KENAS
Delivering Trust

KENYA
ACCREDITATION
SERVICE

PL-48-01

Code of Conduct and Ethics

Preface

Kenya Accreditation Service (KENAS) is a State Corporation established under the Kenya Accreditation Service Act, 2019 as the national accreditation body. KENAS developed its Strategic Plan 2020/2024 in order to operationalize the mandate and functions of KENAS in line with Kenya Accreditation Service Act of 2019.

This Code of Conduct and Ethics is developed as part of the improvement of the Service's internal management and self-regulation systems. It mainly sets out standards that guides, bind and commit all employees to be part of the Service roadmap to achieving its strategic objectives.

The Code of Conduct and Ethics draws its content from the Public Officer Ethics Act, 2003. It consists of ethical standards and Principles of ethics in public service. The principles provide the framework for the ethical standards which govern the performance of all employees and calls for serious commitment to honourable behaviour including sacrifice of personal advantage.

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

It is KENAS' desire that this Code of Conduct and Ethics stands out as an important guiding tool to all its employees in reinforcing its reputation and service delivery to all stakeholders, and used a reference point in all our corporate practices.

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Table of Contents

Preface **1**

1 Background Information **3**

1.1 Purpose 3

1.2 Scope 3

1.3 Legal Basis 3

2 Terms and Definitions **3**

2.1 Acronyms and Abbreviations 3

2.2 Definition of Terms 3

3 Policy Statement **5**

3.1 Vision, Mission and Core Values 5

3.2 Rule of Law 5

3.3 Public Trust 6

3.4 Responsibility and Duties 6

3.5 Performance of Duties 6

3.6 Professionalism 6

3.7 Financial Integrity 6

3.8 Moral and Ethical Requirements 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 Issued by the Service 9

3.13 Public Collections 9

3.14 Bank Accounts outside Kenya 10

3.15 Declaration of Income, Assets and Liabilities 10

3.16 Acting for Foreigners 11

3.17 Care of Property 11

3.18 Misuse of Official Information 11

Approved Version

3.19 Political Neutrality 12
3.20 Impartiality 12
3.21 Giving Advice 12
3.22 Gainful Employment 12
3.23 Offers of Future Employment 12
3.24 Former employee acting in a Government or Public Entity Matter 13
3.25 Misleading the Public 13
3.26 Falsification of Records 13
3.27 Citizenship 13
3.28 Conduct of Private Affairs 13
3.29 Tax, Financial and Legal Obligations 13
3.30 Bullying 13
3.31 Acting through Others 13
3.32 Reporting Improper Orders 14
3.33 Sexual Harassment 14
3.34 Confidentiality 14
3.35 Prevention of Occurrence of Corruption or Unethical Practice 14
3.36 Promotion of Ethics, Integrity and Best Practices in the Service 14
3.37 Dress Code 14
3.38 Declaration of wealth 15
3.39 Enforcement of the Code 15
3.40 Reporting of Complaints Procedures and Review 15
3.41 Implementation of the Code 16
3.42 Review 16
3.43 Code of Conduct Affirmation 16
4 Associated Documents 17
5 Revision/Amendment Records 17
Annex 1: Registrable Interests 18

Approved Version

1 Background Information

1.1 Purpose

The Code of Conduct and Ethics sets forth values, principles, and standards to guide the thinking and conduct of all personnel of the Service, regardless of their professional, technical, or administrative functions, and the environment under which they operate.

1.2 Scope

This policy applies to all KENAS employees.

1.3 Legal Basis

The provisions of Chapter Six of the Constitution, the Public Officer Ethics Act 2003, the Ethics and Anti-Corruption Commission Act, 2011 and the Leadership and Integrity Act of 2012 shall form part of this Code; shall form part of this Code

2 Terms and Definitions

For the purposes of this document, the terms and definitions given in ISO/IEC 17000 and the KENAS Act 2019 and the following apply.

2.1 Acronyms and Abbreviations

CEO	Chief Executive Officer
EACC	Ethics and Anti-Corruption Commission
HRAC	Human Resource Advisory Committee
KENAS	Kenya Accreditation Service

2.2 Definition of Terms

2.2.1 Bank Account

Refers to an account maintained by a bank or any other financial institution for, in the name of, or in the name designated by, a customer of the bank or other financial institution and into which money is paid or withdrawn by or for the benefit of that customer or held in trust for that customer and in which the transactions between the customer and the bank or other financial institution are recorded

2.2.2 Business Associate

Refers to a person who does business with or on behalf of a member of staff and has express or implied Service from that member of staff.

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2.2.3 Code

Refers to the Code of conduct and ethics for the Kenya Accreditation Service;

2.2.4 Employee

Any person employed by KENAS or performing any activities of KENAS.

2.2.5 Personal interest

Refers to a matter in which a Member of staff has a direct or indirect pecuniary or non-pecuniary interest and includes the interest of his/her spouse, child, business associate or agent.

2.2.6 Gainful Employment

Refers to 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 office he or she represents or which results in the impairment of the judgement of the employee in the execution of the functions of the Public office he or she represents or results in a conflict of interest.

2.2.7 Bullying

Refers to repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

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3 Policy Statement

3.1 Vision, Mission and Core Values

An employee shall conduct their activities in line with KENAS:

a) Vision

To be a symbol of trust in quality, safety and environmental assurance.

b) Mission

To provide greater confidence in accredited conformity assessment services businesses, government, regulators, consumers and the public.

c) Core Values

Integrity – we are honest, impartial and trustworthy at all times with our colleagues, with our customers and all stakeholders in delivering accreditation services in a fair manner and free of discrimination or preferential treatment.

Professionalism – we value our work, deliver as a team, and act in a reliable manner that depicts our expertise and competences, and we take pride in our accomplishments.

Accountability – we remain accountable to our stakeholders, exercise prudence in managing resources entrusted to us, always acknowledge responsibility for our actions and act in a transparent manner.

Customer-focused – we value and cultivate lasting relationships with our customers and are committed to continuously meet their needs and exceed expectations in delivering accreditation services.

Excellence – we consistently follow the highest quality standards, apply new technologies, and objectively challenge existing practices and innovation in improving our services.

3.2 Rule of Law

All employees shall:

a) Respect and abide by the Constitution and the law.
b) Carry out their duties of the office in accordance with the law.
c) Not violate the rights and fundamental freedoms of any person in carrying out their duties unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

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3.3 Public Trust

All employees shall ensure public trust is exercised in all their activities in the best interest of all of KENAS stakeholders

3.4 Responsibility and Duties

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

3.5 Performance of Duties

All employees shall, to the best of their 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; and
d) Report truthfully on all matters of the Service.

3.6 Professionalism

All employees shall:

a) Carry out their duties in a manner that maintains public confidence in the integrity of the office;
b) Treats members of the public and other Public Officers with courtesy and respect;
c) Not discriminate against any person, except as is expressly provided by the law;
d) To the extent appropriate to the office, maintain high standards of performance and level of professionalism in within KENAS;
e) If the employee is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body in so far as the requirements do not contravene the constitution or the Leadership and Integrity Act, 2012;
f) Observe official working hours and not be absent without proper authorization or reasonable cause;
g) Maintain an appropriate standard of dress and personal hygiene; and,
h) Discharge any professional responsibilities in a professional manner.

3.7 Financial Integrity

All employees shall:

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3.7.1 Not use their office to unlawfully or wrongfully enrich themselves or any other person;

3.7.2 Not accept a personal loan or benefit which may compromise them in carrying out their duties, subject to Article 76(2) (b) or the Constitution;

3.7.3 Submit an initial declaration of assets and liabilities within thirty (30) days of assuming office in the Service and thereafter bi-annually;

3.7.4 Not evade paying taxes nor neglect their financial obligations.

3.8 Moral and Ethical Requirements

For the purposes of Articles 99 (1) (b) and 193(1) (b) of the Constitution, an employee shall observe and maintain the following ethical and moral requirements:

a) Demonstrate honesty in the conduct of public affairs subject to the Public Officer Ethics Act (No. 4 of 2003);
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 discriminate against any person, except as expressly provided for under the law;
g) Not falsify any records;
h) Not engage in actions which would lead to the public Officer's removal from the membership of a professional body in accordance with the law; and
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).

3.9 Gifts or Benefits in Kind

3.9.1 A gift or donation given to an employee on a public or official occasion shall be treated as a gift or donation to the state.

3.9.2 Notwithstanding clause 3.9.1, an employee may receive a gift given to them in an 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 such value as may be prescribed by the regulations under the Leadership and Integrity Act, 2012 or any other law.

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3.9.3 Without limiting the generality of clause 3.9.2, an employee 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 employee's duties;
   ii) Carries on regulated activities with respect to which the employee's organization has a role; and
   iii) Has a contractual or legal relationship with the Public officer's organization.
b) Receive a gift which has the potential of comprising his or her integrity, objectivity or impartiality; or
c) Accept any type of gift expressly prohibited under the Leadership and Integrity Act, 2012.

3.9.4 Subject to clause 3.9.2, an employee who receives a gift or donation shall declare the gift or donation to KENAS.

3.9.5 KENAS shall keep a register of:

a) Gifts received by an employee performing any KENAS duties; and
b) Gifts given by KENAS to the employee.

3.10 Wrongful or Unlawful Acquisition of Property

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

3.11 Conflict of Interest

3.11.1 An employee shall:

a) Use their best efforts to avoid being in a situation where personal interests conflict or appear to conflict with their official duties.
b) Without limiting the generality of clause 3.11.1, 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 KENAS' personal interests and their official duties.
c) Declare personal interests' conflicting with their official duties to KENAS.

3.11.2 KENAS may give direction on the appropriate action to be taken by the employee to avoid the conflict of interest and the employee shall:

a) Comply with the directions; and
b) Refrain from participating in any deliberations with respect to the matter.

3.11.3 Notwithstanding any directions to the contrary under clause 3.11.2, an employee shall not award or influence the award of a contract to;

a) Himself or herself;

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b) The public officer's spouse or child;
c) A business associate or agent; or
d) A corporation, private company, partnership, persons or other body in which the officer has a substantial or controlling interest.

3.11.4 Where an employee is present at a meeting, where an issue which is likely to result in a conflict of interest is to be discussed, the employee shall declare the interest at the beginning of the meeting or before the issue is deliberated upon. A declaration of a conflict of interest under clause 3.11.4 shall be recorded in the minutes of that meeting.

3.11.5 KENAS shall maintain an open register of conflicts of interest in a prescribed form in which an affected employee or such other person shall register the particulars of registrable interests (see Annex 1), stating the nature and extent of the conflict.

3.11.6 A public entity shall keep the register of conflicts of interest for five (5) years after the last entry in each volume of the register.

3.11.7 It shall be the responsibility of the employee to ensure that an entry of registrable interests under clause 3.11.5 is updated and to notify KENAS of any changes in the registrable interests, within one (1) month of each change occurring.

3.12 Participation in Tenders Issued by the Service

3.12.1 An employee shall not participate in a tender for the supply of goods or services to KENAS.

3.12.2 Notwithstanding clause 3.12.1, a company or entity associated with the employee shall not be construed as trading with KENAS unless:

a) The employee has a controlling shareholding in the company or entity; or
b) The employee is a Director of the company or entity.

3.13 Public Collections

3.13.1 An employee shall not;

a) Use their office or place of work as a venue for soliciting or collecting for *harambees*; or
b) Either as a collector or promoter of a public collection, obtain money or other property from a person by using his or her official position in any way to exert pressure.

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3.13.2 All employees 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.

3.13.3 An employee shall not participate in a public collection of funds in a way that reflects adversely on the public officer's integrity, impartiality or interferes with the performance of the Commission.

3.14 Bank Accounts outside Kenya

3.14.1 Subject to Article 76(2) of the Kenyan Constitution or any other written law, an employee shall not open or continue to operate a bank account outside Kenya without the approval of the Board.

3.14.2 An employee who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to the EACC for approval to open or operate a bank account.

3.14.3 Any employee who operates or controls the operation of a bank account outside Kenya shall submit statements of the account annually to the EACC and shall authorize the EACC to verify the statements and any other relevant information from the foreign financial institution in which the account is held.

3.14.4 Subject to clause 3.14.1 and clause 3.14.2, upon the commencement of this Code, a serving employee who operates a bank account outside Kenya shall close the account within six (6) months or such other period as the EACC may, by notice in the Gazette, prescribe.

3.14.5 Without prejudice to the foregoing provisions of clause 3.14, an employee 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 (5) million shillings, or both.

3.15 Declaration of Income, Assets and Liabilities

3.15.1 An employee shall be required to declare their income, assets and liabilities as required under the Public Officer Ethics Act, 2003.

3.15.2 An employee shall submit an initial declaration of income, assets and liabilities within thirty (30) days of assuming office and thereafter every two (2) years and a final declaration thirty (30) days upon exiting public service.

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3.16 Acting for Foreigners

3.16.1 An employee 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.

3.16.2 For the purposes of clause 3.16:

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.

3.17 Care of Property

3.17.1 An employee 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.

3.17.2 An employee 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 their official work.

3.17.3 An employee shall return to KENAS all the public property in their custody, possession or control at the end of the appointment.

3.17.4 An employee who contravenes clause 3.17.2 and clause 3.17.3 shall, in addition to any other penalties provided for under the Constitution, the Leadership and Integrity Act, 2012 or any other law be personally liable for any loss or damage to the public property.

3.18 Misuse of Official Information

3.18.1 An employee shall not directly or indirectly use or allow any person under KENAS 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.

3.18.2 The provisions of clause 3.18.1 shall not apply where the information is to be used for the purposes of;

a) Furthering the interests of the Leadership and Integrity Act; or
b) Educational, research, literary, scientific or other purposes not prohibited by law.

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3.19 Political Neutrality

3.19.1 An employee shall not, in the performance of their duties;

a) Act as an agent for, or further the interests of a political party or candidate in an election; or
b) Manifest support for or opposition to any political party or candidate in an election.

3.19.2 An employee shall not engage in any political activity that may compromise or be seen to compromise the political neutrality of KENAS subject to any laws relating to elections.

3.19.3 Without prejudice to the generality of clause 3.18.2, an employee shall not;

a) Engage in the activities of any political party or candidate or act as an agent of a political party or a candidate in an election;
b) Publicly indicate support for or opposition against any political party or candidate participating in an election.

3.20 Impartiality

An employee 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.

3.21 Giving Advice

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

3.22 Gainful Employment

An employee who is serving on a full time basis shall not participate in any other gainful employment.

3.23 Offers of Future Employment

3.23.1 An employee 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.

3.23.2 An employee shall disclose, in writing, to KENAS and the EACC, all offers of future employment or benefits that could place KENAS in a situation of conflict of interest.

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3.24 Former employee acting in a Government or Public Entity Matter

A former employee shall not be engaged by or act for a person or entity in a matter in which the officer was originally engaged in as a Public officer, for at least two (2) years after leaving the Public office or entity.

3.25 Misleading the Public

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

3.26 Falsification of Records

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

3.27 Citizenship

3.27.1 Subject to Article 78(3) of the Constitution, an employee who acquires dual citizenship shall lose his or her position as a public officer.

3.27.2 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.

3.28 Conduct of Private Affairs

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

3.29 Tax, Financial and Legal Obligations

An employee shall:

a) Pay any taxes due from him or her within the prescribed period.
b) Not neglect their financial or legal obligations.

3.30 Bullying

An employee shall not bully any person.

3.31 Acting through Others

3.31.1 An employee contravenes this Code if he or she:

a) Causes anything to be done through another person that would constitute a contravention of the Code if done by the Public Officer; or
b) Allows or directs a person under their supervision or control to do anything that is in contravention of the Code.

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3.31.2 Clause 3.31.1 b) shall not apply where anything is done without the employee's knowledge or consent or if the employee has taken reasonable steps to prevent it.

3.31.3 An employee who acts under an unlawful direction shall be responsible for his or her action.

3.32 Reporting Improper Orders

If an employee considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, the employee shall report the matter to the EACC. The EACC shall investigate the report and take appropriate action within ninety (90) days of receiving the report.

3.33 Sexual Harassment

3.33.1 An employee shall not sexually harass a member of the public or a fellow employee.

3.33.2 Sexual harassment 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/or
c) Making gestures, noises, jokes or comments, including innuendoes, regarding another person's sexuality.

3.34 Confidentiality

A member of staff shall not disclose or cause to be disclosed any information in his custody to any unauthorized person.

3.35 Prevention of Occurrence of Corruption or Unethical Practice

An employee who believes or has reason to believe that a corrupt act or unethical malpractice has occurred or is about to occur in KENAS shall take all necessary measures to prevent it from continuing or materializing in addition to any other appropriate action.

3.36 Promotion of Ethics, Integrity and Best Practices in the Service

An employee shall collectively and individually take measures to ensure that staff of KENAS uphold and practice the highest attainable degree of integrity in the performance of their duties.

3.37 Dress Code

An employee shall maintain appropriate standard of dress and personal hygiene at all times.

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3.38 Declaration of wealth

A member of staff shall, once every two (2) years submit to the responsible Commission for the public officer a declaration of the income, assets and liabilities of himself, his spouse or spouses and his dependent children under the age of 18 years in accordance with the provisions of Part IV of the Public Officers Ethics Act, 2003

3.39 Enforcement of the Code

3.39.1 Breach of the Code amounts to misconduct for which employees may be subjected to disciplinary proceedings including removal from office in the event of a breach of this code; the provisions of Part V of the Public Officers Ethics Act, 2003, which forms part of this code, shall apply.

3.39.2 Any person may lodge a complaint alleging a breach of this Code by a member of staff.

3.39.3 A person alleging a breach of this Code may submit a report setting out the alleged violation to the Chief Executive Officer.

3.39.4 The Chief Executive Officer shall cause the matter to be investigated in accordance with the Human Resource Policies and Procedures Manual and appropriate disciplinary action against the employee found to be in breach of the Code.

3.39.5 Where an employee fails to observe any of the above provisions or has committed, whether directly, or indirectly by agent, a breach of this Code, appropriate action will be taken by HRAC, where:

a) The HRAC shall carry out its mandate in line with the KENAS Human Resource Policies and Procedures Manual, PSC Regulation, the Employment Act (Part VI) and any other applicable law;
b) The HRAC shall deal with the issue based on the facts presented to it. Penalties for misconduct shall include but limited to reprimanding, suspension or dismissal;
c) Failure to follow the guidelines given by this Code shall in itself constitute misconduct, and it means that the employee concerned may be at risk of having to justify his or her actions to the HRAC;

3.40 Reporting of Complaints Procedures and Review

3.40.1 Any breach of the provisions of this Code shall be reported to the CEO or through the MHRA in form of a report.

3.40.2 The report shall specify the nature of the complaint, the dates and the place where the incidence occurred.

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3.41 Implementation of the Code

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

3.42 Review

3.42.1 The Code shall be reviewed at such intervals as KENAS may determine.

3.42.2 Any review of the Code shall be notified to the employees in writing (whether through an internal memo or email) within twenty-one (21) days of such review.

3.43 Code of Conduct Affirmation

In subscribing to the code, an employee shall cooperate in its implementation, and abide by any disciplinary rulings or sanctions based on it. All employees shall comply with the law, observe The General Code of Conduct and Ethics set out in Part III of the Public Officer Ethics Act 2003, all the rules and regulations currently in force affecting the conduct of the affairs of State Corporations and the KENAS Code of Conduct.

I, _____ HR No. _____

of P.O Box _____ currently working

as _____

at Kenya Accreditation Service (KENAS), do hereby confirm that *(kindly tick all statements)*:

☐ I have obtained a paper copy of the Code Conduct and Ethics;

☐ I have read, understood, and faithfully uphold and abide by the provisions of this Code of Conduct and Ethics as well as other policies and regulations;

☐ I understand that I am engaged as an employee by the Service in a mutually beneficial relationship and that I am expected to meet the expectations of the Services 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: _____ ID No.: _____

This _____ Day of _____ 20 _____

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4 Associated Documents

Ref	Document Identifier	Document Title
1.	Chapter Six of Constitution	Kenya Constitution, 2010
2.	Public Officer Ethics Act	Public Officer Ethics Act 2003
3.	No. 22 of 2011	Ethics and Anti-Corruption Commission Act, 2011
4.	No. 19 of 2012	Leadership and Integrity Act, 2012
5.	HRA-01	Human Resource Policies and Procedures Manual

5 Revision/Amendment Records

Date	Ver	Revised By	Reason for Revision
19/09/2023	01	HRM	Developed document

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Annex 1: Registrable Interests

The following registrable interests are as outlined in Second Schedule of the Leadership and Integrity Act, 2012:

a) Directorships in public or private companies, whether or not remunerated directly or indirectly.
b) Remunerated employment (including office, trade, profession or vocation which is remunerated or which the State officer has any pecuniary interest).
c) Securities (shares, bonds, debentures or any other similar holding) in a company or enterprise or undertaking the aggregate nominal or market value of which exceeds a prescribed value while the state officer was in office.
d) Contracts for supply of goods and services.
e) Plans or expectations for or offers of future employment.
f) Public affairs advice and services to clients.
g) Shareholdings (amounting or not amounting to a controlling interest).
h) Land and property.
i) Sponsorship (from companies, trade unions, professional bodies, charities, universities or other organizations or individuals).
j) Travel facilities and overseas visits (made by a State officer or the State officer's spouse or child substantially catered for by the office of the State officer).
k) Gifts, benefits and hospitality (to a State officer or the State officer's spouse or partner or child or any other material benefit of a prescribed value, from a company, organization or person within Kenya or overseas, which relates substantially to the membership of a state office to a state office or Parliament or County Assembly).
l) Miscellaneous financial interests (not falling within the above categories but which a reasonable member of the public would think might influence the conduct of a State Officer in his office).
m) Non-financial interests (which may reasonably be thought to affect the way a member discharges the duties in a State Office (such as unremunerated directorships; membership of public bodies such as hospital trusts, governing bodies of universities, colleges or schools, and other spheres of government; trusteeships, etc.).
n) Pending civil and criminal cases touching on the State officer or business associate or firm.
o) Possession of dual citizenship or pending applications for dual citizenship and the status of such application.

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