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## **FOREWORD & ACKNOWLEDGEMENT**

The Local Government Service, as established by Act 656 of 2003, is made up of persons holding non-elected public office in Regional Co-ordinating Councils (RCCs), Metropolitan, Municipal District Assemblies (MMDAs), Sub Metropolitan, District Councils, Urban, Town and Zonal Area (UTZA) Councils, Office of the Head of Local Government Service (the Secretariat), and such other persons that may be employed by the Service from time to time.

In accordance with its mandate the Service is to ensure effective administrative decentralization which is a major pillar in the decentralization policy as enshrined in Chapter 20 of the 1992 Republican Constitution. As a policy objective, administrative decentralization seeks to improve the administrative and human resource capacity of the members of the Service to ensure quality service delivery.

Flowing from its mandate, the Service requires a set of principles, core values and acceptable ethical standards to guide its membership and stakeholders for effective performance and delivery of quality service. It is in this regard that the Local Government Service has developed this code of conduct which seeks to promote the values and beliefs of the Service amongst its entire membership.

This document will serve as a central guide and reference for all staff of the Service in support of day to day decision making. As a reference, we expect the code of conduct to

be used to locate relevant services and other resources related to ethics within the Local Government Service in particular and the Public Service in general. This code of conduct will also act as an open disclosure of the way in which the Service works and provides visible guidelines for professional behaviour.

The Local Government Service acknowledges with gratitude the collaboration of the following institutions/agencies: The Public Service Commission (PSC), Commission on Human Rights and Administrative Justice (CHRAJ), Office of Head of Civil Service (OHCS), Judicial Service, Institute of Local Government Studies (ILGS), Local Government Workers union (LGWU), Civil and Local Government Staff Association (CLOSAG), GIMPA, Longnet, Ashaiman Municipal Assembly, Kpone Katamanso District Assembly.

The Service appreciates the assistance provided by Justice Joseph Bawa Akamba (JSC), Justice Gertrude Torkornoo (JA) and Mr Jacob Zurobire Soung of the Judicial Training Institute (JTI)

**DR. CALLISTUS MAHAMA**  
**HEAD OF SERVICE**  
**LOCAL GOVERNMENT SERVICE**

## **INTRODUCTION**

### **The Local Government Service**

The local government service is a public service institution that was established pursuant to Article 190 of the 1992 Constitution. Its operations are regulated by the Local Government Service Act 2003; Act 656. The supporting legislative instrument is the Local Government Departments of District Assemblies (Commencement) Instrument 2009 (L.I 1961) which was passed by Parliament on 18<sup>th</sup> December, 2009 to undergird the framework of the Local Government Service.

As a Public Service entity, the mandate of the LGS is set out in Section 4 of the Local Government Service Act, 2003 (Act, 656). These wide ranging services include; the provision of technical assistance, the conduct of organizational and job analysis, management audits, design and coordination of management systems and processes, assistance to the Regional Coordinating Councils and MMDAs in the performance of their functions.

### **Vision, Mission, Motto**

The Service is envisioned to be “a world-class, Decentralized and client-oriented service”. The mission of the Service is to support Local Government to deliver value for money services through mobilization, harmonization and utilization of qualified human capacity and material resources to promote local and national development and

the motto of the Local Government Service is 'Decentralization, Democracy, Development'.

### **Code of Conduct**

The above mandate, objectives and strategic position of the Local Government Service has compelled the Secretariat of the Local Government Service to develop a Code of Conduct as an “instructive” tool to outline the specific values, principles, standards, and rules of professional behavior that guide the decisions, procedures and systems of the organization. It is expected that this Code will contribute to the welfare of key stakeholders by ensuring respect for the rights of constituents, fairness and transparency to all who are affected by the operations of the local governance system.

### **Scope and Purpose**

The Code is content-specific to the values, principles and goals of the Local Government Service, while conforming to the generic code of conduct for public officers. It derives its canons from the cardinal values of the Local Government Service. The code seeks to promote public trust, clientele focus, transparency, accountability, integrity, creativity and innovativeness while maintaining the anonymity and permanence of the LGS in the provision of service to its clientele.

The Code applies to the governing body of the Local Government Service Council, and all persons holding non-

elected public offices in Regional Coordinating Councils, District Assemblies, Sub-Metropolitan District Councils, Urban, Zonal, and town Area Councils, all staff of the Secretariat of the Service and such other persons as maybe employed for the Service from time to time. However, it focuses not only on these persons, but the merging of their work with stakeholders, constituents and the politically appointed leadership at the apex of the Local Government Service management structure.

### **Objective(s) of the Code of Conduct**

The objective(s) of the Code of Conduct is to provide, in accordance with the Constitution and statutes governing public service and local government, an effective framework for the implementation of the values of the Local Government Service in particular and the Public Services in general.

### **Objectives of the Statement of Principles**

The objective of each of the Statement of Principles is to articulate the principles upon which the requisite standards of conduct necessary to ensure the exhibition of the values required in the LGS and Ghana's public services can be clarified.

### **Objectives of the Standards of Conduct**

The objective of the Standards of Conduct is to provide clear direction for conduct by officers and staff of the Local Government Service. Each set of standards of conduct have been chosen to provide strategic direction for the

progressive manifestation of the values that the Local Government Service seeks to promote.

**Test For Decision Making in Time of Dilemma.**

A test is set to assist in decision making in time of dilemma

## **PART I**

### **CANONS OF THE CODE**

- 1. Anonymity and Permanence**
- 2. Client-orientation, Loyalty and Commitment**
- 3. Transparency and accountability**
- 4. Diligence, Discipline and Timeliness**
- 5. Creativity and Innovativeness**
- 6. Equity and Impartiality**
- 7. Integrity**



## **PART II**

### **STATEMENT OF PRINCIPLES/STANDARDS OF CONDUCT**

#### **CANON ONE (1):**

##### **ANONYMITY AND PERMANENCE**

###### **STATEMENT OF PRINCIPLE:**

###### ***ANONYMITY***

Officers and staff of Local Government Service shall serve the State with neutrality and anonymity in the national and local government processes.

###### ***PERMANENCE***

The Local Government Service is a constitutionally mandated Public Service institution and owes allegiance only to the State and community. The permanence of the Local Government Service is integral to the achievement of the objectives of Local Government Authorities whose Chief Executives are appointed by an elected Executive

###### **MINIMUM STANDARDS OF CONDUCT**

In the discharge of their roles or functions in any project or task, officers and staff of Local Government Service shall:

- 1.1 not put themselves in a position where personal interest conflicts or is likely to conflict with the performance of the functions of their office

- 1.2 not seek individual recognition for their work by styling themselves in any manner beyond their official position
- 1.3 conduct the work assigned to them without enquiring about benefits or reward from that project or task.
- 1.4 maintain political neutrality in the performance of their public functions and duties.
- 1.5 never act as an agent of or for the interest of a political, social, ethnic, gender or other interest group
- 1.6 not seek election to office as a member of an Assembly.
- 1.7 not attend or support the functions, programs and activities of political, social, ethnic or gender interest group in a private capacity and name or in circumstances unrelated to the discharge of the projects and tasks of the Local Government Service
- 1.8 always seek to deepen the systems, processes and procedures of the Local Government Service and Local Government Authorities to ensure institutional strength and capacity
- 1.9 at all times affirm and confirm that the Local Government Service is a permanent institution serving only the interests of the nation and its communities.

**ANONIMITY TEST** – *In the discharge of your duties, do you draw attention to your contribution by styling your designations in written or oral communications beyond your official capacity for discharging the said duty; and would it appear to any reasonable mind that you wish to be*

*acknowledged as having been the author of the said work or the brain behind the achievement of outcomes?*

**PERMANENCE TEST** *–Do you discharge your functions, roles and tasks in such a way as to deepen the systems, functions, objectives and image of the Local Government Service as a public service institution or would your conduct create the perception in reasonable minds that the Local Government Service exists to support the interest of any political, social, ethnic or other group other than the interest of only the state and the entire community? Would your action or inaction create the perception that the Local Government Service would lose effectiveness and relevance if an interest group lost its influence or power in the society?*

## **CANON TWO (2):**

### **CLIENT ORIENTATION, LOYALTY AND COMMITMENT**

#### **STATEMENT OF PRINCIPLE:**

The State and Community are the clients of the Local Government Service. Local Government Authorities exist only to serve the State and Community. The State and Community are at all times entitled to the dedication, loyalty and commitment of the Service and all MMDAs. All development solutions must be tailored within national long term development goals, ensuring that they result in enhancement of quality of life in the State and Community.

#### **MINIMUM STANDARDS OF CONDUCT**

In the discharge of their official duties, officers and staff of Local Government Service shall:

- 2.1 Ensure that service to the State and Community take precedence over all other activities
- 2.2 Develop policies, programs and measures which facilitate the implementation of legislation designed to transfer the functions, powers, responsibilities and resources of Central Government to Local Government units in a coordinated manner
- 2.3 develop policies and programs which ensure that people in particular Local Government areas are afforded the opportunity, as far as practicable, to participate effectively in the governance of their communities

- 2.4 Maintain high standards of accountability, transparency and responsibility in the conduct of all public business
- 2.5 Develop procedures which provide adequate mechanisms to enforce the accountability of Local Government Authorities to the State and Community
- 2.6 Develop measures to ensure that the holders of office in and staff of Local Government Authorities reflect the composition of the community in terms of gender, ethnicity, social and religious groups
- 2.7 Appreciate and accept the State and Community as the beneficiaries of their work
- 2.8 Always work in accordance with national development planning goals and action plans
- 2.9 Be committed to the holistic development of all aspects of the community including the quality of life of the vulnerable in society.

**LOYALTY & COMMITMENT TEST:**

*Would your conduct create in reasonable minds the understanding that you accept the State and Community as the recipients of the benefit of your work or would your conduct create the perception that your loyalty and commitment to the State and Community is secondary to your loyalty and commitment to any other political, social, ethnic or other interest group within the State and Community.*

**CLIENT ORIENTATION TEST:** *Would your conduct create an impression in the minds of neutral parties that you have*

*selectively provided a better service to one resident of the community than another in the discharge of your official duties?*

## **CANON THREE (3):**

### **TRANSPARENCY AND ACCOUNTABILITY**

#### **PRINCIPLE:**

Transparency and accountability is fundamental to non-partisan decision making in local governance. Relations between the Local Government Service, RCCs, MMDAs and Communities shall be governed by respect and undergirded by consultation, collaboration and accountability for decisions and outcomes of decisions

#### **MIMINUM STANDARDS OF CONDUCT**

In the discharge of their roles, functions and obligations towards Local Government Authorities, officers and staff of Local Government Service shall:

- 1.1 Respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity, accountability and transparency of the Local Government Service.
- 1.2 Ensure that all opinions, tasks, advice, projects and reports given to Local Government Authorities are supported by well documented goals, targets, plans, and records.
- 1.3 Design and implement all stages of programs, projects and tasks to include the provision of information and receipt of evaluative feedback from all stakeholders
- 1.4 Expect to be the subject of constant public scrutiny and must therefore accept restrictions on their conduct in

relation to the promotion of the interest of any political, social, ethnic or other groups

- 1.5 Not accept gifts where it will appear to influence or result in influencing the performance of official duties
- 1.6 Disclose in writing to their immediate boss when they, or close family members have an interest in any contract or transaction which they are required to take part in developing.
- 1.7 Disqualify themselves from participating in any deliberation regarding a contract or transaction in which they or a close family member have a direct financial or other interests.

### **TRANSPARENCY AND ACCOUNTABILITY TEST**

*Is your conduct, action taken and discretion exercised always referable to articulated systems, procedures, goals and rules of the Local Government Service?*



## **CANON FOUR (4):**

### **DILIGENCE, DISCIPLINE AND TIMELINESS**

#### **PRINCIPLE:**

Officers and staff of Local Government Service shall perform their duties with diligence and discipline, whilst adhering to specific time-frames, time-related schedules, targets and objectives.

### **MINIMUM STANDARDS OF CONDUCT**

In the performance of their duties and obligations in the effective administration and management of Local Government, officers and staff of the Local Government Service shall:

- 1.1 Discharge their duty of providing technical assistance with diligence, competence, discipline and in a timely fashion.
- 1.2 Follow every policy, regulation, rule, and process of the Service and shall not allow their personal preferences to interfere with adherence to procedure.
- 1.3 Develop all procedures and processes with the aim of achieving effective and efficient performance of the duties of Local Government Service.
- 1.4 Provide support with technical content, skill development and strategies that will positively impact the social context of the Community.
- 1.5 Enhance the capacity of Local Government Service to initiate, plan, co-ordinate, manage and execute policies in respect of all matters affecting the people within their

areas, with a view to ultimately achieving localization of those activities.

- 1.6 Work towards social cohesion, integration and unification of diverse interests in the community and abhor any interventions that will lead to fracture of the social fabric.
- 1.7 Support the development of a leadership oriented culture in the management and administration of Local Government Service, Communities and the State.
- 1.8 Support an effective record management culture in the management and administration of Local Government Service through development of appropriate strategic procedures and interventions.
- 1.9 Support the development of a time consciousness culture in the management and administration of Local Government Authorities through development of appropriate strategic procedures and interventions.
- 1.10 Support the development of a disciplined and systems oriented culture in Local Government Authorities through development of appropriate strategic procedures and interventions.
- 1.11 Support the development of a goal and target achievement culture in the management of the undertakings of Local Government Authorities.
- 1.12 Ensure adequate stakeholder examination and collaboration in all development goals and action plans in the Community.

- 1.13 Raise any concerns about any potential conflict of interest with an appropriate Chief Executive or any higher level authority.
- 1.14 Determine issues on conflict of interest after considering public perceptions, that of other stakeholders and without a reference to their own preferences.
- 1.15 Not be involved in decisions on discipline and promotion for any other employee who is a friend, partner or person where a family relationship exists.
- 1.16 Not be involved in any decision on allocation of services or resources of the Local Government Service when they have interests, financial or non-financial in such service or resource.

**DILIGENCE, DISCIPLINE AND TIMELINESS TEST:** *Are the outcomes of your conduct comparable to the stated outcomes of articulated objectives, plans, goals and timelines or are they difficult to understand when related to the said articulated objectives, plans, goals and timelines?*

*Would your conduct create in the mind of a reasonable bystander the appreciation that you have achieved your set work objectives in terms of work content, competence and timeliness?*

## **CANON FIVE (5):**

### **CREATIVITY AND INNOVATIVENESS**

#### **STATEMENT OF PRINCIPLE:**

##### **CREATIVITY**

In the performance of their mandate and to ensure maximum benefit to the State and Communities, Local Government officers and staff shall employ creativity and innovativeness in the design, planning and implementation of development objectives. The officers and staff shall employ their skills and imaginations in producing new ways of dealing with issues confronting the Service to add value to the Service's relationships.

##### **INNOVATIVENESS**

The Local Government Service operates at the grassroots level of society with varying measures of challenges. Officers and staff shall anticipate the needs of their communities and continuously develop ways to add value to the Service's relationships without complete reliance on immediately available resources.

##### **MINIMUM STANDARDS OF CONDUCT**

In order for officers and staff of the Local Government Service to manifest creativity and innovativeness in the discharge of their roles and functions, an employee must:

- 1.1 Develop a culture of open-minded discussions and receipt of suggestions for institutional strengthening and capacity building.
- 1.2 Contribute to the establishment of a positive work environment, and a creative culture exhibited within any context in order to spur employees on to hard work and effective, proactive solutions to issues.
- 1.3 Conduct themselves with integrity and honesty no matter the creativity of the solution they design to solve a problem in the discharge of duties
- 1.4 Provide the highest possible standard of service to the public.
- 1.5 In challenging circumstances, exhibit high sense of innovation and creativity in good faith and without sacrificing quality and efficiency.
- 1.6 Bring to the attention of management any deficiency in the provision of service

## **CREATIVITY AND INNOVATIVENESS TEST**

**CREATIVITY TEST** – *In the discharge of your duties, do you act upon only what is familiar without venturing into novel areas? Do your actions appear to any reasonable mind that you have no responses beyond what is known? Do you, by your actions, give the public the impression that you do not think outside the box?*

**INNOVATIVENESS TEST** – *Do you discharge your functions, roles and tasks in such a way as to deepen the systems, functions, objectives and image of the Local Government Service as a public service institution desirous to help overcome challenges or would your conduct create the perception in reasonable minds that the Local Government Service exists to maintain the existing state of affairs in the community?*

## **CANON SIX (6):**

### **EQUITY AND IMPARTIALITY PRINCIPLE:**

In the planning and execution of duties, members of the State and Community shall be treated with equity and impartiality, regardless of their political affiliation, ethnic background, gender, sexual orientation and personal beliefs.

### **MINIMUM STANDARDS OF CONDUCT**

An officer or staff of the Local Government Service in the performance of their duties shall:

- 1.1 Recognize that the local community, customers and colleague employees have a right to be treated with fairness and equity
- 1.2 Factor the Directive Principles of State Policy in the Constitution into all decisions taken
- 1.3 Respect the rights, freedoms and legitimate interests of others.
- 1.4 Refrain from doing acts detrimental to the welfare of other persons.
- 1.5 Co-operate with the MMDAs and other local government authorities in the application of any policies agreed on equality issues.
- 1.6 Abstain from taking discriminatory actions or decisions or encourage or put pressure on fellow employees to take discriminatory actions or decisions.
- 1.7 Exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.

- 1.8 Conduct themselves with integrity, impartiality and honesty in their official and private conduct.
- 1.9 Give reasons for all decisions taken and as far as allowed by the dictates of their oath of office, be transparent about all the decisions and actions taken.
- 1.10 Be accountable to the community/public for all decisions and actions taken
- 1.11 Submit themselves to scrutiny that is appropriate to their office.
- 1.12 Restrict information only when the wider public interest clearly demands such restriction.

### **EQUITY AND IMPARTIALITY TEST**

*What would a reasonable person, after considering the issues raised thoroughly, conclude about the equity, fairness and impartiality of your conduct on any matter?*

*Would the person think that it is more likely than not, that you would not consciously or unconsciously decide fairly in the matter?*

*Would the person, judging from your sign or body language or actions, think that you will decide fairly in the matter?*



## **CANON SEVEN (7):**

### **INTEGRITY STATEMENT OF PRINCIPLE:**

All officers and staff of the Local Government Service shall honor and abide by the Constitution and laws of Ghana in the performance of their duties, ensuring personal integrity, honesty and efficiency to the appropriate standards of conduct, and avoiding the corruption of public institutions. Institutional integrity shall be maintained through the rule of law and commitment to objective mechanisms, procedures and standards of work and accounting.

### **MINIMUM STANDARDS OF CONDUCT**

In the discharge of their role, function, duties and obligations to the public, Local Government Authorities, officers and staff shall observe the following basic standards of conduct to maintain the integrity of the Service:

- 1.1 Respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity, accountability and transparency of the Local Government Service.
- 1.2 Ensure they do not place themselves under any financial or other obligations to outside individuals or organizations that might influence them in the performance of their official duties.
- 1.3 Shall not involve themselves in any decision or allocation of Local Government services or resources

when they have a financial or non-financial interest in the outcome.

- 1.4 Ensure that any question of an employee's interest is referred to the appropriate Officer.
- 1.5 Disclose every potential conflict of interest in which they may be involved to an appointed officer of the Assembly or as set in any regulations for the time being applicable.
- 1.6 Facilitate or make available any information to the public that the law sanctions.
- 1.7 Facilitate the work of the Auditor-General and other statutory bodies mandated under the law to perform certain duties as the case may be.
- 1.8 Guard against using any information obtained in the course of their employment for personal gain or profit, nor pass it on to others who might use it in such a way.
- 1.9 Guard against divulging any private information received as an employee from a member of the Service without the prior approval of the colleague concerned except where that disclosure is required or sanctioned by law.
- 1.10 Except where a publication was made with malice or the absence of good faith, an employee shall not be under any civil or criminal liability in respect of the publication of the text or a summary of a report, the papers, minutes, notes or proceedings of an Assembly meeting or a contemporaneous report of the meetings of the Assembly.

- 1.11 A Local Government employee or any person acting under the direction of the Assembly is not personally liable for anything done in good faith.

### **INTEGRITY TEST**

*Do you carry out your duties and obligations free from any improper considerations and does it appear so to a reasonable observer?*

## **PART III**

### **REPORTING PROCEDURE**

Any conduct of a local government employee which is alleged to contravene any rule of this code shall be investigated in accordance with the procedure outlined in this code. An allegation that code of Conduct has been breached may be reported by a local government employee to a superior officer or the appropriate authority as outlined in the commentary here below:

#### **COMMENTARY**

Reports of any breach of this code may be lodged in the following ascending order;

- a. Immediate superior of the complainant
- b. Head of Department/Unit
- c. The District Coordinating Director
- d. The Regional Coordinating Director
- e. Head of Service
- f. The Local Government Service Council

#### **MINIMUM STANDARDS OF PROCEDURE**

Where the officer to whom the report should be made, is himself involved in the breach of the Code, the matter should be reported to the superior officer immediately above him/her. The reports should be copied to the Head of Service..

- i. The Officer or Authority to whom the first report is made shall initiate and indicate to the complainant the action being taken within a period of fourteen (14) days from the receipt of the report, failing which the complainant may take up the complaint with the next superior authority without recourse to the former.
- ii. Notwithstanding this procedure, any matter which may be considered to be a breach of human rights or a case of fraud may be reported directly to the Office of the Commission for Human Rights and Administrative Justice (CHRAJ) or the Serious Fraud Office (SFO) as the case maybe, where it is not feasible or practicable to invoke the procedure in this code.

## **PART IV**

### **DISCIPLINARY PROCEDURES/PENALTIES**

#### **PROCEDURE A:**

All employees may be subjected to the appropriate disciplinary or corrective measures in accordance with the Constitution 1992, the provisions of the Local Government Service's Regulations / Human Resource policies / Administrative Instructions / Labour Laws of Ghana.

#### **COMMENTARY:**

##### **Procedure A:**

Addresses the disciplinary procedures that may be initiated against an employee who fails to comply with the standards of conduct in this code:

- Where a case is proven, the Head of Department/Unit/Superior shall cause a warning in writing to be issued to an officer whose work or conduct is determined to be unsatisfactory.
- In every case where an officer has been so warned, the fact should be recorded by the Head of Department or Unit concerned.
- An officer should not be allowed to accumulate more than three (3) warnings for such acts of misconduct before disciplinary action is taken against him or her.

- In cases where the misconduct is comparatively minor, action may nevertheless, be taken as soon as it is clear that the officer is not likely to respond to departmental corrections and when sufficient evidence is available to warrant proceedings under the code, the Labour Law, HR policy or any other law or policy that apply.

## **PROCEDURE B**

The conduct of any Local Government Service employee which CONTRAVENES any rule of the Code shall be investigated for the purposes of discipline.

### **COMMENTARY:**

**Procedure B** pertains to the setting up of a Disciplinary Committee which shall investigate acts of misconduct under this Code and recommend appropriate disciplinary or corrective measures. A Disciplinary Committee at the Regional level shall be constituted in the following manner:

- a. A Regional Coordinating Director nominated by the Disciplinary Authority as Chairperson.
- b. The District Chief Executive from the District of the Complainant
- c. Regional Human Resource Director/District Human Resource Director
- d. The District Coordinating Director or an officer acting in that capacity shall act as the investigative body.
- e. A representative of the Staff Union.

If a person who is appearing before the committee is a member of the committee, the other members shall constitute a complete body to investigate the conduct without his or her participation. Any employee appearing before a Disciplinary Committee shall be given every opportunity to defend himself/herself and have a right of appeal not more than two weeks after the decision of the Committee. The Committee's findings and recommendations shall be forwarded to the appropriate Disciplinary Authority within five working days and copied to the person involved.

### **PROCEDURE C**

Disciplinary award may involve the imposition of major or minor penalties, depending on the seriousness and gravity of the offence or misconduct

### **COMMENTARY:**

For the purposes of this Code, penalty is classified as either being, **major** or **minor** and as defined below:

### **Major penalties shall consist of the following disciplinary awards:**

Reduction of rank/demotion

Removal from office as the head of Unit or Department

Dismissal



**Minor penalties shall in general consist of the following disciplinary awards:**

Warning or reprimand

Suspension of increment in salary

Suspension from duty with loss of pay/salary

Reduction of salary

Surcharge

## **PART V**

### **INTERPRETATION OF LEGAL AND OTHER PROVISIONS RELATING TO THE CODE OF CONDUCT**

#### **1. Use of Financial Resources**

An employee must ensure that he/she uses public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money and to avoid legal challenge to the Service.

#### **2. Family Relationship**

A relevant family relationship is deemed to exist between a Local Government employee and/or member and the person (i.e. the contractor, potential contractor, partner in a business etc.) if they are husband or wife or if the person is the:

- parent
- son or daughter
- brother or sister
- uncle or aunt
- nephew or niece
- grandparent
- grandson or grand-daughter

of the Local government officer or member, or of the spouse of the Local Government officer or member. For the purposes of potential conflicts of interest, as outlined in this Code, this definition is extended to cover partner relationships.

### **3. Personal Interests**

Membership of an organization not generally open to the public without formal membership would include secret societies such as the following:

Any lodge, chapter, society, trust or regular gathering or meeting which:

- (a) is not open to members of the public who are not members of that lodge, chapter, society or trust
- (b) includes in the grant of membership an obligation on the part of the member a requirement to make a commitment (whether by oath or otherwise) of allegiance to the lodge, chapter, society, gathering or meeting; and
- (c) Includes, whether initially or subsequently, a commitment (whether by oath or otherwise) of secrecy about the rules, membership or conduct of the lodge, chapter, society, trust, gathering or meeting.
- (d) A lodge, chapter, society, trust, gathering or meeting as defined above, should not be regarded as a secret society if it forms part of the activity of a generally recognized religion.

### **4. Equality Issues**

Local Government officers and staff shall be guided by the provisions of article 17 of the Constitution 1992; Sections 4 (1) and (2) of the Persons with Disability Act, (Act 715) 2006 and any other relevant law.

## 5. Corruption

Employees must be aware that it is a serious criminal offence for them to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in his/her official capacity. If an allegation is made, it is for the employee to demonstrate that any such rewards have not been corruptly obtained (See section 179C of Act 29 the Criminal Offences Act, 1960 (using public office for profit) and also the guidance on *Hospitality*).

Sections 112 of the Local Government Act (Act 462) (1993) deals with employees such as rate collectors who fail to deposit with the District Assembly monies collected as rates; knowingly demand monies in excess of duly assessed rates; render false returns or willfully fail to carry out a duty imposed by law. All these breaches constitute criminal offences.

Sections 239 to 241 of Act 29 the Criminal Offences Act 29 (1960) legislate against corrupt activities of public officers.

## 6. Employee(s) or Member(s) of Staff

The terms **employee(s) or member(s) of staff** should be taken to mean any individual/s employed by a District Assembly including those working both full time and part time on a permanent, temporary or fixed term basis. The Code also applies to seasonal and casual staff while they are engaged in carrying out duties for the Assembly.

## **7. Assembly Member(s)**

Refers to elected members of a Metropolitan, Municipal and District assemblies including Government appointees.

## **8. Hospitality and Gifts**

### **(a) Gifts**

A Local Government employee is prohibited from receiving valuable gifts other than the ordinary gifts of personal friends whether in the shape of money, goods, hospitality or other personal benefits, if he has reason to believe that the gifts received are intended to influence his judgment or action on a case he is dealing with or will handle in the future.

It is equally reprehensible for a Local Government employee to give a gift to influence the judgment or action of another person in his/her favour. In circumstances where a Local Government employee is presented with a gift of any character, he/she should exercise his/her own judgment as to whether he/she should decline the offer; otherwise he/she should consult with his superior officer. In any case the value of a gift will be determined by the circumstances of the transaction between the giver and the recipient. Employees should not accept significant personal gifts from contractors, members of the public and outside suppliers, although the Assembly may wish to allow employees to keep items of token value such as pens, diaries etc.

## **(b) Hospitality**

Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Assembly in the community. Offers to attend purely social or sporting functions should be accepted only when they are part of the life of the community or where the Assembly should be seen to be represented. They must be properly authorized and recorded in accordance with the Assembly's agreed procedure. When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the authority. When considering whether or not to accept authorized hospitality, employees should be particularly sensitive as to its timing in relation to decisions which the Assembly may be taking affecting those providing the hospitality, for instance during a tendering period of a contract for which the provider may be bidding.

Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where:

- It is clear that the hospitality is corporate rather than personal;
- Where the Assembly consents in advance; or
- Where the Assembly is satisfied that any procurement decisions are not compromised.
- Where a visit is necessary, to inspect equipment for example, the Assembly should consider meeting the cost of the visit to avoid jeopardizing the integrity of the Assembly in subsequent procurement decisions.

## **PART VI**

### **PROTOCOL FOR RELATIONS BETWEEN DISTRICT ASSEMBLY MEMBERS AND EMPLOYEES IN DISTRICT ASSEMBLIES**

#### **Introduction**

Assembly members and employees should work together in an atmosphere of mutual trust. Neither party should seek to take unfair advantage of their position. Each should observe reasonable courtesy in their dealings with the other.

This Protocol is intended to guide Local Government Service staff in their relationship with Assembly members. It does so by focusing on the more common issues that may arise. It is hoped that the recommended approach will “read across” to any other issues. This approach demands high value personal conduct at all times.

#### **1. Relations between Officers and Committee Chairpersons**

- (i) It is important that there should be good working relationships between senior Local Government Service Staff and Chairs of Committees. However such relationships should not be allowed to become so close as to cast doubt either on an officer’s ability to deal impartially with other Assembly members, or the Chair’s ability to deal impartially with other employees.
- (ii) Employees will regularly consult the Chair on the preparation of Committee Agendas and Reports.

Ultimately, however, they will have responsibility for any material submitted in their name, and should never exceed the authority given to them by their senior management. Chairs should bear this in mind in their dealings with employees.

- (iii) Any issues of concern should be referred to the Coordinating Director or Chief Executive, who should discuss these with the Chair.

## **2. Local Government Officers and Giving Advice to Groups**

- (i) Employees should treat all groups and individual members equally and fairly. Employees must observe any Assembly rules about political groups' access to employees, and must remain politically neutral at all times.
- (ii) Employees should only provide party groups with advice and information in relation to Assembly business. They should not be expected to attend meetings where matters of political party business are to be discussed. Moreover, they will still be expected to provide all necessary information to the relevant committee or sub-committee when the relevant matter is due for discussion.
- (iii) Where employees attend a group meeting, the Chair must ensure that members present are clear about the basis on which those employees attend. Similarly, employees must respect the confidentiality of any group meetings that they attend, and must not relay



details to another group, or individual Assembly members.

- (iv) Any issues of concern should be raised with the Coordinating Director, who will discuss them with the relevant group leaders.

### **3. Correspondence**

An officer should not normally copy any correspondence with an individual Assembly Member to any other Assembly Member. Where it is considered necessary to do so, this should be made clear to the original recipient Assembly Member in a prior communication.

An officer shall not without the expressed permission of the Head of Service act as the editor of any a newspaper, or take part directly or indirectly in the management thereof, nor use the print/electronic media to publish in any manner anything which may reasonably be regarded as of political nature or relating to the administration of the country.

This provision does not affect any Local Government officer or staff who is required as part of his/her official duties to edit any paper or subscribe article thereto. He may however publish in his own name matters relating to subjects of general interest.

### **4. Social Relationships**

Positive, friendly relationships between Assembly Members and employees will help project a positive image of the District Assembly to local people. However close personal

relationships could damage the relationship of mutual respect and have the potential of leading local residents to doubt an employee's objectivity and professionalism. Assembly Members and employees should therefore be cautious in developing close personal friendships within the arena of their duties.

## **5. Public Comment**

Assembly Members or employees should not publicly discuss the conduct of assembly members or officials. Employees and assembly members must show respect and courtesy to each other at all times.

## **6. Support Services to Assembly Members**

Employees can provide Assembly Members with support services to help them discharge their role as members of the assembly. However, such services must not be provided for political or campaigning activity, or for private purposes.

## **7. Members' Access to Assembly Documents and Information**

Assembly Members can ask any Department of the Assembly to provide information that they need to discharge their role as assembly members. An approach should normally be made through the Head of Department or Senior Official of the Department concerned. Members should only use such information for the purpose for which it was provided.