



PRIVATIZATION COMMISSION

Enhancing Kenya's Productive Capacity

ANTI CORRUPTION POLICY

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1. FOREWORD

The core function of the Privatization Commission is the implementation of Privatizations transactions. The Commission also interacts extensively with the market as it procures support services required to implement the transactions. Transactions and procurement processes are vulnerable to corrupt practices. In this respect, the Commission recognizes that corrupt practices can adversely affect its reputation and resources and its responsibility to the Kenya Public to implement transactions transparently and obtain fair value for assets being privatized. The Commission also recognizes that all its other areas of operations are also potential risk areas with respect to corrupt practices.

The Commission has promulgated an Anti-corruption Policy to supplement legal provisions and other government initiatives for fighting and preventing corruption in Kenya. The policy seeks to provide a framework for efficient and effective detection and prevention of corruption at the workplace.

2. POLICY STATEMENT

Privatization Commission believes that good governance is fundamental to the economic and social development process of the country, and hence is inherently linked to its objectives and mandate of implementing the privatization programme. The Commission also believes that existence of a good regulatory framework provides a sound structure for the management of the Commission's resources. In this respect, the Commission's good governance approach is linked to its core values of

- Accountability;
- Transparency;
- Integrity;
- Professionalism;
- Fairness.

3. LEGISLATIVE AND ADMINISTRATIVE REQUIREMENTS /CONTENT

This policy shall be read together with other government legislations and other papers that include; the Anti Corruption and Economic Crimes Act, 2003; Public Officer Ethics Act, 2003; Public Procurement and Disposal Act, 2005; and the Government Financial Management Act, 2004 and the Performance Contract

4. SCOPE

This policy applies to all the Commission members, Management, staff and all other stakeholders interacting with the Commission

5. DEFINITION

Corruption-Under the Anti- Corruption and Economic Crimes Act 2003, corruption is an offence which constitutes abuse of office, bribing agents, bid rigging, dealing with suspect property, secret inducement for advice, deceit, conflict of interest, favoritism, discrimination, receiving rewards, and improper benefits to trustees for appointment.

In this respect, corruption shall be deemed to have occurred when an official who is a holder of a position in the Commission receives or is promised significant advantage or reward as a person either on his own or with other persons, group or organization for doing something that he/she is under a duty to do or, not to do, for improper legitimate discretion for improper reasons, and for applying illegal means to achieve approved goals of the Commission.

6. RESPONSIBILITIES OF MEMBERS OF COMMISSION AND MEMBERS OF STAFF

Each member of the Commission and each member of staff should:-

- (i) Ensure that all parties carrying out business with the Commission know and respect this policy;
- (ii) Comply with all laws and regulations
- (iii) Fight corruption in all its form and manifestations in the conduct of the Commission affairs; and
- (iv) Actively resist any corrupt payment, gift or hospitality and instead report such corrupt payments, gifts and hospitalities to the Commission for appropriate action.

7. RESPONSIBILITIES TO MEMBERS OF THE PUBLIC

Customers and members of the public are urged to report all cases of corruption including unethical and criminal conduct by members of the Commission and members of staff by way of letters, e-mails, telephone calls, or suggestion boxes.

8. MANDATE AND OPERATIONS OF THE CORRUPTION PREVENTION COMMITTEE

The committee shall set up a Corruption Prevention Committee whose responsibilities shall be to:-

- (i) Identify corruption risks.
- (ii) Set priorities in the prevention of corruption within the Commission.
- (iii) Receive and recommend action on corruption reports made by the public, members of the Commission and members of staff.
- (iv) Develop corruption prevention strategies and programmes.
- (v) Spearhead anti-corruption campaign within the Commission.

- (vi) Monitor progress and evaluate the impact of corruption prevention initiatives.
- (vii) Submit quarterly reports on corruption eradication to Kenya Anti-Corruption Authority.
- (viii) Carry out Anti-Corruption Sensitization and training programmes on matters of ethics, integrity and corruption prevention.

9. ANTI-CORRUPTION CODE OF CONDUCT

Principles:-

- (i) **Conflict of Interest:** We will avoid conflict – real or potential between personal interests and the Commission business and will promptly report any occurrence of such conflict.
- (ii) **Misuse of official position and Commission resources:**
We will not seek to influence for private purpose any person or body by using official position or offering them personal advantages. Likewise, we will not use public property, facilities, services and financial resources for private purposes except when permission is lawfully given.
- (iii) **Respect of law:** We will respect and obey all laws and regulations. Specifically, members of the Commission and members of staff will familiarize themselves with the contents of the Public Officers Ethics Act, 2003, the Anti-Corruption and Economics Crime Act, 2003, the Government Financial Management Act, 2004 and the Privatization Act, 2005.
- (iv) **Proper personal Conduct:** We will ensure that our private conduct does not compromise our role as members or staff of the Commission.
- (v) **Bribery:** We will not give, solicit or receive directly or indirectly any gift or other favour that may influence the exercise of our functions, performance of duty or judgment. This does not include conventions hospitality or minor gifts provided the value does not exceed an amount to be agreed by the Commission.
- (vi) **Ant- corruption:** In accordance with the principles of “Zero tolerance” we are obliged to report suspicion or evidence or corruption committed by colleagues or others.
- (vii) **Openness, transparency and confidentiality when required:** We will strive to achieve maximum openness and transparency toward our external constituencies. However, confidentiality will be applied when necessary to safeguard rights of our partners, staff and others.
- (viii) **Non-discrimination:** In our work we will not discriminate in respect of gender, colour, religion, culture, education, social status, ethics, belonging or national origin or any other status.

- (ix) **Dissemination of Code:**We will make our code of conduct known to all our professional partners' customers and the public.
- (x) **Observance of the code:** We will respect the principles of the code and report any evidence of suspicion of breach of the code. The responsible supervisors will ensure the legal right and due protection of whistle blowers and the accused, before, during and after investigations.

10. PROTECTION OF WHISTLE BLOWERS

The Commission will ensure protection of the identity and safety of persons making corruption disclosure to the Commission.

No protection will be accorded to any person for malicious, self serving, vexation or baseless allegation or disclosures.

11. DISCIPLINARY

A disciplinary action shall be carried out to any member of the Commission found to have committed an offence contrary to the provisions of this policy.

12. TRAINING

The Management of the Privatization Commission commits itself to continuously sensitize and train staff on matters of ethics and integrity.

13. MANAGEMENT AUTHORITY

The Executive Director / Chief Executive Officer shall ensure the implementation of this policy.

14. REVIEW

This Policy document shall be reviewed at such intervals as the Management may deem necessary