and Integrity Act, 2012 declare the above information to be true to the best of my knowledge.

Signature of the Officer:

Date:

Submitted to:

Designation of the person submitted to:

Signature:

Date:

**REGISTER OF DECLARATION OF CONFLICT OF INTEREST
(TEMPLATE)**

Name of Entity/ Department:

Financial Year(FY):

Serial No.	Name and address of officer making the declaration	ID/PP No of the officer making the declaration	Registerable Interest	Nature of Conflict	Date of Declaration of Conflict	Name and signature of officer making the entry	Remarks or directions issued	Update of registered interests	Any other relevant information

REGISTRABLE INTERESTS

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1. Directorships in public or private companies, whether or not remunerated directly or indirectly.
2. Remunerated employment, including office, trade, professional, or vocational, or in which the public officer has any pecuniary interest.
3. Securities (shares, bonds, debentures or other similar holding) in a company, enterprise or undertaking the aggregate, nominal or market of a value which exceeds the value prescribed by the public entity.
4. Contracts for supply of goods and services to the public entity.
5. Offers of future employment.
6. Shareholdings in public or private companies amounting to a controlling interest.
7. Landholdings.
8. Gifts, benefits and hospitality, including to a spouse, child, partner or business associate, or other material benefit of a value prescribed by the public entity from a company, organization or person within or outside Kenya which relates to the public office. Pending civil claims against the public officer.
9. Pending criminal charges against the public officer.
10. Citizenship of another country.

FOURTH SCHEDULE

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**REGISTER OF COMPLAINTS
(TEMPLATE)**

Name of Entity/ Department:

Financial Year(FY):

Serial No.	Name of Person Making Complaint	Date of Complaint	Particulars of Officer / Organization Complaint Against	Nature of Complaint	Decision made on the complaint	Particulars and Signature of Officer Attending to complaint