

KNL/HQ/PL/59



Kenya national library service

CODE OF CONDUCT AND ETHICS

November, 2015

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THE CODE OF CONDUCT AND ETHICS OF THE kenya national library service

SECTION ONE

1.0 PREAMBLE

The Kenya National Library Service (knls) was established by an Act of Parliament, Cap 225 of the Laws of Kenya (1965). The Act mandates the Board to promote, establish, equip, manage, maintain and develop Libraries in Kenya.

The knls Code of Conduct and Ethics policy was first developed in 2010 and revised in 2013. The promulgation of the Constitution of Kenya in 2010 brought out strongly the issue of leadership and integrity as captured under chapter six (6). This chapter on leadership and integrity was actualized through the enactment of the Leadership and Integrity Act 2012. There was therefore need to review the knls Code of Conduct and Ethics policy to be in line with the provisions of the Act.

The knls Code of Conduct and Ethics has been developed in line with the CoK 2010, Leadership and Integrity Act 2014 (2012) and the knls Staff Manual.

The Code shall be available in all knls premises and uploaded on knls website for accessibility to all members of staff and general public.

1.1 VISION

The hub of information and knowledge for empowerment

1.2 MISSION.

To enable access to information for knowledge and transformation of livelihoods

1.3 CORE VALUES

- Passionate
- Innovative.
- Customer focused.
- Knowledge driven.

1.4 DEFINITIONS OF knls BOARD'S CODE OF CONDUCT AND ETHICS

In its endeavour to achieve its vision, mission and its objective, the Board has defined acceptable rules that govern and regulate individual and collective behaviour, relationships and actions of its employees in form of a code of conduct and ethics for knls. The code lays down the standards of what is acceptable and unacceptable in knls and spells out the penalties in case of breach of each.

1.5 The Purpose of the Code of Conduct

- (i) This code is a central guide and reference on the conduct of employees in support of day to day decision making.
- (ii) The code clarifies knls vision, mission, value and principle linking therein with standards of professional conduct.
- (iii) Provides visible guidelines to regulate behaviour
- (iv) It is a tool to encourage discussion of ethics and to guide employees while dealing with ethical dilemmas, prejudices and gray areas that are encountered in everyday work and life encounters.
- (v) It compliments standard policies and rules of knls
- (vi) The Code does not in any way replace the regulations governing the discipline and general conduct of employees of the Board.
- (vii) The code helps create positive knls Identity/Culture

This code is intended to establish standards of ethical conduct and behaviour for employees of knls in order to maintain the integrity and impartiality in provision of library services to public so as not to bring the service into disrepute.

The code serve to compliment, and does not replace, the existing regulations governing the discipline and general conduct of employees of the Board. Employees of the Board must obey those regulations and all other applicable laws.

1.6 LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS

In formulating the Code the Board is guided by the following legislative and administrative requirements from which the Code derives authority.

- The Constitution of Kenya 2010
- The Anti Corruption and Economic Crimes Act (No.4 of 2003)
- Leadership and Integrity Act,2012
- The Public Officer Ethics Act (No.4 of 2003)
- The Public Procurement and Disposal Act 2005
- The Public Finance Management Act, 2012
- EACC Act, 2011
- The Witness Protection Act, 2010
- Whistle Blowers Act
- The Public Audit Act 2004
- The Privatization Act 2005
- The Evidence Act
- knls Staff Terms and Conditions of Service
- Performance Contract
- Knls Board Charter, 2012
- Mwongozo, 2015
- Leadership and Integrity Regulations 2015
- knls Anti-Corruption 2015

1.7 Interpretation of the Key Words

In this code, unless otherwise stated the following meanings/interpretation shall be applicable.

The Act -Leadership and Integrity Act 2014 (2012)

Employee - Employee of knls Board.

knls -kenya national library service.

Board -kenya national library service Board.

Commission - The Ethics and Anti-Corruption Commission

Regulations - Leadership and Integrity Regulations 2013

1.8 Scope / Applicability & Responsibility

The provisions of this Code shall be binding to all knls employees, Board members, and all other stakeholders including partners with direct or indirect interest with activities of the Board, and

everyone that knls does business with or intends to do business with. The implementation and enforcement shall be the responsibility of the Board and Management of knls.

1.9 Responsibility

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.

All employees will be held responsible for reading and understanding the code of conduct and ethics plus any amendment that may be made as and when the Board so desires. Management and supervisors should ensure that the employees under them are made aware of all the provisions of these codes governing their behavior. Ignorance of any of these provisions will not be accepted as an excuse for failure to comply or act upon any of the provisions provided therein.

1.10 Compliance with the Code

An employee shall carry out the duties of the office in accordance with the law and shall comply with the requirements of this code of Conduct and Ethics and also the provisions of the Leadership and Integrity Act of 2014 (21012).

SECTION TWO

2.0 GENERAL LEADERSHIP AND INTEGRITY CODE

2.1 Rule of law

- (1) An employee shall respect and abide by the Constitution and the law.
- (2) An employee shall carry out the duties of the office in accordance with the law.
- (3) In carrying out the duties of the office, an employee 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.

2.2 Public trust

A knls office is a position of public trust and the authority and responsibility vested in an employee shall be exercised by the employee in the best interest of the people of Kenya.

2.3 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.

2.4 Performance of duties

An employee 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 organization which they represent.

2.5 Professionalism

An employee shall—

- (a) carry out duties of the office in a manner that maintains public confidence in the integrity of the office;
- (b) treat 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 within the organisation; and
- (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 Act.

2.6 Financial integrity

(1) An employee shall not use the office to unlawfully or wrongfully enrich himself or herself or any other person.

(2) Subject to Article 76(2)(b) of the Constitution, an employee shall not accept a personal loan or benefit which may compromise the employee in carrying out the duties.

2.7 Self-declaration.

Any employee intending to be appointed to a State office shall submit to the Commission a self declaration form set out in the First Schedule.. [Act 18 of 2014, Sch.]

2.8 Moral and ethical requirements

(1) 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 an employee'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 (Cap. 141)(2)

2.9 Gifts or benefits in kind

(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 Board.

(2) Notwithstanding subsection (1), an employee may receive a gift given to the an employee 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 Commission in the regulations.

(3) Without limiting the generality of subsection(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 an employee's organisation has a role; or

(iii) has a contractual or legal relationship with an employee's organisation;

(b) accept gifts of jewellery or other gifts 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

(c) any other type of gift specified by the Commission in the regulations. An employee shall not receive a gift which is given with the intention of compromising his/her integrity, objectivity or impartiality.

(5) Subject to subsection (2), an employee who receives a gift or donation shall declare the gift or donation to the public entity which the employee represents.

(6) knls shall keep a register of—

- (a) gifts received by an employee serving in knls; and
- (b) gifts given by knls to other employees.

2.10 Wrongful or unlawful acquisition of property

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

2.11 Participation in Tenders

An employee shall not participate in a tender for the supply of goods or services to knlsBoard, but the holding of shares by an employee or a public officer in a company shall not be construed as participating in the tender of a public entity unless the an employee or public officer has a controlling shareholding in the company.

2.12 Public Collections

(1) An employee 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 employee shall not participate in a public collection of funds in a way that reflects adversely on that an employee's integrity, impartiality or interferes with the performance of the official duties.

2.13 BankAccounts Outside Kenya

(1) Subject to Article 76(2) of the 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 Commission.

(2) An employee 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 employee 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 subsections (1) and (2), upon the commencement of this Act, a serving employee who operates a bank account outside Kenya shall close the account within six months or such other period as the Commission may, by notice in the Gazette, prescribe.

(5) Without prejudice to the foregoing provisions of this section, 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 million shillings, or both.

2.14 Acting for Foreigners

(1) An employee shall not be an agent of, or further the interests of a foreign government, organisation or individual in a manner that may be detrimental to the security interests of Kenya, except when acting in the course of official duty.

2.15 Care of property

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.

(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 the official work of the employee.

(3) An employee shall return to the issuing authority all the public property in their custody, possession or control at the end of the appointment.

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

2.16 Misuse of official information

(1) An employee 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.

2.17 Political Neutrality

(1) An employee shall not, in the performance of his/her 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.

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

(3) Without prejudice to the generality of subsection (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.

2.18 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

practise favouritism, nepotism, tribalism, cronyism, religious bias or engage in corrupt or unethical practices.

2.19 Giving advice

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

2.20 Gainful employment

(1) Subject to subsection (2), an employee who is serving on a full time basis shall not participate in any other gainful employment. (2) In this section, "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 knls or which results in the impairment of the judgement of an employee in the execution of the functions of knls or results in a conflict of interest.

2.21 Offers of future employment

(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.

(2) An employee shall disclose, in writing, to knls entity and the Commission, all offers of future employment or benefits that could place the employee in a situation of conflict of interest.

2.22 Former employee acting in knls

A former employee shall not be engaged by or act for a person or entity in a matter in which the employee was originally engaged in as an employee of knls, for at least two years after leaving knls.

2.23 Misleading the public

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

2.24 Falsification of records

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

2.25 Conduct of private affairs

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

2.26 Tax, Financial and legal obligations

(1) An employee shall pay any taxes due from him or her within the prescribed period.

2.27 Bullying

(1) An employee shall not bully any person. (2) For purposes of subsection (1), “bullying” includes repeated offensive behaviour which is vindictive, cruel, malicious or humiliating and is intended to undermine a person.

2.28 Acting through others

(1) An employee contravenes the Code if he/she—

(a) Causes anything to be done through another person that would constitute a contravention of the Code if done by the an employee; 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 An employee’s knowledge or consent or if the An employee has taken reasonable steps to prevent it.

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

2.29 Newspapers and Publications

An employee shall not, except with the express permission of the Director, act as an editor of any newspaper, or take part directly or indirectly in the management thereof, nor publish in any manner anything which may reasonably be regarded as being of a political or administrative nature, whether under his own name, under a pseudonym or anonymously.

However, an employee may, publish in his own name, matters relating to subjects of professional or general interests not involving politics, the Board or Government affairs. An employee who wishes to publish an article or deliver a speech, the substance of which may subsequently be published, or the substance of which may reasonably be regarded as being of political or administrative nature, shall seek permission to do so from the Director and a draft of the proposed article or speech submitted to the Chief Executive Officer/Director for approval.

2.30 Press Interviews

An employee, whether on duty or on leave, shall not accept to be interviewed by the press on issues affecting the Board on matters of public policy. The spokesperson of the Board shall be the Director or an employee duly authorized by him.

2.31 Dress

Every employee shall be appropriately/decently dressed at all times when on duty or when entering or leaving Board's premises.

2.32 Intoxication

No employee shall be under influence of any intoxicating drinks, drugs or stimulant during working hours and every employee shall take care that his/her performance is not in any way affected by influence of drinks, drugs or stimulants.

2.33 Reporting improper orders

(1) If an employee considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, an employee shall report the matter to the Director/Commission.

(2) The Director/Commission shall investigate the report and take appropriate action within ninety days of receiving the report.

2.34 Conflict of interest

An employee shall use the best efforts to avoid being in a situation where personal interest conflict or appear to conflict with their official duties.

2.35 Declaration of incomes, assets and liabilities

Every employee shall submit to the responsible commission for the employee a declaration of the income, assets and liabilities of himself, his spouse or spouses and his dependent children under the age of 18 years as follows:

- i) initial declaration: This shall be made within thirty days of joining employment
- ii) every two year declaration: this shall be made every two years while in employment
- iii) Final declaration: this shall be made within thirty days of leaving employment.

The declaration shall be in the form set out in the POEA 2003 schedule and shall include the information required by the form.

SECTION THREE

3.0 ENFORCEMENT OF THE CODE.

It shall be the responsibility of the knls Board and Management or delegated committees to implement this Code.

3.1 Penalty for the Breach of Code

One or more of the following forms of disciplinary action shall be meted out to an employee found to have committed an offence of omission or commission under any of the provisions of this code.

- (i) Reduction in rank or seniority

- (ii) Stoppage of increment
- (iii) Withholding of increment
- (iv) Deferment of increment
- (v) Severe reprimand
- (vi) Recovery of the cost or part of the cost of any loss or breakage caused by default or negligence provided no such cost has been recovered by surcharge action.
- (vii) Suspension
- (viii) Interdiction
- (ix) Dismissal

3.2 Reporting

If an employee of the board observes any breach of this code, he/she shall make report of the breach directly to the office of the director or to any authorized officer- Head of department or a branch.

3.3 Enforcement of the code

It shall be the responsibility of the knls Board and Management through the relevant disciplinary and Code of Conduct and Ethics Committees to implement this code.

3.4 Monitoring of the Code.

knlsmanagement shall monitor implementation of this code.

4.0 Review of the Code

The code shall be reviewed at such intervals as the management may determine and when need arises.

5.0 Approval and Effective Date

The Code comes into effect on this day of

Name.....

Sign.....

Designation:.....

Date.....