

COUNTY GOVERNMENT OF LAMU

COUNTY PUBLIC SERVICE BOARD

CODE OF CONDUCT AND ETHICS

PREFACE

This code of conduct and ethics should be interpreted purely as a guide to the Lamu County Public Service employees in their normal relationships and dealings with their stakeholders. The relationships and dealings with stakeholders incorporate the following guiding principles.

- **Selflessness:** The quality of not putting yourself first but being willing to give time and effort to customers that you serve.
- **Integrity:** Uncompromising and predictably consistent commitment to honor moral, ethics, spiritual and artistic value and principles.
- **Justice and Fairness:** Conformity with rules and regulations and to make decisions free from discrimination or dishonestly.
- **Transparency :** How and why something occurs at the workplace
- **Leadership :** That establishes clear vision, that shares that vision with others so that they follow willingly, that provides the information and knowledge to realize that vision and ; that balances the conflicting interest of all members and stakeholders
- **Accountability :** The responsibility to complete tasks designated and being present for the entire working period in order to fulfill or further the departmental goals and being responsible for dealing with the repercussions if tasks not completed and job functions not performed properly.

These guiding ,principles if realistically adhered to by all county public service employees, shall provide a framework for promoting good governance , efficient and effective delivery of service, projecting the good image of the caring county public service as well as sustaining the self-esteem of Lamu County both within and without.

The ultimate objective of this Code is to attain a county public service which is not only responsive to its social obligations but also customer sensitive.

Ali Mahmoud Mbwarali

Chairman

LCPSB

1. Introduction

The code contains general rules of conduct to be observed by county public service employees so as to maintain integrity and loyalty to the county government and also uphold the dignity of the public office to which they have been appointed

The code also outlines procedures to be followed in cases of breach of discipline .It is therefore imperative that every public officer in the county government adheres to these rules of conduct, and such other rules which may be introduced from time to time.

2. Conduct of public officers in the Service of the county Government

A public officer should ensure that his or her conduct both in public and in private life does not bring the service into disrepute.

A public officer who contravenes with the above paragraph is liable to disciplinary action stipulated in this Code.

3. Leadership and integrity

A public officer appointed to a public office will be required to demonstrate respect for the people; bring honor 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).

4. Conflict of Interest

It is a requirement that all officers disclose their personal interests. For the purpose of this regulations, Personal Interest includes: the interest of a spouse, relative or business associate which may conflict with official duties.

A public officer shall therefore:-

- a) not hold shares, corporate or partnership of another body directly or through another person; if holding those shares or having that interest would result in the public officer's personal interest conflicting with his official duties;
- b) declare the personal interests to his superior or other appropriate body and comply with any directions to avoid the conflict and also refrain from participating in any deliberations with respect to the matter where such interests conflict with the official duties;
- c) not award a contract or influence the award of the contract to self, spouse, close relative, business associate ,or a corporation, partnership or other body in which the officer has an interest;
- d) not use the office to improperly enrich self or another person or improperly use the office to acquire land and other property for self or another person, whether or not the land or property is paid for, for personal benefit or for another;

- e) not use or allow the use of information acquired in connection with the public officer's duties that is not public for own benefit or others;
- f) not engage in a full-time employment in another organization;
- g) not hold office in a political party;
- h) not undertake any private agency in any matter related to official duties; and
- i) not be an agent for a foreign Government organization or individual in a manner that may be detrimental to the security interests of Kenya

5. Post retirement engagement

A retired public officer who is receiving a pension from public funds shall not hold more than two concurrent remunerative positions as chairperson, director or employee of:-

- a) Company owned or controlled by the government at any level
- b) State organ.

A retired public officer shall not receive remuneration from public funds other than as contemplated above.

6. Declaration of income, Assets and Liabilities

Every officer shall on 1st appointment and bi-annually thereafter submit a declaration of income, assets and liabilities of self, spouse(s) and dependent children under eighteen (18) years to the Lamu County Public Service Board.

A public officer who fails to submit a declaration or clarification as required, or whom submits information that the officer knows is false or misleading, will be liable to disciplinary action.

If any investigation discloses that the public officer has contravened the Code of Conduct and Ethics, the appropriate disciplinary action will be taken against the officer, or if the board is of the view that civil or criminal proceedings ought to be considered, the matter may be referred to the Director of Public Prosecutions.

7. Abuse of office

A civil Servant who uses his office to enrich self or confer a benefit to a third party is guilty of an offense in accordance with the Anti-Corruption and Economics Crimes Act.

8. Management of Newspapers, Publications and interviews on Questions of Public Policy

A public officer shall not act as the editor of any newspaper or take part directly or indirectly in the management thereof or publish anything which may be reasonably regarded as of political or

administrative nature without the express permission of the relevant authority in the Lamu County Government.

A public officer shall not, under any circumstances communicate with the media either in writing or by granting interview and making statements on matters affecting Lamu County Government programs or policies without the specific authority of the relevant authority in the county government. Where such authority has been obtained, the officer shall communicate with the press through the respective Chief officer.

While it is not desired to interfere with a public officer's freedom of speech, any lack of discretions on the part of the officer is likely to embarrass the County government and may result to serious consequences to the officer responsible

9. Confidentiality

A public officer is bound to uphold confidentiality as stipulated in the Official Secrets Act (CAP 187) on appointment and on leaving the County Public Service.

Chief Officers should bring to the attention of all the employees, the provisions of the Official Secrets Act (CAP 187) on appointment and at any other time as may be deemed necessary.

10. Supply of information and communication with members of the county assembly

A Chief Officer may give information on technical issues related to the duties and activities of a County department for which the officer is responsible to members of the County Assembly through the respective County Executive Committee Member.

11. Hospitality from foreign diplomatic representatives

A public officer may not accept hospitality from any Foreign Diplomatic Representative, without the prior permission of the County Secretary.

12. Membership to Political Associations

Public Officers are not permitted to be active members of any associations of which the objects and functions are in any way political. This does not imply that the government considers membership of such associations improper or undesirable, but merely that it considers that membership of a political association is not consistent with the duties and obligations of a public officer who is required to carry out the County Government policy, unbiased by any political view held.

13. Political Neutrality

Whereas, it is the constitutional right of any officer to be involved in political party activities, a public officer shall not use the office held to:-

- a) act as an agent for ,or so as to further the interest of apolitical party
- b) indicate support for or opposition to any political party or candidate in an election , and
- c)engage in political activities that may compromise or be seen to compromise the political neutrality of the office held.

A public officer should refrain from active participation in politics in any dealings which the officer may have with members of the County Assembly, the discussions should be restricted to subjects of general interests and County Government affairs which fall under the officer's sphere.

A public officer must at all times preserve the tradition of loyalty to the county government without which no public service can properly fuction.The officer should also bear in mind the provisions of the official secrets act and the penalties which can result due to contravention .

A public officer who may wish to contest for a political seat will be required to resign the service unless the officer is eligible for retirement under the pensions Act.

14. Inclusiveness

The County Government will strive to eradicate all forms of discrimination and harassment in order to promote indusiveness and representation of Kenya's diverse communities and ethnic groups. It will therefore be an offense for officers who will be found to:

- a) Discriminate against a person by applying requirement or a condition that has an effect of segregating a person on ethnic ground.
- b) Discriminate another person by way of victimization through any act that is injurious to the person's well-being and esteem by treating the person less favorably.

To ensure that the county public service reflects diversity of the Kenya communities, the County Government will endeavor to address inclusiveness through recruitment, deployment, training and promotion.

A public officer is liable to be posted to any station within the service of the County Government.

15. Sexual harassment

A public officer shall not sexually harass a member of the public, or a fellow public officer.

Sexually harass includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome-

- a) Making a request or exerting pressure for sexual activity or favours.
- b) Making intentional or careless physical contact that is sexual in nature; and
- c) Making gesture, noises, jokes, or comments, including innuendoes, regarding another person's sexuality

Disciplinary action will be taken against a public officer for sexually harassing another person.

16. Gifts

A public officer is prohibited from receiving valuable presents (other than gifts from personal friends and relatives) whether in the form of money, goods, free passages or other personal benefits and from giving such presents.

A gift or donation to a public officer on a public or official occasion will be regarded as a gift or donation to the County Government and shall be delivered to the County treasury unless exempted under an Act of Parliament.

When presents are exchanged between officers acting on behalf of the County government in ceremonial occasions with other governments or their representatives, the presents received will be handed over to the County Government and any present in return will be given at the County Government's expense.

A gift that a public officer is otherwise allowed to accept from a relative or friend because it is given on a special occasion recognized by custom shall not be accepted by the public officer in a public office.

17. Harambees

A public officer shall not preside over harambee, play a central role in its organization or play the role of guest of honour.

A public officer shall not participate in a harambee in such a way as to reflect adversely on his integrity or impartiality or interfere with the performance of his duties.

A public officer shall not use his office or place of work as a venue for soliciting or collecting harambee.

18. Financial Probity

A public officer shall not:-

- a) Maintain a bank account outside Kenya except in accordance with the relevant Act of Parliament; or
- b) Seek or accept a personal loan or benefit in circumstances that compromise the integrity of the public officer

A non Kenyan public officer shall not enter into any private arrangement with any bank or financial institutions in the country for the purpose of getting any loan without prior approval of his authorized officer. In signifying the approval in this regard, the Accounting Officer will ensure that the officer will be able to honor the obligations in full during the tour of service in which the loan is to be granted.

Before leaving the country on completion of the tour, a non-Kenyan public officer shall be required to certify to the Accounting Officer that financial and other obligations have been cleared.

19. Sale of property to the government

If a public officer wishes to dispose personal property or effects by sale to the County Government, the same should be in accordance with the Government Procurement Procedures.

20. Undue Influence

Officers should be made aware that the practice of seeking the influence of members of the County assembly or other persons as a means of bringing their service to the notice of the County Government with a view to consideration for promotion or other favors is considered irregular and may actually be detrimental to the officer's interests.

A public officer is not permitted to make representations to a Member of the County Assembly on matters affecting his/her individual terms and conditions of service. Proper channels of communications exist to enable officers to make representations regarding their personal affairs.

21. Absence from duty without leave

Where an officer is absent from duty without leave, reasonable or lawful cause, the following steps will apply:

- a) Establish the exact period with dates the officer has been absent from duty. If not traced within a period of ten (10) days from the commencement of such absence, salary will be stopped with effect from the date of absence.
- b) A show cause letter will be addressed to the officer through his or her last known address by registered mail, giving a reasonable period within which to respond but not less than (10) days, stating clearly the nature of the offence and the contemplated action.
- c) If the officer does not respond the case will be submitted to the relevant committee which shall make a recommendation to the CPSB for summary dismissal.
- d) If the officer responds, investigations will be carried out on the issue raised in the show cause letter and in the officer's defence; an investigation report prepared; and submitted to the relevant committee for recommendation. Thereafter the case will be submitted to the CPSB for a decision.
- e) The decision will be communicated to the officer informing him or her of the right of appeal, or review to the County Public Service Board within six weeks from the time of the decision.
- f) If the officer is not satisfied with the decision of the Board, the officer may appeal to the PSC, in accordance with the PSC regulations and section 77 of County Government Act (2012).

Where the officer has been absent from duty without permission and has continued to be paid leading to overpayment, the amount in question may be recovered from the salary or any other monies due to the officer from the government.

Where the overpayment is not as a result of a public officer's negligence, the officer who occasioned the overpayment should be held liable.

22. Absence from duty on Grounds of illness

A public officer who absents self from duty on the grounds of illness must produce proof of sickness/sick leave certified by a medical practitioner. Should the officer fail to produce a medical certificate, the officer shall be considered to be absent without leave and his case shall be dealt with in accordance with the relevant disciplinary procedure.

23. Pecuniary Embarrassment

Pecuniary embarrassment from whatever cause, will be regarded as necessarily impairing the efficiency of a public officer and rendering him liable to disciplinary proceedings.

A public officer shall live within his means and avoid incurring any financial liability that he cannot satisfy.

A public officer will be expected to retain a net salary of not less than 1/3 of his basic salary per month.

Pecuniary embarrassment, involving both lending and borrowing of money at usurious rates of interest, will be regarded as an offence affecting both respectability of the service and trustworthiness of the individual and may be held to be a bar to promotion or further retention in the service.

It is the policy of the County Government to give officers who are in debt every possible opportunity to extricate themselves from their financial embarrassment, but there must be a limit beyond which a public officer cannot be retained in the County public service, in which case he must be retired in the public interest. In certain circumstances, it might even be necessary to consider dismissal, but this step will only be taken in case of a most serious nature and where indebtedness is not the only factor involved.

The department responsible for human resource matters will institute disciplinary action in accordance with laid down disciplinary procedures.

When a public officer is seriously indebted to the extent of more than six (6) months' salary, consideration should be given for removal from the service. The Authorized officer will issue a show cause letter for the officer to explain why disciplinary action should not be instituted against him on account of indebtedness. The officer shall be required to submit quarterly reports showing exactly the state of his finances and the amounts which have been liquidated during the three (3) months previous to the date on which the report is submitted.

When a public officer's indebtedness requires that the officer should no longer carry out duties which may tempt the officer to misappropriate public funds or stores, it may be necessary either to retire the officer in the public interest or to redeploy the officer. Any officer, therefore, holding an office of this nature and who shows a tendency to run into debt should be warned in writing of this position.

Reports in Case of Bankruptcy, Judgment- Debtors

- A public officer, who is declared bankrupt, becomes insolvent or seriously indebted shall at once report the matter to the chief officer. Failure to report such matter shall be regarded as a serious offense rendering the public officer liable to disciplinary action being taken.
- A public officer who has reported bankruptcy, insolvency or indebtedness shall without delay submit a complete statement of facts of the case to the Chief Officer who will decide whether the circumstances would necessitate disciplinary proceedings being instituted.
- In no circumstances shall a bankrupt, insolvent or seriously indebted officer be permitted to be employed on duties involving the handling of public funds.

24.Improper Use of County Government Stores &Losses of Public Funds

A public officer shall take all reasonable steps to ensure that property entrusted to his care is adequately protected and not misused or misappropriated.

Government stores should not be converted for personal use.

Disciplinary action will be taken against a public officer making or receiving unauthorized issues.

Losses of Public Funds Include:

- a) Actual loss or destruction of ,or damage (other than fair wear and tear) to, or failure to account for the disposal of public monies ,stamps ,securities, or property movable or immovable (including any money or other property, not belonging to the county government which is held or used by an officer in his official capacity ,either alone or jointly with any other person);
- b) Non collection of any monies due or belonging to the County Government ,or for the collection of which the County Government is responsible ;
- c) Payments made or liabilities incurred without or in excess of any statutory, administrative or other authority, including nugatory and similar payments and payments arising from incorrect certificates; and regular or excess issues of stores.
- d) Unauthorized use of County Government stores, vehides ,buildings ,equipment, or any other property, or service (e.g. repair workshop) provided for official purposes; and
- e) Compensation and similar payments (including third party claims in respect of vehide accident), legal and court costs, and any other additional expenditure or liability incurred which was avoidable and need not have been incurred.

Loss of public funds through neglect or fault

If at any time public funds are lost in consequence of the neglect or fault of an officer, the officer will be held to have incurred a pecuniary liability in respect of the loss, and if a satisfactory explanation or offer of restitutions is not forthcoming, the officer may be required to meet this liability in whole or in part.

The amount in question may be recovered from his salary or any other monies due to him from the county government, or may be sued for and recovered in any court of law. Such a recovery is not imposed as a fine or punishment but as a means of compensating the public purse of losses sustained as a consequence of an officer's dereliction of duty. It is in no way precluded by any criminal or disciplinary proceedings in respect of the same occurrence, irrespective of the result.

Reckless indifference to the probable consequences of any neglect or fault will result in those consequences being deemed to have been intended .Any act or omission which facilitates or makes a loss possible, even though it was not the immediate cause of it, may be regarded as a contributory cause and may involve a consequential liability, provided that full recovery from the person whose neglect or fault, including a criminal act, was the immediate cause.

Two or more officers may be held to have incurred joint liability and recovery of all or part of the loss may be apportioned between them.

Work ethics

County Public Officers are instrumental in the achievement of County Government goals as stipulated in the Lamu County Integrated Development Plan. In accepting personal responsibility for developing and exhibiting positive work ethics as well as affirming commitment to combating negative work habits will result into the desired county development.

Everybody in the Lamu County Public Service should therefore be committed to:-

- Reporting for duty punctually
- Devoting during working hours full time and attention to the business of the organization
- Guarding against absenteeism without permission or reasonable excuse
- Following and obeying lawful, legitimate or reasonable definite instructions and complying with laid down procedures relating to work.
- Taking pride and joy in doing more than is required by duty
- Responding to legitimate requests and demands of members of the public with urgency, promptness and timeliness
- Seeing a task through and having a sense of pride in accomplishing assignments in time
- Undertaking tasks that contribute effectively to achieving the goals of the department
- Transparency and accountability while carrying out duties
- Shall give honest and impartial advise without fear or favour
- Shall not practice nepotism or favourism.