



AGRICULTURE AND FOOD AUTHORITY

ANTI-CORRUPTION POLICY

**REVISED
JUNE 2020**

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FOREWORD

Corruption is a vice that eats into the fabric of society leading to compromised quality in service delivery and failure to achieve development goals in the Country. To address the vice, the government has made efforts to fight corruption in the public sector through the enactment of legislation and the creation of anti-corruption institutions.

In keeping with the government's initiatives to fight corruption, Agriculture and Food Authority (AFA) has adopted a proactive and structured approach to the fight by revising this policy in line with the leadership and integrity regulations and other legislature enacted to fight the vice. This document provides a framework for the prevention, detection and reporting of corruption in the Authority. It also defines the structures and systems that have been put in place and which are critical in deterring corrupt practices.

The responsibility of attaining zero level tolerance to corruption rests on all the internal and external stakeholders of the Authority. The implementation of this policy is envisaged to firmly position the Authority to effectively fight corruption through the adoption of practices that promote transparency and accountability and improve operational efficiency in service delivery.



ANTHONY MURIITHI
AG. DIRECTOR GENERAL

1. POLICY STATEMENT

This policy takes into cognizance the provisions of key relevant legislation namely, the Public Officer Ethics Act, 2003, Leadership and Integrity Act, 2012, Leadership and Integrity Regulations 2015 and the Anti-Corruption Economics Crimes Act, 2003 in addition to overall corporate governance of public resources.

The responsibility of addressing corruption and corrupt practices rests with the management, staff and other stakeholders guided by the relevant laws, regulations and the Authority's principles and core values. This Policy, therefore, provides a framework for conformity to legal requirements within the Authority's processes, procedures and mechanisms to prevent the occurrence of corruption.

The management is committed to the fight against corruption through continual sensitization of staff and stakeholders to inculcate the culture of integrity.

In pursuit of this commitment, the management shall deal with corruption fairly, objectively and decisively and those found culpable shall be dealt with under the provisions of this policy and the relevant laws.

It is anticipated that through full implementation of this policy, the Authority will achieve zero tolerance to corruption, it will enhance adherence to the Authority's core values of integrity, professionalism, customer focus, teamwork and innovation.

2. LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS/CONTEXT

This policy shall be consistent with The Constitution of Kenya 2010 and the following legislation, regulations and internal policies;

- Leadership and Integrity Act, 2012,
- The Leadership and Integrity Regulations, 2015,
- The Bribery Act, 2015,
- The Public Officer Ethics Act, 2003,
- The Anti-Corruption and Economic Crimes Act, 2003,

- Public Procurement and Asset Disposal Act, 2015,
- Public Procurement and Disposal Regulations, 2019,
- Witness Protection Act, 2006,
- Public Finance Management Act, 2012,
- Public Finance Management Regulations, 2015,
- Kenya Employment Act, 2007,
- AFA Code of conduct and ethics,
- AFA Human Resource policy and procedures manual,
- AFA Finance policy and procedures manual.

3. SCOPE

This policy shall apply to all AFA staff whether on a contract or permanent and pensionable terms and other stakeholders.

4. DEFINITION OF TERMS

- i) **Corruption:** Is the secret inducement for advice deceiving principal, conflict of interest, improper benefits to trustees for appointments, bid rigging, abuse of office, and dealing with suspect property, bribery, fraud, embezzlement or misappropriation of public funds, breach of trust or an offence involving dishonesty (Anti-Corruption and Economic Crimes Act 2003).
- ii) **Constitution:** the Constitution of Kenya, 2010;
- iii) **Fraud:** The use of deception by an individual with the intention of obtaining an advantage for himself or herself or for a third party or parties, avoiding an obligation, or causing loss to another party.
- iv) **Bribery:** is an offence of giving a bribe if the person offers, promises or gives a financial or other advantage to another person, who knows or believes the acceptance of the financial or other advantage would itself constitute the improper performance of relevant function or activity (Bribery Act, 2016 Part II)

- v) **Abuse of office:** Use of one's office to improperly confer a benefit to oneself or anyone else
- vi) **Conflict of interest:** is an incompatibility between an individual's private interest and that of the Authority. It arises from situations where you as an employee of the Authority has an interest that could potentially influence or be deemed to influence the impartial and objective performance of your duties. Private interest includes advantage to you or your family, close relatives' friends and persons or organizations with whom you have a business or political relations;
- vii) **Committee:** the corruption prevention committee
- viii) **His/Him:** implies both gender i.e. male and female.

5. CORRUPTION RISK AREAS AT AFA

The under-listed functions are potential risk areas:

- Regulation and Compliance
- Market Research and Product development
- Technical and Advisory Services
- Legal Services
- Internal Audit
- Corporate Planning, Strategy and Enterprise Risk Management
- Human Resource and Administration
- Finance
- Supply Chain Management
- Information Communication and Technology (ICT)
- Corporate Communication

Some of the corruption risks identified in these functions are in the Corruption Risk Assessment and Mitigation Plan (CRAMP).

The identified risks are dynamic in nature depending on the operating environment.

6. STRUCTURES TO FIGHT CORRUPTION

To prevent, detect, investigate and sanction corrupt members, AFA has put in place the following structures:

- (i) **Corruption reporting channels;** they include: reporting boxes, email, hotlines, IAOs;
- (ii) **AFA Code of Conduct and Ethics:** to guide the conduct and behavior of all members of staff in their work activities;
- (iii) **Internal Audit Department:** to independently appraise all the activities of the Authority and help in detecting any forms of corruption;
- (iv) **Corruption Prevention Committee (CPC):** to co-ordinate and offer policy direction towards fighting corruption in the Authority and report to EACC;
- (v) **Integrity Assurance Officers (IAO):** to liaise with the CPC in carrying out the corruption risk assessment, initiating actions in response to corruption risk assessments, assisting in preparation and implementation of corruption risk mitigation plans, coordinating and facilitating the implementation of corruption prevention programs and anti-corruption education and awareness programmes;
- (vi) **Human Resource Advisory and Disciplinary committee:** to review, consider and make recommendations to management on corruption-related cases;
- (vii) **Whistle blowers policy:** - the policy provides a mechanism for reporting corruption and protecting whistleblowers.

7. COMPOSITION OF THE CORRUPTION PREVENTION COMMITTEE

- (i) There shall be an Apex Corruption Prevention Committee composed of: -
 - The Director-General - Chair
 - The Heads of Directorates - Members
 - The Head of legal service - Member
 - The Head of Internal Audit - Member

The Head of Corporate Planning Strategy and Enterprise Risk Management	- Member
The Head of Human Resources and Administration	- Member
The Head of Finance	- Member
Supply Chain Manager	- Member
ICT Manager	- Member
Corporate Communications Manager	- Member
Integrity Assurance Officer	- Secretary

The integrity Assurance Officer shall be appointed by the DG

- (ii) There shall be a corruption prevention committee in each directorate composed of:

The Head of Directorate	- Chair
Manager Regulation and Compliance	- Member
Manager Technical and Advisory Services	- Member
Manager Market Research and Product Development-	Member
Accountant	- Member
Human Resource and Administration Officer	- Member
Supply Chain Officer	- Member
Information and Communication Technology	-Member
Integrity Assurance Officer	- Secretary

8. MANDATE OF THE CORRUPTION PREVENTION COMMITTEE

The role and functions of the Committee shall be to: -

- Set priorities in the prevention of corruption
- Plan and coordinate corruption prevention strategies
- Integrate all corruption prevention initiatives
- Receive and review reports on corruption prevention initiatives and recommend appropriate actions

- Receive corruption reports made by staff and other stakeholders
- Spearhead anti-corruption campaigns within AFA
- Monitor and evaluate the impact of corruption prevention initiatives
- Prepare and submit quarterly progress reports to the relevant authorities
- Review the anti-corruption policies at regular intervals or when need arise

The quorum of the committee shall be two-thirds of the members.

9. INTERNAL AUDIT REVIEWS

Internal audit plays a crucial role in the prevention and detection of corruption within AFA. It provides an institutionalized mechanism for supervision, control and review of operational systems within the Authority. It also plays an important role in assessing the nature and extent of any fraud and corruption risk.

The audit and risk department shall ensure that management has reviewed its corruption risk exposures and identified the area's most vulnerable to the risk of corruption.

Responsibilities for the detection of fraud and irregularities rest with the management. The audit and risk department shall advise and assist management in fulfilling their responsibility for preventing irregularities by recommending appropriate internal control measures.

10. MAINSTREAMING OF CORRUPTION PREVENTION INITIATIVES

The Authority is composed of eight Directorates which have regional offices/stations across the Country. The Directorates shall mainstream all corruption prevention initiatives in their programs to ensure that their field officers and stakeholders are sensitized on the initiatives being implemented by the Authority.

11. HOW TO REPORT CORRUPTION INTERNALLY AND EXTERNALLY

- (i) Evidence or suspicion of corrupt practices shall be reported to the corruption prevention committee;
- (ii) Employees and members of the public can also make disclosures of corrupt practices within AFA by the use of corruption reporting channels which include corruption reporting boxes, hotlines, emails, AFA website, and IAOs;
- (iii) Where the suspect is the Director-General, heads of directorates or heads of departments, the report shall be made to the Board of Directors by the corruption prevention committee and if deemed necessary, to the Ethics and Anti-Corruption Commission for investigations;
- (iv) Where the suspect is a member of the Board, the report shall be made to the Ethics and Anti-Corruption Commission for investigations; and
- (v) Corruption cases can be reported anonymously to EACC on [www.eacc.go.ke\report corruption](http://www.eacc.go.ke/report%20corruption).

12. HANDLING OF CORRUPTION CASES

Corruption cases deliberated upon and supported by cogent evidence or reasonable suspicion that a corruption offence has occurred or about to occur shall be reported to the Ethics and Anti-Corruption Commission and other law enforcement agencies for further action. All corruption cases will be handled promptly with fairness and in accordance with the law.

Corruption cases shall be handled using the following procedure: -

- (i) Reports received from whistleblowers through the reporting channels shall be recorded in the prescribed format (Appendix II) and the corruption reporting register by an Ethics Officer who shall be appointed by the Director-General;
- (ii) Matters reported shall first be addressed by the Corruption Prevention Committee;

- (iii) In instances where the whistleblower has disclosed his identity, the committee may invite him to provide any further information/evidence in support of the allegation; on the contrary, if the whistleblower is anonymous, the committee will interrogate the allegations to ascertain its validity;
- (iv) In the absence of sufficient evidence to warrant any further action, the Committee shall dismiss the allegation and advise the concerned parties accordingly;
- (v) Where the evidence supplied reasonably suggests that an act of corruption has occurred, the Committee may set up a sub-committee of at least three of its members to investigate the allegations and make recommendations to the Committee;
- (vi) The sub-committee shall receive the allegations; invite the whistleblower to adduce all material evidence in relation to the case. If necessary, the alleged suspect may be summoned to appear personally before the sub-committee for interrogation;
- (vii) After according all concerned parties reasonable opportunity to be heard and considering each party's claims as well as the findings of the investigations, the sub-committee shall forward a report with recommendations to the CPC;
- (viii) Upon receipt of the report and if established that the alleged suspect was involved in any corrupt practice, the Committee shall make a statement of allegations and invite the suspected party to respond in writing;
- (ix) Upon receipt and evaluation of the response, the Committee shall either dismiss the case for lack of adequate and relevant evidence or proceed to institute disciplinary proceedings against the suspect in case of staff or refer the matter to EACC in case of other stakeholders;

- (x) At the conclusion of the hearing of any case, the decision of the Committee shall be communicated in writing to the whistleblower and the alleged suspect within fourteen (14) days of the determination of the case.

Note: Where allegations are made against a member of the CPC, the member shall be required to step aside from the committee and allow independent investigations and determination of the case

13. PROTECTION OF WHISTLEBLOWERS

The Authority shall protect persons making corruption disclosures as outlined in the whistle blower's policy.

14. DISCIPLINARY MEASURES

The board members, management and staff are obliged to familiarize themselves with the provisions of this policy and respect its principles.

Any breach of the provisions of this policy shall be referred to the CPC for deliberation and determination of disciplinary measures to be recommended to the AFA human resource advisory and disciplinary committee.

15. TRAINING

The Authority recognizes that the continued success of this policy and its general credibility largely depends on the effectiveness of programmed training and the responsiveness of employees throughout the Authority. The Authority commits itself to the sensitization and training of staff on matters of ethics and governance.

16. IMPLEMENTING AUTHORITY

- (i) The Board shall-
 - a) be responsible for review and approval of this policy,
 - b) deliberate on corruption-related cases referred to them,

- (ii) The Director-General shall have overall responsibility for the implementation of this Policy;
- (iii) Corruption Prevention Committee shall –
 - a) be the implementing agency of this policy,
 - b) Review the corruption prevention strategies and action plans periodically and report to the Board;
- (iv) Heads of directorate and departments shall:-
 - a) Ensure that appropriate mechanisms are in place within their areas of jurisdiction to identify and assess corruption risk areas or processes,
 - b) Promote awareness amongst staff on the policy and the ethical principles subscribed to by the Authority,
 - c) Ensure prompt and positive responses to allegations of fraudulent and corrupt acts,
 - d) Give feedback to the Corruption Prevention Committee on the effectiveness of the mitigation plans implemented;
- (v) The audit and risk department shall evaluate and report on the effectiveness of this policy to the management;
- (vi) Corporate Planning, Strategy and Enterprise Risk Management department shall undertake periodic monitoring and evaluation of the policy implementation;
- (vii) It will be the responsibility of each employee to read understand and comply with the policy.

17. REVIEW

This Policy shall be reviewed periodically to incorporate emerging issues that are relevant to the needs of AFA. The need to review shall be determined by the corruption prevention committee.

18. EFFECTIVE DATE

This policy is effective from this ^{30TH} day of ^{JUNE}.....2020

Issued this ^{30TH} day of ^{JUNE}.....2020



**ANTHONY MURIITHI,
AG. DIRECTOR GENERAL**