



# THE CODE OF CONDUCT AND ETHICS

2021





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## Acknowledgement

The Kenya Forest Service Code of Conduct and Ethics is an outcome of a fruitful partnership between the Kenya Forest Service and the United Nations Office on Drugs and Crime (UNODC).



**UNODC**  
United Nations Office on Drugs and Crime

The development of the Kenya Forest Service Code of Conduct and Ethics has been made possible thanks to a generous contribution from the:



HM Government



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## Preamble

KFS is a corporate body originally established under the Forest Act, 2005 (now repealed), and is now mandated by the Forest Conservation and Management Act, 2016. The Service's mandate is "to provide for the development and sustainable management, including conservation and rational utilization of all forest resources for the socio-economic development of the Country and for connected purposes."

## Vision

To be an internationally recognized organization of excellence in knowledge-based sustainable forest resources development, conservation and management.

## Mission

Conservation, sustainable development, management and utilization of the country's forest resources for equitable benefit of present and future generations.

## Our Values

Customer focus  
Scientific principles and professionalism  
Integrity and ethics  
Teamwork  
Prudent management of resources  
Gender and equity  
Accountability and responsibility

## **Part I: Preliminary**

### **1. Citation**

The Code aligns to the Public Officers Ethics Act, Leadership and Integrity Act and Human Resource Policies and Procedures Manual for the Public Services (2016). This Code of Conduct and Ethics may be cited as the Kenya Forest Service Code of Conduct and Ethics, 2021.

### **2. Definition of Terms**

<b>Bank Account</b>	Means an account maintained by a bank or any other financial institution and 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of or in the name designated by, a customer of the bank or other financial institution and into which money is paid or withdrawn by or for the benefit of that customer or held in trust for that customer and in which the transaction between the customer and the bank or other financial institution are recorded.
<b>Code</b>	Means the KFS Code of Conduct and Ethics.
<b>EACC</b>	Means the Ethics and Anti-Corruption Commission established under the Ethics and Anti-Corruption Commission Act, 2011.
<b>Gainful Employment</b>	Means work that a person can pursue and perform for money or other form of compensation or remuneration which is incompatible with the responsibilities of his or her office or which results in the impairment of his or her judgement or results in a conflict of interest.
<b>Harambee</b>	Means the public collection of funds.
<b>Personal Interest</b>	Includes the interest of a KFS staff, a spouse, child, business associate or agent or any other matter in which the KFS staff has a direct or indirect pecuniary or non-pecuniary interest.
<b>Staff Means</b>	A member of Staff of KFS and includes employees on a contract or permanent basis, interns, attachees, casuals, students and volunteers.

## **Part II: Policy Statement**

The Board of Directors (BoD) and Management are committed to promoting and enforcing a professional and ethical culture in the Service and will ensure that this Code is adhered to.

## **Part III: Purpose of the Policy**

The primary purpose of this code is to provide rules and guidelines within which KFS staff are expected to conduct themselves so as to ensure they comply with the values, principles and requirements of the Constitution of Kenya as provided for under Article 10 and practice KFS values.

## **Part IV: Application of the Code**

This code shall apply to all staff of the Kenya Forest Service.

## **Part V: Requirements**

### **5.1 General Code**

The Code of Conduct and Ethics is for all staff of KFS and shall apply together with all existing relevant laws and regulations. All staff shall ensure that their conduct in both public and private life does not bring disrepute to their office and KFS. All staff shall ensure they comply with the relevant laws and regulations and KFS policies and procedures.

#### **5.1.1 Rule of Law**

KFS staff shall carry out duties in accordance with the law.

#### **5.1.2 Public Trust**

KFS staff shall exercise the authority and responsibility vested in his/her office in manner that maintains public confidence in the integrity of the office and in the best interest of the people of Kenya and KFS.

#### **5.1.3 Performance of Duties**

- (1) KFS staff shall:
  - (a) To the best of their ability carry out his/her duties efficiently and honestly and in a transparent and accountable manner.
  - (b) Keep accurate records and documents relating to the functions of his/her office.
  - (c) Report truthfully on all matters of the department or office for which they represent.



- (d) Take personal responsibility for the reasonably foreseeable consequences of any actions or omissions arising from the discharge of the duties of the office.
- (2) For effective service delivery, a KFS staff shall be:
  - (a) Impartial: A staff shall, at all times, carry out the duties of his/her office with impartiality and objectivity and shall not practice favoritism, nepotism, tribalism; cronyism, gender or religious bias.
  - (b) Punctual and timely: A staff shall be judicious in undertaking his/her duties and be punctual and available in accordance to set working hours and as and when required.
  - (c) Absent: staff shall not without approval be absent from the place appointed for performance of their work.



#### 5.1.4 Professionalism

KFS staff shall maintain high standards of performance, competence and ethics as required by their profession. The staff shall be required to:

- (1) Treat members of the public and other staff with courtesy and respect.
- (2) Not discriminate against any person.
- (3) Ensure the efficient, effective and economic use of resources in his or her charge.
- (4) Be accountable for his or her administrative actions.
- (5) Maintain an appropriate standard of dressing and personal hygiene.
- (6) Discharge any professional responsibilities in a professional manner.
- (7) Where the KFS staff is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body and ensure they are in good standing.

#### 5.1.5 No Improper Enrichment

KFS staff shall not use the office to unlawfully or wrongfully enrich himself or herself.

Without limiting the generality of (a) above, a KFS staff shall not accept or request gifts, favors or a personal loan or benefit which may compromise the KFS staff in carrying out his/her duties as prescribed in this Code or any other law.

#### 5.1.6 Moral and Ethical Requirements

- (1) A KFS staff shall observe and maintain the following ethical and moral requirements:
  - (a) Be honest in the conduct of public affairs, not engage in activities that amount to abuse of office.
  - (b) Accurately and honestly represent information to the public.

- (c) Not engage in wrongful conduct in furtherance of personal benefit.
  - (d) Not misuse public resources.
  - (e) Not discriminate against any person, except as expressly provided for under the law.
  - (f) Not falsify any records.
  - (g) Not engage in alcohol and drug abuse while on duty.
  - (h) Not engage in actions which would lead to the KFS staff's removal from the membership of a professional body to which he or she may belong; and
- (2) Staff who wish to be elected to a State office shall strictly comply with set electoral laws and give adequate notice to KFS as prescribed in regulations and in accordance with the law.

### 5.1.7 Gifts or Benefits in Kind

- (1) A gift or donation given to Staff on a public or official occasion shall be treated as a gift or donation to the KFS.
- (2) Notwithstanding subsection (1), Staff may receive a gift given to the KFS 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.
  - (c) The gift does not exceed such value as prescribed by the Ethics and Anti-Corruption Commission (EACC) by regulation.
- (3) Without limiting the generality of subsection (2), Staff shall not accept or solicit gifts, hospitality or other benefits from a person or company:
  - (a) Who has an interest that may be achieved by the carrying out or not carrying out of the staff's duties.
  - (b) A person who carries out regulated activities with respect to which KFS has a role.
  - (c) A person who has a contractual or legal relationship with KFS.
- (4) Staff shall not receive a gift which is given with the intention of compromising his/her integrity, objectivity or impartiality.
- (5) Staff shall not accept gifts comprising of precious metal or stones or any part of an animal or plant protected under national or international law.
- (6) Subject to subsection (2), Staff who receive a gift or donation shall declare the gift or donation to his/her supervisor at KFS and the same shall be entered in the gift register.

### 5.1.8 Conflict of Interest

- (1) A KFS staff shall use their best efforts to avoid being in a situation where personal interests/conflict appear to conflict with KFS interests. In this regard staff shall not hold shares or have any other interest in a corporation, partnership or other body, directly or indirectly, if holding those shares or having that interest would result in a conflict with KFS interests.



- (2) Staff whose personal interests' conflict with those of KFS shall: declare the personal interests to his/her superiors or any appropriate authority, and comply with any directions given to avoid the conflict, and refrain from participating in any deliberations with respect to the matter.
- (3) Staff shall not award a contract, or influence the award of a contract to:
  - (a) Himself or herself.
  - (b) Another staff.
  - (c) A KFS staff 's spouse or child.
  - (d) A business associate or agent.
  - (e) A corporation, private company, partnership or other body in which the staff has an interest directly or indirectly.
- (4) Where a Staff is present at a meeting, where an issue which is likely to result in a conflict of interest is to be discussed, the Staff shall declare the interest. This shall be recorded in the minutes of that meeting.
- (5) All meetings at KFS shall have a standing agenda where the participants in the meeting declare if they have any interest in the matters to be discussed in the meeting.
- (6) It shall be the responsibility of the staff to ensure that any recordable interest declared is entered into the Conflict of Interest Register and the entry of such interests is updated.

#### **5.1.9 Participation in Tenders Invited by the Service**

- (1) Staff shall not participate in any tender and/or quotation for the supply of goods, services or works to KFS.
- (2) Staff shall not influence any procurement process.

#### **5.1.10 Public Collections/Harambees**

- (1) Staff shall not solicit for contributions from the public or colleagues for a public purpose.
- (2) Staff shall not use his/her office or place of work as a venue for soliciting, collecting, promotion of collection of funds or participate in a public collection of funds.
- (3) Staff may with the approval from management, participate in a collection involving private use.

#### **5.1.11 Bank Accounts Outside Kenya**

- (1) Subject to Article 76(2) of the Constitution or any other written law, Staff shall not open or continue to operate a bank account outside Kenya without the approval of EACC. A staff so authorized by EACC 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. KFS Human Resource Function shall support the Staff in this process.
- (2) Without prejudice to the foregoing provisions of this section, Staff who fails to declare operation or control of a bank account outside Kenya commits an offence under the Leadership and Integrity Act, 2012.
- (3) The Service will ensure staff are sensitized on this provision and it is enforced.

### 5.1.12 Acting for Foreigners

Staff 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 interests of Kenya.

### 5.1.13 Care of KFS Assets

- (1) Staff shall:
  - (a) Take all reasonable steps to ensure that KFS and any other public property in the officer's custody, possession or control is taken care of and is in good working condition.
  - (b) Not use KFS or any other 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 duties.
  - (c) Return to the issuing authority all KFS and any other public property in their custody, possession or control at the end of the appointment term.
- (2) A staff who contravenes subsection (1) shall, in addition to any other penalties provided in the Leadership and Integrity Act or any other law, be personally liable for any loss or damage to KFS or any other public property.

### 5.1.14 Confidentiality and Misuse of Official Information

- (1) Staff are expected to maintain confidentiality of information acquired in the performance of his/her duties.
- (2) Staff shall not directly or indirectly use or allow any person under his/her authority to use any information obtained through or in connection with their position, which is not available in the public domain, for the furthering of any private or personal interest, whether financial or otherwise.
- (3) Staff shall not be unduly denied authorization of use of official information where the information is to be used for the purposes of:
  - (a) Undertaking his/her duties.
  - (b) Furtherance of the interests of this Code.
  - (c) Education, research, literary, scientific or other purposes to further the interest of KFS or any other government policy.
- (4) Appropriate approvals shall be obtained to disclose information that is not in the public domain or as required by law.

### 5.1.15 Giving Advice

- (1) Staff who have a duty to give advice shall give honest, accurate and impartial advice without fear or favor.
- (2) A KFS staff shall not knowingly give false or misleading information to members of the public or any other staff.

### 5.1.16 Gainful Employment

- (1) Subject to subsection (2), KFS staff who are serving on a full-time basis shall not participate in any other gainful employment on a full-time or part time basis.
- (2) Staff shall not engage in a “gainful employment” which is: inherently incompatible with their roles and responsibilities at KFS; results in the impairment of their judgment in the execution of their roles and responsibilities; or would results in a conflict of interest.
- (3) Where a member of Staff has been offered employment by another Government body, express authority from the Board and Management shall be sought.



### 5.1.17 Offers of Future Employment

Staff 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.

### 5.1.18 Falsification of Records

Staff shall not falsify any records or misrepresent information.

### 5.1.19 Tax, Financial and Legal Obligations

- (1) Staff shall pay any taxes due from him or her within the prescribed period and shall not neglect their financial or legal obligations.
- (2) In addition to (1) above, the staff shall:
  - (a) Complete a declaration of income, assets and liabilities form as per government regulations.
  - (b) Be prudent in his/her financial management so as not to be a pecuniary embarrassment which may impact on how the Staff performs his/her duties.

### 5.1.20 Harassment

- (1) Sexual harassment- Staff shall not sexually harass a member of KFS staff or a member of the public. Sexual harassment may include, but not limited to:
  - (a) Direct or indirect exerting for sexual activities or favors without consent.
  - (b) Use of language whether written or spoken of sexual nature.
  - (c) Use of visual material of sexual nature or showing physical behavior of a sexual nature which directly or indirectly subjects the person to behavior that is unwelcome or offensive.
- (2) Workplace Harassment- All KFS Staff shall be treated with dignity and respect. All Staff shall at all times use civil language and avoid unwelcome, abusive, belittling or threatening behavior to fellow staff and members of public. A Staff shall not bully or harass a member



of staff or any other person. Bullying includes offensive behavior which is vindictive, cruel, malicious, humiliating or disrespectful in any manner that is intended to undermine another person.

#### 5.1.21 Acting Through Others

- (1) Staff contravenes the Code if —
  - (a) Staff causes anything to be done through another person that would constitute a contravention of the Code; or
  - (b) Staff allows or directs a person under their supervision or control to do anything that is in contravention of the Code.
- (2) Where Staff considers that anything required of them is in contravention of the Code or is otherwise improper or unethical, the Staff shall report the matter to Management.

#### 5.1.22 Wealth Declaration

Staff shall on initial appointment, every two years and on leaving the Service, submit to the Public Service Commission for the public officer, a declaration of the income, assets and liabilities of himself, his spouse or spouses.

#### 5.1.23 Reporting Improper Orders

If improper orders are reported, the management shall report the matter and take appropriate action within 90 days.

#### 5.1.24 Lodging of Complaints and Investigations

A person who wishes to report a complaint that a KFS staff has committed a breach of the Code, may lodge a complaint with the KFS Complaints Committee by sending an e-mail to: [complaints@kenyaforestservice.org](mailto:complaints@kenyaforestservice.org) or physically dropping a written complaint in the complaint boxes placed within KFS offices. The complaints will be analysed by the KFS Disciplinary and Advisory Committee who will investigate and give recommendations to Management on the issue.

As indicated in the KFS Whistleblowing Policy, a person reporting may use the internal or external reporting mechanism to report wrongdoings or malpractices which have occurred, are occurring or are likely to occur.

##### (1) Internal Reporting Mechanism

Reporting person who has information on a suspected or actual wrongdoing or malpractice may report to the following offices:

- (a) BoD or committees of the Board especially the Board Audit and Risk Committee;
- (b) Chief Conservator of Forests;
- (c) Corruption Prevention Committee which is composed of senior management;
- (d) Head of Division/Department;

- (e) KPF Public Complaints Committee;
- (f) Manager, Internal Audit & Risk;
- (g) Integrity Committee;
- (h) Integrity Assurance Officers; and
- (i) Immediate supervisor this mostly applies to Staff. Where the concern involves an immediate supervisor or the Staff is not comfortable to report to their immediate supervisor, they can report to the other offices listed above.

The reporting person can also use the following channels to report any suspected or actual wrongdoing or malpractice:

- a) Telephone: A dedicated whistleblowing hotline, accessible 24-hours, is in the process of being established.
- (b) Website: [www.kenyaforestservice.org](http://www.kenyaforestservice.org) An anonymous reporting portal shall be availed on the website. The portal will describe the reporting guidelines and procedures, and will operationalize a system where all reported incidents will be logged and managed, which will include timelines on progress of closing the report and outcomes.
- (c) Email: An email account will be availed – [complaints@kenyaforestservice.org](mailto:complaints@kenyaforestservice.org).
- (d) Corruption reporting boxes: Boxes will be positioned strategically to provide privacy when one is dropping information into the boxes. The boxes will be availed in every KFS office at the station level.
- (e) Postal Mail: Mail may be addressed to Chief Conservator of Forests P. O. Box 30513-00100 Nairobi.

### 5.1.25 Breach and Enforcement of the Code

A breach of the Code amounts to misconduct for which the Staff involved shall be subjected to disciplinary proceedings as per the KFS Human Resource Policy. Misconduct is outlined in the KFS Disciplinary Policy as having two categories: a minor offence is defined as any crime which upon conviction the imprisonment is six months or below, while a major offence is defined as a serious crime which upon conviction the imprisonment is over six months.

The Chief Conservator of Forest through the KFS Disciplinary and Advisory Committee shall deal with issues based on facts presented to it.

### 5.1.26 Referral for Possible Civil or Criminal Proceedings

If upon investigation KFS is of the opinion that civil or criminal proceedings should be against the respective Staff, the Service shall refer the matter to:

- (1) The EACC or the Attorney-General, with respect to civil matters;
- (2) The Director of Public Prosecutions, with respect to criminal matters;
- (3) The Commission on Administrative Justice; or
- (4) Any other appropriate authority.

### 5.1.27 All Staff to Sign the Code

- (a) All Staff shall complete and sign the Commitment to the KFS Code Form to indicate they have read, understood and are committed to implement the KFS Code of Conduct and Ethics (Refer to Appendix 1).
- (b) All Staff will be required to complete a EACC self-declaration form as prescribed in the First Schedule of the Leadership and Integrity Act Cap 182 Laws of Kenya within seven days of assuming office.

## **Part VI: Review**

This Policy will be subjected to review every three (3) years or when need arises whichever comes first.

## **Part VII: Approval**

The Policy has been approved and adopted by the Board of Directors and is henceforth effective.

## Part VIII: APPENDICES

### Appendix I: Commitment Undertaking/Employee Acknowledgements

#### COMMITMENT TO THE KFS CODE

I....., a Staff of the Kenya Forest Service, do solemnly and sincerely swear that I shall at all times abide by the KFS Code of Conduct and Ethics.

SIGNED by the above-mentioned employee this \_\_\_\_ day of \_\_\_\_ 20 \_\_\_\_

NAMES: ..... SIGNATURE: .....

DESIGNATION: ..... STAFF NO: .....

Before me:

NAMES: ..... SIGNATURE: .....

DESIGNATION: ..... STAFF NO: .....

#### Reference documents for further reading

- (a) Constitution of Kenya 2010
- (b) Anti-Corruption and Economic Crimes Act, 2003
- (c) Leadership and Integrity Act, 2012
- (d) Public Officers' Ethics Act, 2003
- (e) The Forest Conservation and Management Act, 2016

## Appendix II: Form A - Report of Gifts Received

To: (approving Authority): .....

Description of Offeror: .....

Name:.....

Title:.....

Company: .....

Relationship (Business/personal): .....

Occasion on which the gift was/is to be received: .....

Description & (assessed) value of gift: .....

Suggested method of Disposal

- Retained by receiving staff
- Retained for display / as a souvenir in the office
- Shared among the officers
- Reserve as luck draw prize at staff function
- Donate to charitable organization
- Return to offeror

Date: .....

Name of receiving staff: .....

Title /Department: .....



## Part B-Acknowledgement

To (Receiving staff) .....

The gift(s) concerned should be disposed of by way of:

.....

Date: .....

Name of approving Authority .....

Title/Department :.....

## Appendix II (Form B) Declaration of Conflict of Interest

### Part A-Declaration (to be completed by declaring staff)

To: (Approving Authority)

I would like to report the following existing/potential conflict of interest situation arising during the discharge of my official duties:

Persons/companies with whom /which I have official dealings and /or personal interest

(a)

(b)

(c)

Brief description of my duties which involve the persons/companies mentioned above and these are the areas of real/possible conflict of interest:

.....

.....

Date: .....

Name of declaring staff: .....

Title/Department:.....

**Part B-Acknowledgement (to be completed by approving authority)**

To: Declaring staff

The information contained in your declaration for.....is noted. It has been decided that:

- You should refrain from performing or getting involved in performing the work, as described in part A, which may give rise to conflict of interest.
- You should continue to handle the work as described in part A, provided that there is no change in the information declared above.

Date: .....

Name of approving authority .....

Title/Department :.....



GREEN ZONES



DEVELOPMENT SUPPORT PROJECT II

## FRUIT ORCHARD

PAW PAW FARMING

- Sunrise sole variety.
- Red royale.



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