



**KENYA PLANT HEALTH INSPECTORATE SERVICE
(KEPHIS)**

KEPHIS CODE OF CONDUCT AND ETHICS

Revised April 2016

TABLE OF CONTENTS

1. FOREWORD.....	3
2. OBJECTIVES OF THIS CODE.....	4
3. THE GENERAL CONDUCTS AND ETHICAL VALUES.....	4
3.1 Respect for the rule of law	4
3.2 Public trust	5
3.3 Responsibility and duties.....	5
3.4 Performance of duties.....	5
3.5 Professionalism.....	5
3.6 Financial integrity	6
3.7 Moral and Ethical Values	6
3.8 People Values.....	7
3.9 Gifts or benefits in kind	7
3.10 Wrongful or unlawful acquisition of property.....	8
3.11 Conflict of interest	8
3.12 Participation in tenders.....	9
3.13 Public collections	9
3.14 Bank accounts outside Kenya	9
3.15 Acting for foreigners	10
3.16 Care of property.....	10
3.17 Misuse of official information.....	10
3.18 Political neutrality	10
3.19 Impartiality.....	10
3.20 Giving advice	11
3.21 Gainful employment	11
3.22 Offers of future employment	11
3.23 Former KEPHIS officer acting in a Government or public entity matter.....	11
3.24 Misleading the public.....	11
3.25 Falsification of records.....	11
3.26 Citizenship	11
3.27 Conduct of private affairs.....	11
3.28 Tax, financial and legal obligations.....	12
3.29 Bullying	12
3.30 Acting through others.....	12
3.31 Reporting improper orders	12
4. DECLARATION OF INCOME, ASSETS, LIABILITIES & INTERGRITY.....	12
5. COMPLIANCE.....	13
6. FAILURE TO COMPLY.....	13
ANNEX 1 Self Declaration Form.....	14
ANNEX 2 EACC Recommended Gift Register Templates.....	20
ANNEX 3 EACC Recommended Conflict of Interest Register Templates.....	21
ANNEX 4 Commitment to the Code Of Conduct And Ethics	22

1. FOREWORD

The Kenya Plant Health Inspectorate Service (KEPHIS) was established in 1996 under Legal Notice No. 305 (reviewed to KEPHIS Act No. 54 of 2012) and is mandated to undertake regulatory services in the agriculture sector. Since its inception, the organization has made great strides in the effort to pursue its mandate under the guidance of the strategic plan (2001-2006 & 2007/2008-2011/2012) and further intends to pursue the same through the current Strategic Corporate Business Plan (2012/2013 – 2017/2018).

This Code of Conduct and Ethics aims to actualize and emphasize the vision and core values of the Organization as indicated in the said Business Plan. The Organization visualizes being the lead regulator and facilitator of globally competitive agriculture while its mission is to provide a science-based regulatory service by assuring quality of agricultural inputs and produce to promote food security and sustainable development. Further, the core values of the organization are highlighted as being;

- Customer focus
- Integrity
- Teamwork
- Corporate Social responsibility
- Professionalism
- Innovation and creativity

This code endeavors to emphasize these commitments. While making efforts to pursue KEPHIS mandate it is important to remain conscious of the uniqueness of the organizational culture which has facilitated the achievements evident since establishment. The culture of the Corporation basically forms the ethics and values that guide our professional conduct.

The Government through the provisions of Chapter Six of the Constitution, Public Officers Ethics Act of May 2003 (revised 2009) and The Leadership and Integrity Act No.19 of 2012 have provided guidance on values it requires the general Public Service (KEPHIS included) to comply with. With this background, KEPHIS has found it important to have a code of conduct and ethics that expresses the ideals the staff ought to embrace in carrying out their functions and in practice of their professions.

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Ag. Managing Director

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2. OBJECTIVES OF THIS CODE

The Code of Conduct and Ethics for KEPHIS sets forth the values and ethics of the Corporation to guide and support staff in all their individual professional activities performed while in service. It will serve to maintain and enhance public confidence in the integrity of the Organization and also serve to strengthen respect for, and appreciation of the role KEPHIS plays in the sector.

This Code should be read in the context of the duties and responsibilities that one has and will apply to all KEPHIS staff.

This Code is a policy of the organization and will form part of its conditions of employment and will be consistent with other Laws and Regulations relating to matters in subject.

All staff are also responsible for preserving public confidence and the integrity of the Organization while in the operations of their respective departments and for maintaining the tradition of providing quality and timely services. Hence all staff shall be guided in their work and their professional conduct by this balanced framework of conduct, values and ethics.

In addition to the stipulations outlined in this code, staff are also required to observe any specific conduct requirements contained in the KEPHIS Human Resource Policies and Procedures Manual, the Public Officers Ethics Act, The Leadership and Integrity Act No.19 of 2012 and other applicable regulations.

All Staff have a responsibility for ensuring that they comply with this Code and exemplify in all action and behavior the values stated. They have a duty to infuse these values into all aspects of their work and it is expected that they will take special care to ensure compliance by all at all times in both the spirit and the specific requirements of this Code. In addition, senior staff have a particular responsibility to provide leadership in the application of this code.

NB. During the course of reading this code, certain clauses/issues are repeated; this is only supposed to emphasize the importance of such matters.

3. THE GENERAL CONDUCTS AND ETHICAL VALUES

3.1 Respect for the rule of law

A KEPHIS officer (also referred to as an officer in the text) shall respect and abide by the Constitution and the law while carrying out the duties of their respective office; in addition the officer shall not violate the rights and fundamental freedoms of any

person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

3.2 Public trust

All officers must realize the office they hold are positions of public trust and the authority and responsibility vested on them shall be exercised for the best interest of the people of Kenya.

3.3 Responsibility and duties

Subject to the Constitution and any other law, an officer shall take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.

3.4 Performance of duties

An officer shall carry out their duties efficiently, honestly, showing transparency and accountability; while keeping accurate and truthful records and documents relating to the functions they undertake.

3.5 Professionalism

All officers are required to serve both internal and external clients competently, with excellence, efficiency, objectivity and impartiality by having no reference to ethnic, gender and political affiliation.

In respect to this all officers shall:

- Discharge their duties to the best of their ability and in a professional manner and not to violate constitutional rights and freedom of any person.
- Observe the ethical and professional requirements of the professional body they subscribe to.
- Maintain an appropriate standard of dress and personal hygiene.
- Work within the laws applicable to their practice and endeavor to ensure the proper, effective and efficient delivery of service.
- Constantly renew their commitment to serve KEPHIS through continuous improvement of the quality of service delivery, adapting to changing needs through innovation, and by improving their efficiency and effectiveness of services offered.
- Strive to ensure that the value of transparency in their transactions is upheld while respecting their duties and requirement for confidentiality under the law.
- Not to assist private entities or persons in their dealings with the Organization where this would result in preferential treatment to the entities or persons.

- Not knowingly take advantage of, or benefit from, information that is obtained in the course of their official duties and that is not generally available to the public.
- Not directly or indirectly use, or allow the use of KEPHIS property for anything other than officially approved activities.
- Not engage in employment outside that of the Organization that may bring conflict with their official duties.
- Not act as an agent for a political party or indicate support for or opposition to any political party or candidate in an election. The Officer shall also not engage in political activity that may compromise or be seen to compromise neutrality of his office as a public servant.
- Not practice favoritism, tribalism, nepotism or racism.

3.6 Financial integrity

An officer shall not use their office to unlawfully or wrongfully enrich themselves or any other person; subject to Article 76(2) (b) of the Constitution, they shall not accept a personal loan or benefit which may compromise them while carrying out their duties.

3.7 Moral and Ethical Values

Officers are required at all times to act with honesty and integrity in such a way as to uphold the public trust. In respect to this all officers shall:

- In fulfilling their official duties and responsibilities, make decisions in the interest of KEPHIS and not use their office to improperly enrich themselves or solicit for gifts, hospitality or other benefits.
- Use their best efforts to avoid being in a position in which their personal interests conflict with their official duties. Personal interests include those of spouse, relatives, business associates or corporate/ partnership in which the Officer has interest.
- Declare personal interests to his superior and comply with any direction to avoid conflict and refrain from participating in any deliberation on such a matter in the event of a conflict of interests.
- Perform their duties and arrange their private affairs in a manner that maintains public confidence and trust in their integrity, objectivity and accountability of their office. This requires that staff act at all times in a manner that will bear the closest public scrutiny; an obligation that is not fully discharged by simply acting within the law.
- Not neglect their financial obligations (personal, institutional or national) leading to pecuniary embarrassment.

- Maintain confidentiality of official information particularly those entrusted with sensitive information or responsibility.
- Demonstrate honesty in the conduct of public affairs.
- Not to engage in activities that amount to abuse of office.
- Accurately and honestly represent information to the public.
- Not to engage in wrongful conduct in furtherance of personal benefit.
- Not to misuse public resources.
- Not to discriminate against any person, except as expressly provided for under the law.
- Not to falsify any records or engage in actions which would lead to the officer's removal from the membership of a professional body in accordance with the law.
- Not to commit offences especially those 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 (Cap. 141).

3.8 People Values

All Staff shall perform duties while demonstrating respect, fairness, proper communication, and courtesy in transactions with both internal and external clients.

In respect to this all staff shall:

- Respect human dignity with the values of every person always inspiring the exercise of authority and responsibility; since those who are treated with fairness and civility will be motivated to display these values in their own conduct.
- Not sexually harass a member of the public or fellow staff either by exerting pressure for sexual activity, making intentional physical contact of sexual nature, gesture, noises, innuendos, jokes and comments on sex or another person's sexuality.
- Not knowingly give false or misleading information to anyone in matters relating to their Official responsibilities.
- Uphold the spirit of teamwork while performing duties with their colleagues.

3.9 Gifts or benefits in kind

An officer shall deal with gifts or benefits in the following manner:

- Shall not receive a monetary gift.
- A gift or donation given to an officer on a public or official occasion shall be treated as a gift or donation to the State.
- An officer may receive a gift in an official capacity, provided that the gift is within the ordinary bounds of propriety, a usual expression of courtesy or protocol and within the ordinary standards of hospitality; the gift is not monetary; the gift does not exceed such value as may be prescribed by the EACC in their regulations.

- An officer shall not accept or solicit gifts, hospitality or other benefits from a person who has an interest that may be achieved by the carrying out or not carrying out of the officer's duties; carries on regulated activities with respect to which KEPHIS has a role; or has a contractual or legal relationship with KEPHIS;
- An officer shall not accept or solicit gifts of jewellery or others comprising of precious metal or stones, ivory or any other animal part protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or any other type of gift specified by the Commission in the regulations.
- An officer shall not receive a gift which is given with the intention of compromising the integrity, objectivity or impartiality of the State officer.
- An officer who receives a gift or donation shall declare the gift or donation to KEPHIS at the MD's office.
- All records of gifts received shall be submitted to the Managing Director regularly (preferably quarterly) or on demand.

3.10 Wrongful or unlawful acquisition of property

An officer shall not use the office to wrongfully or unlawfully influence the acquisition of property.

3.11 Conflict of interest

- (1) A KEPHIS officer shall use the best efforts to avoid being in a situation where personal interests conflict or appear to conflict with the KEPHIS officer's official duties.
- (2) Without limiting the generality of subsection (1), the officer shall not hold shares or have any other interest in a corporation, partnership or other body, directly or through another person, if holding those shares or having that interest would result in a conflict of the officer's personal interests and the officer's official duties.
- (3) A KEPHIS officer whose personal interests conflict with their official duties shall declare the personal interests to KEPHIS or the EACC.
- (4) The Commission or a public entity may give direction on the appropriate action to be taken by the officer to avoid the conflict of interest and the officer shall—
 - (a) comply with the directions;
 - (b) refrain from participating in any deliberations with respect to the matter;
- (5) Notwithstanding any directions to the contrary under subsection (4), an officer shall not award or influence the award of a contract to—
 - (a) himself or herself;
 - (b) the officer's spouse or child;
 - (c) a business associate or agent; or
 - (d) a corporation, private company, partnership or other body in which the officer has 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 officer has a direct or indirect pecuniary or non-pecuniary interest.

- (7) Where an officer is present at a meeting, where an issue which is likely to result in a conflict of interest is to be discussed, the officer shall declare the interest at the beginning of the meeting or before the issue is deliberated.
- (8) A declaration of a conflict of interest under subsection (7) shall be recorded in the minutes of that meeting.
- (9) KEPHIS shall maintain an open register of conflicts of interest in the prescribed form (annex 3) in which an affected officer shall register the particulars of registrable interests, stating the nature and extent of the conflict.
- (10) KEPHIS shall keep the register of conflicts of interest for five years after the last entry in each volume of the register.
- (11) It shall be the responsibility of a KEPHIS officer to ensure that an entry of registrable interests is updated and to notify the Managing Director of KEPHIS or the Commission of any changes in the registrable interests, within one month of each change occurring.

3.12 Participation in tenders

A KEPHIS officer shall not participate in a tender for the supply of goods or services to KEPHIS or is otherwise similarly associated. The holding of shares by a KEPHIS officer in a company shall not be construed as participating in the tender of a public entity unless the officer has a controlling shareholding in the company.

3.13 Public collections

- (1) An officer shall not solicit for contributions from the public for a public purpose unless the President has, by notice in the *Gazette*, declared a national disaster and allowed a public collection for the purpose of the national disaster in accordance with the law.
- (2) An officer shall not participate in a public collection of funds in a way that reflects adversely on that State officer's integrity, impartiality or interferes with the performance of the official duties.

3.14 Bank accounts outside Kenya

- (1) Subject to Article 76(2) of the Constitution, an officer shall not open or continue to operate a bank account outside Kenya without the approval of the Commission.
- (2) An officer who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to the Commission for approval to open or operate a bank account.
- (3) An officer 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) An officer who fails to declare operation or control of a bank account outside Kenya commits an offence and shall, be liable to prosecution under Kenyan laws.

3.15 Acting for foreigners

- (1) An officer 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 section—
 - (a) an individual is a foreign individual if the individual is not a citizen of Kenya;
 - (b) an organization is a foreign organization if it is established outside Kenya or is owned or controlled by a foreign government, organization or individual.

3.16 Care of property

- (1) An officer shall take all reasonable steps to ensure that public property in the officer's custody, possession or control is taken care of and is in good repair and condition.
- (2) An officer shall not use public property, funds or services that are acquired in the course of or as a result of the official duties, for activities that are not related to the official work of the officer.
- (3) An officer shall return to KEPHIS all the public property in their custody, possession or control at the end of service.
- (4) An officer who contravenes subsection (1) or (2) above, shall in addition to any other penalties provided for under the law be personally liable for any loss or damage to the public property.

3.17 Misuse of official information

- (1) An officer 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) The provisions of subsection (1), shall not apply where the information is to be used for the purposes of—
 - (a) furthering the interests of this Act; or
 - (b) Educational, research, literary, scientific or other purposes not prohibited by law.

3.18 Political neutrality

An officer shall not, in the performance of their duties act as an agent for or support or further the interests of a political party or candidate in any circumstances.

3.19 Impartiality

An officer shall, at all times, carry out the duties of the office with impartiality and objectivity in accordance with Articles 10, 27, 73(2)(b) and 232 of the Constitution and shall not practice favouritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices.

3.20 Giving advice

An officer who has a duty to give advice shall give honest, accurate and impartial advice without fear or favour.

3.21 Gainful employment

(1) An officer who is serving on a full time basis shall not participate in any other conflicting gainful employment. "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 officer or which results in the impairment of the judgment of the officer in the execution of the functions of the entrusted public office or results in a conflict of interest.

3.22 Offers of future employment

- (1) An officer shall 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.
- (2) An officer shall disclose, in writing, to KEPHIS, all offers of future employment or benefits that could place the officer in a situation of conflict of interest.

3.23 Former KEPHIS officer acting in a Government or public entity matter

A former KEPHIS officer shall not be engaged by or act for a KEPHIS officer or KEPHIS in a matter in which the officer was originally engaged for at least two years after leaving the public office.

3.24 Misleading the public

An officer shall not knowingly give false or misleading information to any person.

3.25 Falsification of records

An officer shall not falsify any records or misrepresent information to the public.

3.26 Citizenship

- (1) Subject to Article 78(3) of the Constitution, an officer who acquires dual citizenship shall lose his or her position as an officer.
- (2) A person who holds dual citizenship shall, upon appointment to a public office, not take office before officially renouncing their other citizenship in accordance with the provisions of the Kenya Citizenship and Immigration Act, 2011, (No. 12 of 2011.)

3.27 Conduct of private affairs

An officer shall conduct private affairs in a manner that maintains public confidence in the integrity of the office.

3.28 Tax, financial and legal obligations

- (1) An officer shall pay any taxes due from him or her within the prescribed period.
- (2) An officer shall not neglect their financial or legal obligations.

3.29 Bullying

- (1) An officer shall not bully any person. "Bullying" includes repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

3.30 Acting through others

- (1) An officer contravenes the Code if the officer—
 - (a) causes anything to be done through another person that would constitute a contravention of the Code if done by the officer; or
 - (b) allows or directs a person under their supervision or control to do anything that is in contravention of the Code.
- (2) Subsection (1)(b) shall not apply where anything is done without the officer's knowledge or consent or if the officer has taken reasonable steps to prevent it.
- (3) An officer who acts under an unlawful direction shall be responsible for his or her action.

3.31 Reporting improper orders

- (1) If an officer considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, the officer shall report the matter to the Commission.
- (2) The Commission shall investigate the report and take appropriate action within ninety days of receiving the report.

4. DECLARATION OF INCOME, ASSETS, LIABILITIES & INTEGRITY

In compliance with the Public Ethics Act 2003 (revised 2009), all staff shall after every two years submit a declaration of the income, assets and liabilities of himself, his spouse(s) and dependent children under the age of 18 using the official form provided. This shall be submitted in November of every other year and within 30 days from date of appointment being the initial declaration.

In addition to this, in compliance with The Leadership and Integrity Act No.19 of 2012, staff shall self declare as per annex 1 of this document.

5. COMPLIANCE

Staff willing to raise, discuss, or seek clarification of issues related to this Code shall first confer with his or her Supervisor. However all staff are required to comply with requirements in this code.

Any staff member that witnesses or has knowledge of wrongdoing in the workplace may refer the matter for resolution, in confidence and without fear of reprisal, to the Supervisor or other Senior officer.

Any staff who may at one time feel they are being asked to act in a way that is inconsistent with the values and ethics set out in this Code should bring it to the attention of the management using the corruption information box or any other official methods.

6. FAILURE TO COMPLY

An Officer will contravene this code if he personally fails to comply, cause another Officer to contravene or willfully obstructs/hinders another to comply.

An Officer who does not comply with the requirements of this Code will be subject to appropriate disciplinary action, to be determined in accordance with the institutional regulations.