



CODE OF CONDUCT AND ETHICAL BEHAVIOUR FOR OFFICERS OF THE ANTI-CORRUPTION COMMISSION

Fighting Corruption: A National Concern

Corruption - E do so!

INTRODUCTION

The Anti-Corruption Commission derives its authority from the Anti-Corruption Act, 2000. The Anti-Corruption Commission came into operation in August 2000, headed by a Commissioner who, in the performance of his duties is not subject to the direction or control of any person or authority.

Section 49 of the Anti-Corruption Act, 2000 makes provision for the appointment of an Advisory Committee on Corruption by the President with the approval of Parliament, to assist the Commission in the performance of its function under this Act. The Advisory Committee on Corruption shall in its function in addition to any other function, advise the Commission on appointments and discipline, including termination of staff of the Commission.

By virtue of Section 4 of the Anti-Corruption Act, 2000, the Commissioner as one of his functions may make Standing Orders not inconsistent with the Act which inter alia, provide for matters which are necessary or expedient for preventing the abuse or neglect of duty and for upholding the efficiency and integrity of the Commission.

The Code of Conduct and Ethical Behaviour as inscribed in this booklet forms part of, and should be read in conjunction with, the Commission's Standing Orders and constitute part of the Conditions of Service, which apply to every member of staff in the Commission.

The object for which the Commission is established is spelt out in Section 5 (1). In order to achieve its objective the Commission is given extraordinary powers under the Act. Because of this, Commission staff must seek actively to achieve and retain public confidence and trust if they are to be effective.

The work of the Commission would be seriously undermined if any of its Officers acted in a manner which the Commission itself or any member of the community found reprehensible in a public institution of this nature.

The Code of Conduct and Ethical Behaviour sets out the principles

which Officers of the Commission are expected to uphold and will act as a deterrent to abuses of an individual's fundamental rights. It provides a Statement of Common Purposes and Values which clearly spell out how determined the Commission is in achieving its tasks in a professional and efficient manner. It explains also how the Principles are to be applied.

It is expected that every ACC staff member will work within the letter and spirit of this Code. Staff members will also find the Code a useful source of guidance and reference as they undertake their official duties in a way that upholds the highest standard of propriety.

January 2004

PRINCIPLES

STATEMENT OF COMMON PURPOSES AND VALUES

The purposes of the Anti-Corruption Commission are to enforce the law on corruption by acting both pro-actively and re-actively to prevent corruption, to detect and bring to justice those who break the law, and to sensitize the community on the detrimental effects of corrupt practices on society.

The Commission will strive to carry out these purposes promptly and with the highest standards of diligence, objectivity, integrity, professionalism and fairness and without undue infringement of a person's liberty and privacy as enshrined in the Constitution of Sierra Leone.

The Commission will be responsive and accountable to the community it serves and will strive to elicit its support in the fight against corruption thus promoting and maintaining confidence in the Public Service.

In order to achieve these purposes and maintain set values, the name and powers of the Commission must be used with restraint and with an awareness of their potential effect on the lives of individuals. They should never be used to gain personal advantage.

Officers of the Commission should establish and maintain effective relationships with individuals and organizations outside the Commission. Discrimination and partiality, either within the Commission or in dealings with people and organizations outside the Commission, are not acceptable.

The work of the Commission must not be compromised or affected by any personal interest. Public resources must be used efficiently and effectively. The security of information and the protection of persons working with or dealing with the Commission must be assured.

APPLICATION OF PRINCIPLES

EMPLOYMENT

The Commission is an independent authority within government, part of whose finances are charged to the Consolidated Fund. The Commissioner and Deputy Commissioner are appointed by the President with the approval of Parliament. Other staff of the Commission shall be employed on such terms and conditions as the Commission shall, after consultation with the Minister responsible for Finance, determine.

All Officers employed by the Commission should be familiar with and act in accordance with the provisions of the Anti-Corruption Act, 2000, and the Commission's Standing Orders and Conditions of Service, and any other staff circulars relating to the affairs of the Commission. Particular attention is drawn to the requirements concerning secrecy, personal and financial disclosures, security and media contact. If there is any conflict between legislative and policy requirements and this Code of Conduct and Ethical Behaviour, an Officer should consult the Commissioner.

All Officers appointed to the Commission will be required to undertake such induction training as the Commissioner deems necessary for the efficiency and effectiveness of the operations of the Commission. Officers will be assessed on performance at the completion of induction training and thereafter annually.

Any person who joins the Commission in any capacity must undertake:

- Not to engage in personal or professional conduct which may bring the Commission into disrepute;
- To make a full and open disclosure of all financial interests and personal particulars to the Commission. Any significant change to an Officer's personal status, whether this be advantageous or disadvantageous, must be disclosed immediately to the Commissioner.

PERSONAL AND PROFESSIONAL CONDUCT

Officers shall at all times fulfil the duties imposed on them by law, especially the Anti-Corruption Act, by serving the community and by upholding the law consistent with the highest degree of responsibility required by their profession.

Officers shall respect human dignity and human rights of all persons without discrimination on grounds of race, sex, marital status, nationality, ethnic or national origin, physical or intellectual impairment, religious or political conviction and by acting at all times with honesty, commitment and diligence, integrity and impartiality.

In order to ensure fairness in carrying out the work of the Commission, Officers should take all reasonable steps to see that the information upon which decisions or actions are based is factually correct and that all the relevant information has been obtained. All relevant information must be considered and Officers should be consistent in dealing with like situations in a like manner. Irrelevant information or opinions should not be considered in decision-making.

Officers dealing with suspects and persons in custody should treat such persons in conformity with and strict adherence to the Rule of Law.

Officers may not divulge any classified information that comes to their attention or into their possession unless the performance of their legitimate duty or legal provisions require otherwise.

Officers shall obey all lawful instructions issued to them by their supervisors and shall decline to obey orders they know or ought to know are wrong or unlawful.

Officers shall declare an interest at the earliest opportunity in any matter under investigation or prosecution in which the subject of the investigation or prosecution is a close associate or relative as the case may be.

ACCOUNTABILITY

Officers will be held personally responsible for their own acts or omissions. Supervisors are responsible for the work-related acts or omissions.

sions of subordinates. This does not mean however that a supervisor will be held responsible for every minor fault of a subordinate.

Supervisors will be called to account for unsatisfactory acts or omissions of subordinates if they are serious, repeated or widespread. Supervisors must therefore ensure that subordinates understand what their work entails, how they are expected to go about their work, what results are expected, and that their performance is periodically and formally appraised.

USE OF INFORMATION

Because the Commission's work involves access to sensitive and confidential information that may come into their possession during an enquiry, investigation or consultation, Officers are required to use such information only in the performance of official duties. Any breach of confidence may result in disciplinary action being taken against the Officer concerned.

If disclosure of information is justified the Officer must document the details of the information and give reasons why such information should be disclosed. These should be submitted to the Commissioner for approval before any disclosure is made.

Officers should be prudent in discussing sensitive information with other officers of the Commission. There should normally be no reason to discuss sensitive matters with any officer who is not directly concerned with the matter to which the information refers.

Officers may not use information gained in the course of official duties:

- in ways which are inconsistent with the Officer's obligation to act impartially;
- to cause harm or detriment to any person, body or the Commission;
- to gain improper personal advantage or for any other person.

Such use of information for improper advantage includes:

- speculation in property or shares based on information about Government decisions or the affairs of any public or private body;
- exchanging confidential information with Officers of other organisations;
- taking advantage for personal reasons of another person on the basis of information about that person held by the Commission;
- providing information from official records to any person outside the Commission for reasons not directly related to the work of the Commission.

PUBLIC COMMENT

No Officer of the Commission may make an official comment on matters relating to the affairs of the Commission unless authorised to do so by the Commissioner. All media enquiries will be referred to the Commissioner or a senior Officer delegated by him to be the official Commission's spokesperson.

Any other discussion about the Commission's work must be confined to material that is in the public domain. This applies only to published reports and discussion papers, annual reports, public relations material and public addresses. If there is any doubt as to what constitutes such material the Commissioner should be consulted.

Officers must be especially careful to ensure that their personal views are not construed as official comment. The expression of personal views about the Commission's work that might adversely affect its reputation or the exercise of its functions may attract disciplinary action against the Officer concerned.

FINANCIAL AND OTHER PRIVATE INTERESTS – DISCLOSURE AND CONFLICTS

There must be no opportunity for an Officer's personal interests, associations and activities (financial or otherwise) to conflict with the proper exercise of an Officer's duties. All Officers are required to make a disclosure of personal particulars prior to commencing

duties with the Commission and the Commissioner may also at any time require an Officer to make a disclosure about all financial interests. Such a disclosure may include the interests of a spouse, dependent children or any other close associate. Any changes to disclosures must be reported promptly.

If during the course of an investigation or any other duty an Officer encounters information which involves people, organisations or activities in which the Officer has a personal interest, such a fact must be reported promptly to the Commissioner who will decide whether or not the Officer will continue to be involved in the matter in question.

Such conflicts might include:

- an enquiry or investigation involving a close friend or relative or a company in which the Officer recently had an interest;
- an Officer's involvement in adjudicating on a tender or organising the purchase of supplies where a close friend or relative is the tenderer or supplier;
- an enquiry or investigation relating to a political figure where the officer concerned is sympathetic to that figure and/or his or her party.

PUBLIC RESOURCES

All public resources, whether financial, material or human, must be used effectively, without waste and in the best interest of the Commission.

The financial resources of the Commission are allocated from the Consolidated Fund. Procedures for the purchase of stores and equipment will be in conformity with Section 52 (2) of the Anti-Corruption Act, 2000.

No Officer may use any property of the Commission for private purpose. However, reasonable exceptions include:

- the use of a telephone or facsimile machine for private calls provided they are short, infrequent and do not interfere with an Officer's official duties;
- the use of the Commission's post box or private bag facilities;
- the use of typewriters or computer equipment to prepare personal documents, providing such use does not interfere in the smooth running of the Commission and that consumables, such as paper, are provided by the person using such equipment.

Commission's motor vehicles may only be used for official business unless permission has been given by the Commissioner for private use. With the written permission of the Commissioner, vehicles may be parked overnight at an Officer's residence, provided such residence has been determined previously to be secure. No person may drive an official vehicle unless in possession of authority to do so.

SECURITY

Security of information and premises is vital to the Commission's effectiveness and to the personal safety of staff.

Officers must familiarise themselves with Standing Orders concerning the removal and proper destruction of confidential and sensitive documents, and information and access of visitors to the Commission premises.

BRIBES, GIFTS, BENEFITS, TRAVEL AND HOSPITALITY

Officers of the Commission are required to report within 48 hours any attempt to bribe them.

No Officer may solicit any money or gift or benefit or hospitality. As a general rule, gifts, benefits, travel and hospitality (accommodation, meals or entertainment) should be declined. There may, however, be rare occasions when refusing a gift may be perceived as rude or offensive. Provided the gift is of a token kind, is modest and is unconnected with the Officer's official duties it may be accepted. All gifts however small should nevertheless be reported to the Commissioner.

Under no circumstances may an Officer accept any offer from any individual or organisation who is the subject of an official complaint, report or investigation of the Commission.

Officers should ensure that their spouse, partner or dependent children are made aware of these requirements and that they apply to them also.

OUTSIDE EMPLOYMENT

An Officer of the Commission is expected to devote all of his or her time to the Commission. An offer of employment outside the Commission, either part-time or casual, must be reported to the Commissioner, who will only give permission where such outside employment does not conflict with or compromise the Officer's position or work in the Commission.

COMPLAINTS AGAINST COMMISSION STAFF

Any complaint made against any member of staff of the Commission coming to the attention of any Officer must be reported immediately to the Commissioner. If the Commissioner considers the complaint to be valid he will appoint a Senior Officer of the Commission to investigate the complaint.

DISCIPLINE AND SANCTIONS

Disciplinary action may be taken against any Officer of the Commission who is involved in:

- unacceptable behaviour, whether official or private;
- unsatisfactory performance of duties;
- breaches of Commission Standing Orders;
- any criminal activity.

The sanctions to be applied will depend upon the seriousness of the breach of conduct and can include:

- counselling by a supervisor, or in a serious case, by the Commissioner;
- a record of behaviour being documented on the Officer's personal file;
- dismissal;
- prosecution.

RESPONSIBILITIES OF OFFICERS WHO LEAVE THE COMMISSION

Without the permission of the Commissioner, no Officer who leaves the Commission may:

- make public, or otherwise use, any confidential knowledge or information gained as a consequence of employment in the Commission;
- distribute, publish, mail or otherwise release any confidential information gained as a result of employment in the Commission.

An Officer leaving employment in the Commission must return any document or items, which relate to the Commission's work and which are not otherwise publicly available.