



AGRICULTURE AND FOOD AUTHORITY

CODE OF CONDUCT AND ETHICS

**REVISED
JUNE 2020**

TABLE OF CONTENTS

FOREWORD	1
PART I.....	2
1.0 INTRODUCTION	2
1.1. Code of Conduct and Ethics of Agriculture and Food Authority (AFA)	2
1.2. Preamble	2
1.3. Purpose of the Code	3
1.4. Citation	4
1.5. Interpretation.....	4
1.6. Compliance with the code	4
PART II	5
2.0 PRINCIPLES OF THE CODE	5
2.1 Rule of law.....	5
2.2 Responsibility and Duties	5
2.3 Performance of Duties	5
2.4 Professionalism	6
2.5 Financial Integrity.....	7
2.6 Moral and Ethical Requirements.....	7
2.7 Gifts or Benefits in Kind	8
2.8 Wrongful or Unlawful Acquisition of Property.....	8
2.9 Conflict of Interest.....	8
2.10 Participation in Procurement.....	9
2.11 Public Collections.....	9
2.12 Bank Accounts outside Kenya	10
2.13 Acting for Foreigners	10
2.14 Care of Property	11
2.15 Misuse of Official Information.....	11
2.16 Political Neutrality	11
2.17 Impartiality	12
2.18 Giving of Advice	12
2.19 Offers of Future Employment	12

2.20	Former Employee Acting in a Matter of the Authority	13
2.21	Misleading the Public	13
2.22	Falsification of Records	13
2.23	Citizenship	13
2.24	Conduct of Private Affairs.....	13
2.25	Tax, Financial and Legal Obligations	13
2.26	Bullying.....	13
2.27	Acting through Others.....	14
2.28	Reporting Improper Orders	14
2.29	Submitting of declarations.....	14
2.30	Breach of code	14
PART III	15
3.0	ENFORCEMENT OF CODE OF CONDUCT AND ETHICS.	15
3.1	Enforcement Authority	15
3.2	Investigation and Disciplinary action	16
3.3	Review of the Code.....	17
3.4	Effective Date.....	17
(APPENDIX I)	18

FOREWORD

The Agriculture and Food Authority (AFA) is a state corporation established through the Agriculture and Food Authority Act, 2013. The Authority recognizes the need to ensure ethical behaviour and working relationships characterized by high standards of personal and organizational integrity both internally and with stakeholders.

This Code of Conduct and Ethics is a statement of our principles and expectations that guide ethical business conduct at the Authority. The Code spells out the provisions that shall govern conduct between employees of the Authority, members of the public and other public employees. The Code also outlines the core values of the Authority that are expected to guide the employees in the course of discharging their duties to create a sense of identity, belonging, direction, and purpose.

All Employees shall comply with the requirements of this code. It should be noted that failure to comply with the provisions of this Code is a serious violation and may result in disciplinary action up to and including termination as well as civil or criminal charges. It is the responsibility of the management of the Authority to ensure that all employees and stakeholders are aware of the principles of this code and adhere to the spirit and letter of the code in the performance of their duties and functions.

Anthony Muriithi
Ag. Director-General

PART I

1.0 INTRODUCTION

1.1. Code of Conduct and Ethics of Agriculture and Food Authority (AFA)

The Agriculture and Food Authority establishes the Code of Conduct and Ethics for all employees of the Authority. The code will guide the employees on the generally accepted rules that govern and regulate behaviour, relationships and actions of members. It also prescribes the penalties in case of breach of these codes.

1.2. Preamble

The Agriculture and Food Authority (AFA) is a state corporation established through an Act of Parliament specifically, under section 3 of the Agriculture and Food Authority Act of 2013. The Act consolidates the laws on the regulation and promotion of agriculture and makes provision for the respective roles of the National and County governments in agriculture and related matters, in line with the provisions of the Fourth Schedule of the Constitution of Kenya.

The mandate of the Authority is to:

- (i). Administer the Crops Act in accordance with the provisions of the Act;
- (ii). Promote best practices and regulate, the production, processing and marketing of agricultural products;
- (iii). Collect, collate data and maintain a database on agricultural products;
- (iv). Determine the research priorities in agriculture;
- (v). Advise the national government and the county governments on agricultural levies for purposes of planning, enhancing harmony and equity in the sector.

Vision

To be a world-class regulator in the agriculture sector.

Mission

To sustainably develop and promote scheduled crops value chains through effective regulation for economic growth and transformation.

Core Values

- Professionalism
- Integrity
- Customer focus
- Teamwork
- Innovativeness

This code of conduct and ethics is an expression of commitment by the Authority to the general guiding principles that will ensure the preservation of reputation, honesty and integrity in all our business processes. These attributes must not be compromised under any circumstances.

1.3. Purpose of the Code

The code sets forth values, principles and standards to guide the conduct of all employees of the Authority. The purpose of this code is therefore to:

- (i). Guide the Authority's employees in making appropriate decisions when a conflict of interest or unethical practices arise;
- (ii). Provide ethical standards to which the general public can hold the Authority and its employees accountable;
- (iii). Induct new employees on the mission, values, ethical principles and standards of the Authority;
- (iv). Summarize broad ethical principles that reflect the Authority's core values and set specific ethical standards that shall be used to guide services provided and the ethical management and administration of its employees and resources.

In subscribing to this code, the Authority employees are required to cooperate in its implementation and abide by any disciplinary rulings or sanctions based on it.

1.4. Citation

This code may be cited as the "Agriculture and Food Authority's Code of Conduct and Ethics".

1.5. Interpretation

In this code, unless the context otherwise requires:-

"Authority" means the Agriculture and Food Authority (AFA).

"Employees" refer to all Agriculture and Food Authority employees.

"The Code" refers to the Agriculture and Food Authority's code of conduct and ethics.

"Commission" means the Ethics and Anti-Corruption Commission

1.6. Compliance with the code

- (i) All employees shall comply with the requirements of this code. Enforcement of the code will be in line with the Leadership and Integrity Act, 2012, Leadership and Integrity Regulations 2015, Public Officer Ethics Act, 2003 and chapter six of the Constitution of Kenya 2010. The Authority shall investigate employees who are suspected of having contravened the code;
- (ii) Upon appointment, an employee shall sign and commit to the provisions of the code of conduct and ethics.

PART II

2.0 PRINCIPLES OF THE CODE

This Part outlines the provisions of the code for employees. The provisions of chapter six of the Constitution of Kenya 2010 and the Public Officers Ethics Act, 2003 shall form part of this Code.

2.1 Rule of law

- (i) An employee shall respect and abide by the Constitution and the law;
- (ii) An employee shall carry out the duties of the office in accordance with the law;
- (iii) 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 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 his/her duties.

2.3 Performance of Duties

Employees shall, to the best of their ability:-

- (i) Carry out their duties efficiently and honestly;
- (ii) Observe punctuality and adhere to the official working hours as stipulated in the HR Policy and procedure manual;
- (iii) Comply and execute legitimate orders given by the Director-General or any other employee placed in authority over him;
- (iv) Perform and execute properly, carefully and without negligence duties assigned;
- (v) Declare to the Director-General or the immediate supervisor his business interests where those interests conflict with the interest of the Authority;
- (vi) Carry out duties in a transparent and accountable manner;
- (vii) Keep accurate records and documents relating to the functions of the office; and

- (viii) Report truthfully on all matters of the Authority.

2.4 Professionalism

An employee shall:-

- (i) Carry out his duties in a manner that maintains public confidence in the integrity of the office;
- (ii) Possess and present to the Authority the right documents that are in line with his qualifications;
- (iii) Not fight, assault or engage in riotous, disorderly or immoral behavior on and/or the Authority premises.
- (iv) Avoid inciting other employees to violence and/or disaffection against the Authority.
- (v) Not hawk goods or wares in the office;
- (vi) Respect and avoid sexual harassment to other employees at the workplace;
- (vii) Not use insulting language to other employees, or misbehaves, or conducts himself in a manner that demeans the Authority or persons placed in authority or any other person carrying out duties on behalf of the Authority;
- (viii) Declare to the Director-General or immediate supervisor his business interests, where those interests conflict with the interests of the Authority;
- (ix) Treat other employees, and other members of the public with courtesy and respect;
- (x) Maintain high standards of performance and level of professionalism appropriate to the office; and
- (xi) 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 this Code;
- (xii) Observe official working hours and not be absent without proper authorization or reasonable cause.
- (xiii) Professionally discharge any professional responsibilities.
- (xiv) Avoid seeking to or influencing any person with a view to obtaining advancement in the service of the Authority or intervention on his behalf in a matter affecting his service with the Authority.

2.5 Financial Integrity

An employee shall:-

- (i) Not use the office to unlawfully or wrongfully enrich himself or herself or any other person;
- (ii) Submit an initial declaration of income, assets and liabilities within 30 days of assuming office to the accounting officer of the Authority and thereafter biannually and when exiting employment with the Authority;
- (iii) Not illegally pay or authorize payment by the Authority of any bill to himself or on behalf of any person, group of persons, company or partnership in which or wherein, he holds interests;
- (iv) Not misappropriate or embezzle Authority's funds;
- (v) Not deliberately, willfully or negligently cause improper payment out of the Authority's funds;
- (vi) Not convert funds, vehicles, other assets and resources to unauthorized personal use;
- (vii) Not associate with parties through which, or whereby Authority loses funds or assets, as a result of improper documentation, either by self, third party or through fraudulent documentation;
- (viii) Not falsify work records, for example, bio-metric sheet, work ticket, travel claims, expense claims, stock records, etc.

2.6 Moral and Ethical Requirements

An employee shall observe and maintain the following ethical and moral requirements:-

- (i) Demonstrate honesty in the conduct of public and private affairs subject to the Public Officer Ethics Act, 2003;
- (ii) Not to engage in activities that amount to abuse of office;
- (iii) Accurately and honestly represent information to the public;
- (iv) Not engage in wrongful conduct in furtherance of personal benefit;
- (v) Not misuse public resources;
- (vi) Not discriminate against any person, except as expressly provided for under the law;
- (vii) Not to falsify any records;

- (viii) Not engage in actions which would lead to the employee's removal from the membership of a professional body in accordance with the law; and
- (ix) An employee who intends to contest an election shall be required to comply with the provisions of the Elections Act.

2.7 Gifts or Benefits in Kind

A gift or donation given to an employee on a public or official occasion shall be dealt with as stipulated in the gift policy.

2.8 Wrongful or Unlawful Acquisition of Property

An Employee shall not;

- (i) Use the office to wrongfully or unlawfully influence the acquisition of property;
- (ii) Convert funds, vehicles, other assets and resources to unauthorized personal use.

2.9 Conflict of Interest

- (i) An employee shall avoid being in a situation where personal interests conflict or appear to conflict with his official duties;
- (ii) An employee 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 personal interests and his official duties;
- (iii) An employee whose personal interests' conflict with their official duties shall declare the personal interests to the Director-General by submitting the Authority's Conflict of Interest Declaration Form annexed as Appendix I;
- (iv) The Authority shall give direction on the appropriate action to be taken by the employee to avoid the conflict of interest. The employee shall:-
 - a) Comply with the directions; and
 - b) Refrain from participating in any deliberations concerning the matter;
- (v) An employee shall not award or influence the award of a contract to—
 - a) Himself or herself;
 - b) The employee's spouse or child;
 - c) A business associate or agent; or

- d) A corporation, private company, partnership or other body in which the employee has a substantial or controlling interest;
- (vi) It should be noted that "personal interest" includes the interest of a spouse, child, business associate or agent or any other matter in which the employee has a direct or indirect pecuniary or non-pecuniary interest;
- (vii) 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. This declaration of interest shall be recorded in the minutes of that meeting;
- (viii) The Authority shall maintain an open register of conflict of interest in the prescribed format in which an affected employee shall register the particulars of registrable interests, stating the nature and extent of the conflict. The registrable interests include the interests set out in the Second Schedule of the Leadership and Integrity Act 2012;
- (ix) The Authority shall keep the register of conflict of interest for five years after the last entry in each volume of the register. It shall be the responsibility of the employee to ensure that an entry of registrable interests is updated and to notify the Director-General of any changes in the registrable interests, within one month of each change occurring.

2.10 Participation in Procurement

An employee shall not participate in a tender for the supply of goods or services to the Authority in which he or she is serving or is otherwise similarly associated, but the holding of shares by an employee shall not be construed as participating in the tender of a public entity unless the employee has a controlling shareholding in the company.

2.11 Public Collections

- (i) An employee shall not solicit for contributions from the public for a public purpose unless the President has, by notice in the Gazette Notice, declared a national disaster and allowed a public collection for the national disaster in accordance with the law;

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

2.12 Bank Accounts outside Kenya

- (i) 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 Authority;
- (ii) An employee who has reasonable grounds for opening or operating a bank account outside Kenya shall apply to the Authority for approval to open or operate a bank account;
- (iii) An employee who operates or controls the operation of a bank account outside Kenya shall submit statements of the account annually to the Authority and shall authorize the Authority to verify the statements and any other relevant information from the foreign financial institution in which the account is held;
- (iv) Without prejudice to the foregoing provisions, 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, or a fine, or both as stipulated in section 19(6) of the Leadership and Integrity Act, 2012.

2.13 Acting for Foreigners

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.

For the purposes of the above:-

- (i) An individual is a foreign individual if the individual is not a citizen of Kenya;
and
- (ii) An organization is a foreign organization if it is established outside Kenya or is owned or controlled by a foreign government, organization or individual.

2.14 Care of Property

- (i) An employee shall take all reasonable steps to ensure that the Authority's property in the employee's custody, possession or control is taken care of and is in good repair and condition;
- (ii) An employee shall not use Authority's 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;
- (iii) An employee shall not misuse pass, travel warrant, a service forwarding note etc;
- (iv) An employee shall return all the Authority's property in their custody, possession or control at the end of the appointment;
- (v) An Employee who contravenes the above shall, in addition to any other penalties provided for under the Constitution, the Act, this Code or any other law, be personally liable for any loss or damage to the Authority's property.

2.15 Misuse of Official Information

- (i) An employee shall not directly or indirectly use or allow any person under his 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;
- (ii) The employee shall keep and treat the business of the Authority and all information coming to hand, as secret in terms of the provisions of the Official Secrets Act (Cap.187) and the Authority's code of conduct.

This shall not apply where the information is to be used for the purposes of:-

- a) Furthering the interests of this code; or
- b) Educational, research, literary, scientific or other purposes not prohibited by law.

2.16 Political Neutrality

- (i) 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.
- (ii) Employee shall not engage in any political activity that may compromise or be seen to compromise the political neutrality of the employee subject to any laws relating to elections.
- (iii) Without prejudice to the generality of the above, the 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.

2.17 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 favoritism, nepotism, tribalism, cronyism, religious or gender bias or engage in corrupt or unethical practices.

2.18 Giving of Advice

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

2.19 Offers of Future Employment

An Employee shall:-

- (i) Not allow him or herself to be influenced in the performance of their duties by plans or expectations for or offers of future employment or benefits;
- (ii) Disclose, in writing, to the Authority and/or the Commission, all offers of future employment or benefits that could place him in a situation of conflict of interest;
- (iii) Not seek to or influence any person with a view to obtaining career advancement in the service of the Authority or intervention on his behalf in a matter affecting his service with the Authority.

2.20 Former Employee Acting in a Matter of the Authority

A former employee shall not be engaged by or act for a person or entity in a matter in which he was originally engaged in for at least two years after leaving the Authority.

2.21 Misleading the Public

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

2.22 Falsification of Records

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

2.23 Citizenship

Subject to Article 78(3) of the Constitution, an employee who acquires dual citizenship shall not lose his or her position as an employee.

2.24 Conduct of Private Affairs

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

2.25 Tax, Financial and Legal Obligations

An employee shall pay any taxes due from him or her within the prescribed period and shall not neglect financial or legal obligations.

2.26 Bullying

- (i) An employee shall not bully any person. "Bullying" includes repeated offensive behavior which is vindictive, cruel, malicious or humiliating and is intended to undermine a person;
- (ii) The employee shall not utter, write or publish threats of any kind or obstructs, or otherwise acts or conducts himself in a manner offensive to or against any employee irrespective of whether he is an official of a union or is acting in that capacity.

2.27 Acting through Others

An employee contravenes this Code if he:-

- (i) Causes anything to be done through another person that would constitute a contravention of the Code if done by the employee; or
- (ii) Allows or directs a person under his supervision or control to do anything that is in contravention of this Code.

Part (1) above shall not apply where anything is done without the employee's knowledge or his consent or if he has taken reasonable steps to prevent it. An employee who acts under an unlawful direction shall be responsible for his action.

2.28 Reporting Improper Orders

- (i) If an employee considers that anything required of them is in contravention of this code or is otherwise improper or unethical, the employee shall report the matter to the Commission;
- (ii) The Commission shall investigate the report and take appropriate action within ninety days of receiving the report.

2.29 Submitting of declarations

An employee of the Authority shall submit any declaration or clarification required under Part IV of the Public Officer Ethics Act, 2003.

2.30 Breach of code

Any breach of this code by an employee shall amount to misconduct for which the employee may be subjected to disciplinary proceedings under the Authority's disciplinary mechanisms.

PART III

3.0 ENFORCEMENT OF CODE OF CONDUCT AND ETHICS.

3.1 Enforcement Authority

- (i) The Authority may investigate to determine whether the employee has contravened the code of conduct and ethics;
- (ii) An investigation may be made on the Authority's initiative or under a complaint by any person;
- (iii) The Authority may refer a matter to another appropriate body for investigation and that body shall investigate the matter within a reasonable time and submit a report to the Authority on its findings;
- (iv) An investigation may be conducted even if the subject of the investigation has ceased to be a public officer.

3.2 Investigation and Disciplinary action

- (i) If an investigation discloses that the employee has contravened the code of conduct and ethics, the Authority shall, within the period prescribed by subsection 3.2 (ii):-
 - a) take the appropriate disciplinary action; or
 - b) If the Authority does not have the power to take the appropriate disciplinary action, refer the matter to a body or person who does have that power;
- (ii) The time period referred to in (i) above shall be as follows: -
 - a) within thirty days after the completion of the investigation; or
 - b) If another body investigated the matter under section 3.2 (i)(b), within thirty days after the Authority receives the report of that body. In any case, the Authority shall expect to receive the report from that body within a reasonable and practical time limit;
- (iii) The Authority shall inform the employee concerned of any action it takes or intends to take under subsection (ii) either before it takes the action or within thirty days after it does so;

- (iv) Subsection (iii) does not affect any legal requirement to inform an employee earlier than is required under that subsection;
- (v) The Human Resource policies and procedures and other legal provisions may govern what disciplinary action is appropriate for the purposes of subsection (i);
- (vi) The Authority shall ensure that any action it takes under section 3.2 (i) is communicated to the Commission in the manner prescribed;
- (vii) In making its communication, the Authority shall ensure that at least the following is made public-
 - a) A description of the public employee's contravention of the Code of Conduct and Ethics including the circumstances of the contravention and the degree of the public employee's Culpability;
 - b) A summary of the evidence upon which the finding that there was a contravention was based; and
 - c) A description of the disciplinary action the Authority took against the public employee or, if the Authority referred the matter to another body or person, the disciplinary action the Authority considered appropriate and the disciplinary action taken by that other body or person;
- (viii) If, as a result of an investigation under this part, the Authority is of the view that civil or criminal proceedings ought to be considered, the Authority shall refer the matter to the Attorney General, the Director of Public Prosecution or other appropriate authority;
- (ix) This part does not apply to offices for which the constitution provides a procedure for removal for misbehavior/ misconduct.

3.3 Review of the Code

This Code may be reviewed as and when the need arises.

3.4 Effective Date

This Code shall come into effect this ^{30TH} day of ^{JUNE} 2020

Signed this ^{30TH} day of ^{JUNE} 2020



ANTHONY MURIITHI
AG. DIRECTOR GENERAL

APPENDIX I

DECLARATION OF CONFLICT OF INTER

(To be submitted in duplicate)

Name of the employee:.....

Designation of the employee:.....

Personal File No:.....

Description of the Conflict of Interest:.....

Name and Address of the person with whom the employee has an interest	Nature of interest	The estimated value of the interest	The date the interest was acquired	The date the interest ceased (if applicable)	Remarks (if any)

I,.....the undersigned, holding the position of at.....ID/PP No.....being aware of the provisions of 46 (1) (d) and 46 (2) of the Leadership and Integrity Act, 2012 declare the above information to be true to the best of my knowledge.

Signature of the Employee:.....

Date:.....

Submitted to:.....

Designation of the person submitted to:.....

Signature:.....Date:.....

