

TURKS AND CAICOS ISLANDS



# CODE OF CONDUCT

**For**

**Persons In Public Life In TCI**

Published November 7, 2012

By

The TCI Integrity Commission

*(Pursuant to section 102(3) of the Constitution)*

# CODE OF CONDUCT FOR PERSONS IN PUBLIC LIFE IN TCI

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## FOREWORD

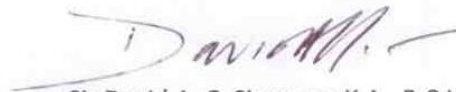
As Chairman of the TCI Integrity Commission (the Commission), I am indeed delighted to have the opportunity to write the FOREWORD to the Code of Conduct for Persons in Public Life (the Code).

The Code has been prepared by the Commission, following Island – wide consultations and in furtherance of its mandate under Section 102 of the Constitution to promote integrity, honesty and good faith in public life in the Turks and Caicos Islands.

The main objective of the Code is to regulate the behaviour of public officials whether they are Ministers, Members of the House of Assembly, Public Servants, Special Advisers, Heads and Members of Statutory Boards or other Public Bodies. The Code obliges them to observe and uphold the principles and highest standards of selflessness, integrity, probity, accountability, openness, honesty and objectivity.

I am particularly pleased that the Code is being published to coincide with the ushering in of a new democratically elected government in the Turks and Caicos Islands. I trust that the Code will assist in generating a fresh determination and commitment by all public officials and the general public in Turks and Caicos Islands to embrace the principles of good governance.

On behalf of my fellow Commissioners, I wish to express our profound gratitude to the Director, all members of staff of the Commission and Advisers of the Governor's office who went beyond the call of duty to ensure the successful preparation and publication of this Code.



Sir David A. C. Simmons K.A., B.C.H., Q.C.

Chairman, Integrity Commission

November 7, 2012

## **Definitions**

**In this Code of Conduct, unless the context otherwise requires, the definitions set out below will apply-----**

**‘Benefit’** includes any property, service or advantage whether direct or indirect;

**‘Code of Conduct’** means the Code of Conduct for Persons in Public life published by the Integrity Commission in accordance with section 102(3)(b) of the Constitution;

**‘The Commission’** means the Turks and Caicos Islands Integrity Commission;

**‘Constitution’** means the 2011 Constitution of the Turks and Caicos Islands;

**‘Government’** means the Government of the Turks and Caicos Islands;

**‘Person in Public Life’** includes all Public Officials;

**‘Public Body’** has the same meaning given to it under section 2 of the Integrity Commission Ordinance;

**‘Public Officer’** means a person who is employed in the public service of the Turks and Caicos Islands;

**'Public Official'** means a person who is a member of a public body, or a public officer;

**'Specified Person in Public Life'** means a person who holds any specified office mentioned in Schedule 1 to the Integrity Commission Ordinance;

**"TCI"** means Turks and Caicos Islands.



## **CHAPTER 1: Code of Conduct for Ministers**

### **Part I: Overview, and Enforcement of the Code**

1. This chapter of the Code provides guidance to Ministers on how they should act, and conduct and arrange their affairs, in order to uphold acceptable ethical standards. It lists the principles which shall apply in particular situations. Ministers are personally and legally responsible for deciding how to act and conduct themselves in the light of the Code and the Principles of Public Life, and for justifying their actions and conduct to the House of Assembly and its committees, and the public.
2. Ministers are expected to read and be conversant with this chapter of the Code and the entire Code of Conduct for persons in Public life as well as the TCI Constitution, the Integrity Commission Ordinance, the Public Finance Management Ordinance (especially as it relates to their financial responsibilities), the Public Service Ordinance ; abide by the overarching duties on Ministers to generally comply with the law including international law and treaty obligations; uphold the administration of justice, and protect the integrity of public life. Ministers are expected to observe and uphold the **Seven Principles of Public Life** and be guided by the **Guide to identifying, avoiding and managing Conflicts of Interests** respectively set out as **Appendices A and B** to the Code of Conduct
3. ***Ministers should be aware that a breach of the code under this Chapter or the Code of Conduct shall result in a Minister vacating his office as a Minister pursuant to section 34(1)(d) of the Constitution. Such breach may also constitute an act of corruption or other criminal offence under the Integrity Commission Ordinance.***
4. Ministers are expected to behave in a way that upholds the highest standards of integrity, honesty, and propriety. If there is an allegation about a breach of this chapter of the Code, as with the rest of the Code it should be reported to the Integrity Commission.

## **Part II: Ministers and Government, and the House of Assembly**

### **Ministers and Cabinet**

5. Cabinet and Cabinet Committee meetings take precedence over all other Ministerial business, although it is understood that Ministers will occasionally have to be absent due to unavoidable commitments.
6. Ministers and their Permanent Secretaries should ensure appropriate arrangements are made to cover when Ministers are absent from the country. Special care must be taken over the exercise of statutory powers. Ministers should always seek legal advice from the Attorney General in cases of doubt. Ministers should inform the Governor, Premier and [Clerk to the Cabinet] in advance of absences and cover arrangements.
7. The Premier is responsible for advising the Governor on the overall allocation of functions between Ministers. The written approval of the Premier and the Governor must be sought where it is proposed to transfer functions between Ministries unless the changes are minor and it is appropriate for them to be made administratively and without public announcement.
8. The principle of collective responsibility, save where it is explicitly set aside, applies to all Government Ministers. It requires that Ministers should be able to express their views frankly in the expectation that they can argue freely in private while maintaining collective responsibility in public when decisions have been reached. This in turn requires that the privacy of opinions expressed in Cabinet and Ministerial Committees, including in correspondence, should be maintained.
9. The internal process through which a decision has been made, or the level of Committee by which it was taken should not be disclosed. Decisions reached by the Cabinet or by Ministerial Committees are binding on all members of the Government. They are, however, normally announced and explained as the decision of the Minister concerned.
10. Matters wholly within the responsibility of a single Minister and which do not significantly engage collective responsibility need not be brought to the

Cabinet or to a Ministerial Committee unless the Minister wishes to inform his colleagues or to have their advice. The [Clerk to the Cabinet] can advise on whether a matter should be brought to Cabinet or Ministerial Committee where a ministry is unsure.

11. When there is a difference of opinion between ministries, it should not be referred to the Cabinet until other means of resolving it have been exhausted. It is the responsibility of the initiating ministry to ensure that proposals have been discussed with other interested ministries and the outcome of these discussions should be reflected in the paper submitted to Cabinet or Cabinet Committee.

### **The role of the Attorney General**

12. It is a Minister's responsibility to ensure that the Attorney General's Chambers be consulted in good time before the Government is committed to critical decisions involving legal considerations.
13. By convention, written opinions of the Attorney General's Chambers, unlike other ministerial papers, are generally made available to succeeding Administrations.
14. When advice from the Attorney General's Chambers is included in correspondence between ministers or in papers for Cabinet, it may if necessary be summarised but if this is done, the complete text of the advice should be attached.
15. The fact that the Attorney General has advised or not advised and the content of his or her advice must not be disclosed outside Government and the Integrity Commission without his or her authority.

### **Ministers' relations with public officers**

16. Ministers must treat public officers with courtesy and respect.
17. The Permanent Secretary will arrange an orientation and briefing session covering finances, policy and strategy for a Minister taking up office, at a time convenient to the Minister; the Minister has a duty to attend the orientation and briefing.

18. Ministers are responsible for setting policy and strategy. Public officers, under the management of the Ministry Permanent Secretary, are responsible for implementing policy, for applying policy to individual cases, and for managing the day to day operations and finances of the Ministry.
19. In setting policy and strategy, and any other decisions they make, ministers have a duty to give fair consideration and due weight to informed and impartial advice from public officers. They must recognise the obligations of public officers to meet accepted professional standards in providing that advice, and not seek to influence public officers to depart from those standards in providing advice.
20. Ministers must uphold the political impartiality and objectivity of the Public Service as set out in the Public Service Ordinance, and not ask or seek to influence public officers to act in any way which would conflict with their duties or the ethical values as set out in that Ordinance. Public officers who believe ministers are asking them (or seeking to influence them) to act against their legal obligations, duties or values as set out in the Public Service Ordinance have a legal obligation, to report that to the relevant authority or authorities as set out in that Ordinance. Any public officer so reporting a Minister is protected against suffering any disadvantage as a result that Ordinance.
21. Ministers have a duty to ensure the public officers in their Ministry are fully informed of any meetings they have with other Ministers, or persons outside the government, and any undertakings that have been given.
22. Ministers must not intervene in issues affecting a public officer's career such as recruitment, promotion, reward, discipline and dismissal. Where Ministers have a concern about a public officer below the level of Permanent Secretary, they should discuss that with the Permanent Secretary. Where they have a concern about the Permanent Secretary, they should discuss it with the Deputy Governor as Head of the Public Service.
23. Ministers also have a duty to ensure that any broader influence they have over the management of the Public Service, including promotion, reward and

discipline, and employment conditions, is not abused for party political purposes or personal interests. Ministers must ensure that their special advisers treat the public officers in their Ministry with respect, courtesy, and cooperation, as set out in Chapter 4 of the CODE.

### **Ministers' relations with Accounting Officers and the Chief Financial Officer**

24. Permanent Secretaries and specified officers of Statutory Bodies are appointed as Accounting Officers as set out in the Public Finance Management Ordinance. This is a personal responsibility for the propriety and regularity of the public finances for which the Accounting Officers are responsible; for keeping proper accounts; for the avoidance of waste and extravagance; and for the efficient and effective use of resources. These responsibilities are set out in the Public Finance Management Ordinance.
25. Ministers shall not instruct a public officer on expenditure or allocation of funds and resources within a Ministry: this is the responsibility of the Permanent Secretary in their role as Accounting Officer.
26. Accounting Officers answer personally to the Public Accounts Committee of the House of Assembly on these matters, separately from Ministers' accountability to the House of Assembly for the policies, actions and conduct of their ministry.
27. Accounting Officers have a particular responsibility to see that appropriate advice is tendered to Ministers on all matters of financial propriety and regularity and more broadly as to all considerations of prudent and economical administration, efficiency and effectiveness and value for money.
28. If a Minister is contemplating a course of action which would involve a transaction which the Accounting Officer considers would breach the requirements of propriety or regularity, the Accounting Officer will set out in writing his or her objections to the proposal, the reasons for the objection and the duty to inform the Governor, Deputy Governor, CFO, PS Finance, Auditor General, and the Public Accounts Committee should the objections be overruled.

29. If the Minister decides nonetheless to proceed, the Accounting Officer will seek a written instruction to take the action in question. The Accounting Officer is obliged to comply with the instructions and send the relevant papers to the Governor, Deputy Governor, CFO, PS Finance, Auditor General, and the Public Accounts Committee. The same procedure applies where the Accounting Officer has concerns about whether a proposed course of action offers value for money. This notification process enables the Auditor General and Public Accounts Committee to see that the Accounting Officer does not bear personal responsibility for the actions concerned.

### **Ministers and statutory bodies and boards**

30. Ministers must respect the statutory role and autonomy of statutory bodies and boards. Any involvement that ministers have in appointments to statutory bodies and boards, and officers or employees of those bodies and boards, must reflect the public interest rather than party political or personal interest.

31. Ministers must support the Permanent Secretary of their ministry in discharging the Permanent Secretary's obligations as Accounting Officer for the expenditure of statutory bodies and boards affiliated to the ministry.

### **Ministers and public appointments**

32. As noted in Sections [23, 24 and 33] above, Ministers have a duty to ensure that any influence they have over public appointments is not abused for party political purposes, or personal interests.

33. Public Service appointments must be made in accordance with the requirements of the Constitution and the Public Service Ordinance.

### **Special Advisers**

34. Ministers may each appoint not more than one special adviser. All such appointments require the prior written approval of the Premier and no commitments to make such appointments should be entered into in the absence of such approval.

35. Special Advisers who are paid by individuals or organisations other than the government party, or who are unpaid, also require the prior written approval of the Premier including details on how they are paid.
36. All Special Advisers are covered by Chapter 4 of this CODE [Chapter on Special Advisers].
37. Ministers should take care to ensure that if other individuals – family, friends, associates – are present in the ministry on several occasions or are, or might reasonably appear (to those inside or outside the government) to be, involved in the work of the Minister or the Ministry, their status is made clear to the Permanent Secretary and the Ministry. Otherwise a situation may arise where either public officers or outside stakeholders believe that the individual is speaking on behalf of the Minister or the Government, without the Ministry being properly aware of their status or activities. If the visits or involvement of any such individual are such that they are, or might reasonably appear (to those inside or outside the government) to be, acting as an adviser (paid or unpaid) then they should be subject to Chapter 4 of this Code [Chapter on Special Advisers]. Where this provision of the Code has been breached, Permanent Secretaries have the authority to exclude any such individuals from government premises, in addition to any sanctions applied to the Minister.
38. The responsibility for the management and conduct of all Special Advisers, including discipline, rests with the Minister who made the appointment. Individual Ministers will be accountable to the Premier, the House of Assembly and its committees, and the public for their actions and decisions in respect of their Special Advisers. More details are given in Chapter 4 of this Code [Chapter on Special Advisers].

### **Ministers and Government publications and documents**

39. Before publishing a policy statement or a consultation paper, Ministers and their officials should consider whether it raises issues which require full collective ministerial consideration through Cabinet or Cabinet Committee. The expectation is that most such papers will need collective agreement prior to publication. Any publication containing a major statement of Government policy should be circulated to the Cabinet before publication. This rule applies

to Papers containing major statements even when no issue requiring collective consideration is required.

40. Where commercially sensitive material is involved, no copies of government publications should be made available to the media or any other person outside government prior to publication.
41. Ministers relinquishing office should hand back to their Ministry any Cabinet documents and other ministry and government papers in their possession.
42. On a change of Government, the Governor will issue special instructions about the disposal of Cabinet and ministry papers of the outgoing Administration.
43. Ministers must honour any confidentiality requirements on classified documents in perpetuity, including after they leave office.

#### **Ministers and the communication and presentation of government policy**

44. Official facilities paid for out of public funds can be used for Government publicity and advertising but shall not be used for the dissemination of material which is essentially party political.
45. Ministers should ensure that their statements are consistent with collective Government policy. Ministers should take special care in referring to subjects which are the responsibility of other Ministers.
46. Ministers must only use official machinery for distributing texts of speeches relating to Government business. Speeches made in a party political context must be distributed through the party machinery.
47. Ministers invited to broadcast on radio, television and/or webcasts in a political or private capacity should consider if such a broadcast would have a bearing on another ministry's responsibilities, in which case they should clear the matter with the ministerial colleague concerned before agreeing to the invitation.



48. Ministers may contribute to a book, journal or newspaper, with reference to their duty to observe the principle of collective Ministerial responsibility. No payment should be accepted for such articles.
49. Ministers shall not accept payment for speeches or media articles of an official nature or which directly draw on their responsibilities or experience as Ministers or with a view to donating the fee to charity. If the organisation in question insists on making a donation to a charity then it should be a charity of the organisation's choice.
50. Ministers shall not, while in office, write and publish a book on their ministerial experience. After leaving office, Ministers must submit a draft of any such book to the relevant authority in advance of publication for comment.

## **Elections**

51. In the period between an election being called, and the election taking place, the Government retains its responsibility to govern, and Ministers remain in charge of their Departments. Essential business must be carried on. However, it is customary for Ministers to observe discretion in initiating any new action of a continuing or long-term character. Decisions on matters of policy on which a new Government might be expected to want the opportunity to take a different view from the present Government should be postponed until after the Election, provided that such postponement would not be detrimental to the public interest or wasteful of public money.
52. During the election period, official support, and the use of public resources, including publicity, will not generally be provided for Ministerial announcements – especially where those announcements could have a bearing on elections. Special care should be taken in respect of paid publicity campaigns which should not be open to criticism that they are being undertaken for party political purposes.
53. Public officers should not be asked to carry out new research or develop new arguments for use in election debate.

54. Care should also be taken over decisions and announcements of decisions made at official level which may have a bearing on elections. In some cases it may be better to defer an announcement until after the elections, but this would need to be balanced against any implication that deferral could itself influence the elections – and decisions should not be postponed where that would be detrimental to the public interest or wasteful of public money. Each case will need to be considered on its merits. If in doubt, public officers should consult the Permanent Secretary; the Permanent Secretary may wish to consult the Deputy Governor and the Public Service Commission

### **Ministers and the House of Assembly**

55. Ministers in the House of Assembly must keep separate their roles as Minister and Assembly Member or party representative.

56. Ministers have a duty to the House of Assembly and its committees to account, and be held to account, for the policies, decisions and actions of their ministries and departments.

57. It is of paramount importance that Ministers give accurate and truthful information to the House of Assembly and its committees, correcting any inadvertent error at the earliest opportunity. Ministers who knowingly mislead the House of Assembly or its committees may be expected to offer their resignation to the Governor.

58. Significant announcements of Government policy should be made in the first instance, in the House of Assembly.

59. A copy of the text of an oral statement in the House of Assembly should usually be shown to the Opposition at least one hour before it is made.

60. At the same time, a copy of the final text of an oral statement should in all cases be sent in advance to the Speaker.

61. Every effort must be made to ensure that where a former Minister or a Ministerial colleague and/or a fellow House of Assembly Member is mentioned in a statement or report which prompts a Ministerial statement, he or she is given as much notice as is reasonably possible.

## **Transparency**

62. Ministers should be as open as possible with the House of Assembly and its committees about the actions and decisions they take, and the reasons behind them, refusing to provide information only when disclosure would not be in the public interest.
63. Ministers should similarly require public officers who give evidence before the House of Assembly and its Committees to be as helpful as possible in providing accurate, truthful and full information.
64. Ministers should also be as open and transparent as possible in their public statements about the actions and decisions they take, and the reasons behind them. They should also require public officers from their ministry who comment in public on the workings of government to be as helpful as possible in providing accurate, truthful and full information.

## **Part III: Ministers' Interests, Gifts, Travel, Local and Party Interests, and relations with external organisations**

### **Ministers' Private Interests**

65. Ministers are expected to devote themselves to ministerial service as a full-time occupation. If a Minister requires a short period of time to handle transitional matters arising from their separation from their business or profession that may be granted by the Premier provided it does not interfere with their ability to perform their ministerial duties.
66. Ministers must ensure that no conflict arises, or could reasonably be perceived to arise, between their public duties and their private interests, financial or otherwise. Further details are set out in the Integrity Commission Ordinance. Ministers are advised that they must read and understand that Ordinance, and that acts of corruption as defined by that Ordinance may be a criminal offence, as well as a breach of this Code.
67. It is the personal responsibility of each Minister to decide whether and what action is needed to avoid a conflict or the perception of a conflict, taking account of advice received from their Permanent Secretary or the Integrity Commission or both.
68. On appointment to office, Ministers must provide the Integrity Commission and their Permanent Secretary with a full list in writing of all interests which might be thought to give rise to a conflict. The list should also cover interests of the Minister's spouse or partner and close family which might be thought to give rise to a conflict.
69. Where appropriate, the Minister will meet the Permanent Secretary or a representative of the Integrity Commission or both to agree action on the handling of interests. Ministers must record in writing what action has been taken, and provide the Permanent Secretary and the Integrity Commission with a copy of that record.
70. Ministers should be guided by the general principle that they should either dispose of the interest giving rise to the conflict or take alternative steps to prevent it. In reaching their decision they should be guided by the advice

given to them by their Permanent Secretary or the Integrity Commission or both.

71. Where exceptionally it is decided that a Minister can retain an interest, the Minister and the Permanent Secretary must put processes in place to prohibit access to certain papers and ensure that the Minister is not involved in certain decisions and discussions relating to that interest. This includes decisions and discussions inside the Ministry, and also decisions in Cabinet. The Minister must also declare the interest to Ministerial colleagues who are involved in decisions and discussions relating to that interest. Similar steps may be necessary in relation to a Minister's previous interests.
72. In some cases, it may not be possible to devise a mechanism to avoid a conflict of interest. In any such case, the Governor, Premier, and Integrity Commission must be consulted and it may be necessary for the Minister to cease to hold the office in question.
73. The personal information which Ministers disclose to those who advise them is treated in confidence. However, a statement covering relevant Ministers' interests may be published in accordance with the Integrity Commission Ordinance.

#### **Conflicts of interest relating to Ministers' personal connections**

74. Particular care must be taken over cases in which a Minister may have a personal interest or connection, for example because they concern family, friends or employees. If this relates to their own ministry, they must declare this to their Permanent Secretary, and work with the Permanent Secretary to ensure the Minister is removed from decisions and discussions relating to that case.
75. If, exceptionally, a Minister wishes to raise questions about the handling of such a case by another Minister they should advise their Permanent Secretary and write to the Minister responsible, as with cases in their electoral district, but they should make clear their personal connection or interest. The responsible Minister should ensure that any enquiry is handled without special treatment.

## **Gifts and hospitality**

76. No Minister should accept gifts, hospitality or services from anyone which might, or might reasonably appear to, compromise their judgement or place them under an improper obligation.
77. The details of this requirement are set out in the Integrity Commission Ordinance. Ministers are required to read and understand that Ordinance, and are reminded that breaches of it will in many cases be a criminal offence as well as a breach of this code.
78. The same requirement applies if gifts, hospitality or services are offered to a member of the Minister's family.
79. Any Minister in doubt or difficulty over this should seek the advice of their Permanent Secretary and the Integrity Commission.
80. Gifts given to Ministers in their Ministerial capacity become the property of the Government and do not need to be declared in the Register of Interests. Gifts of small value, currently set at \$200, may be retained by the recipient. Gifts of a higher value should be handed over to the ministry for disposal unless the recipient wishes to purchase the gift abated by \$200.
81. Ministries will publish at least quarterly, details of gifts received and given by Ministers valued at more than \$200
82. Gifts given to Ministers as Assembly members or members of a political Party fall within the rules set out by the Integrity Commission Ordinance and the Political Activities Ordinance.
83. If a Minister accepts hospitality in a Ministerial capacity, the Minister should notify their Permanent Secretary. Ministries will publish at least quarterly, details of hospitality received by Ministers in a Ministerial capacity. This should include any hospitality received by their spouse/partner travelling with them. Hospitality accepted as a parliamentarian should be declared in the Register of Interests.

## **Travel by Ministers, Ministers' spouses and Special Advisers**

84. Ministers must ensure that they always make efficient and cost-effective travel arrangements, and that these arrangements are consistent with the government Travel Policy currently in force. Official transport should not normally be used for travel arrangements arising from Party or private business.
85. Only the Premier can authorise special non-scheduled flights for him or herself or another minister, and only after consultation with the Governor.
86. Ministers should make it their personal responsibility to approve the size and composition of Ministerial delegations, keeping delegations as small as possible.
87. When Ministers travel on official business, their travel expenses should be borne by the ministry. Offers of free travel should not normally be accepted. The only exception to this is in the case of an offer of transport from an overseas government provided no undue obligation is created. All overseas travel by the Minister should receive prior approval of the Cabinet
88. If a Minister is away with permission and is called back for ministerial or Parliamentary reasons, the cost of the extra journey back and forth may be met by public funds.
89. Ministers shall abide by the Government policy on the use of official cars
90. Where travel is for a mix of political and official engagements, it is important that the ministry and the Party each meet a proper proportion of the actual cost.
91. Air miles and other benefits earned through travel paid for from public funds, for example, access to special departure lounges or booking arrangements which go with membership of regular flier clubs, should be used only for official purposes or else forfeited. If it is impracticable to use the benefits for Government travel, there is no objection to Ministers donating them to charity if this is permissible under the terms of the airline's scheme and the charity is one chosen by the airline.

92. The expenses of a Minister's spouse/partner when accompanying the Minister on the latter's official duties may occasionally be paid from public funds provided that it is clearly in the public interest that he or she should accompany the Minister. The agreement of the Premier must be obtained on each occasion before travel, and where expense is significant, the Premier should consult the Deputy Governor.
93. The expenses of a Special Adviser when accompanying the Minister on the latter's official duties may occasionally be paid from public funds provided that the Permanent Secretary of the Ministry agrees that it is clearly in the public interest that he or she should accompany the Minister. Where the travel is related to a mix of Party and official business, the Party should bear an appropriate share of the costs. The Ministry will publish the total annual cost of travel by Special Advisers.
94. No other party besides a Minister's spouse/partner or Special Adviser shall have their expenses paid for by public funds while accompanying a minister. If their expenses are paid for by a third party while travelling, or appearing to travel, with a Minister, the Minister should consider whether this is appropriate in the light of this Code and the provisions of the Integrity Commission Ordinance as well as the Political Activities Ordinance
95. Ministers will wish to be satisfied that their travel arrangements can withstand public scrutiny. Ministries will publish, at least annually, details of all trips by Ministers costing more than \$500, together with the total annual cost of travel by the Minister and any accompanying persons.

### **Avoiding perceptions of conflict of interest with future employment**

96. Ministers' decisions should not be influenced or seen to be influenced by the hope or expectation of future employment with a particular firm or organisation.

### **Ministers' involvement in legal proceedings**

97. Where Ministers become involved in legal proceedings in a personal capacity, there may be implications for them in their official position. Defamation is an example of an area where proceedings will invariably raise issues for the



Minister's official as well as his or her private position. In all such cases, Ministers should consult the Attorney General in good time and before legal proceedings are initiated so that the Attorney General may offer guidance on the potential implications and handling of the proceedings.

98. Similarly, when a Minister is a defendant or a witness in an action, he or she should notify the Attorney General as soon as possible. Preferably, this should be before he or she has instructed his or her own solicitors in the matter.

### **Party interests**

100. Ministers must not use the resources of Government or any statutory body or any resources or facilities provided at Government expense for Party political purposes. Ministers are advised that this is an act of corruption as defined in Section 44(g) of the Integrity Commission Ordinance 2008, and as such may be a criminal offence as well as a breach of this Code.

101. The rules concerning travel expenses for Party purposes are set out in paragraphs 90 and 93 above.

Ministers are responsible for ensuring that their Special Advisers do not use government resources for Party political purposes, as set out in Chapter 4 of this Code [Chapter on Special Advisers]

### **Ministers' local interests**

102. Where Ministers have to take decisions within their ministry which might have an impact on their own electoral districts, they must take particular care to avoid any possible conflict of interest. The Minister should advise their Permanent Secretary and if necessary remove them from involvement in the matter, or other arrangements should be made to avoid any conflict of interest.

103. Where a Minister receives a complaint from a resident of his or her electoral district against the Minister's own ministry, the Minister should ask a neighbouring MP to take up the case on his or her behalf.

104. Ministers are allowed to:

- a. Make their views about matters relating to their own electoral district known to other ministers by correspondence, leading deputations or by personal interview provided they make clear that they are acting as the representative of local people and not as a Minister.

105. Ministers are not allowed to:

- a. Use or cause to be used in party activities or work relating to their electoral district, facilities or property provided to them at Government expense to enable them to carry out their official duties;
- b. Incur any cost to the public purse in party activities or work relating to their electoral district;
- c. Use or cause to be used any official facilities and resources for the dissemination of material which is essentially party political.

106. Ministers are advised to take particular care in cases relating to planning applications or similar issues in their electoral district. In all such cases, it is important that they make clear that they are representing the views of local people, avoid criticism of Government policies and confine themselves to comments which could reasonably be made by those who are not Ministers. Once a decision has been announced, they should accept it without question or criticism.

### **Public appointments and involvement with public and non-public organisations**

107. When they take up office, Ministers should give up any other public appointment they may hold including religious appointments. Where exceptionally it is proposed that such an appointment should be retained, the Minister should seek the advice of their Permanent Secretary and the Integrity Commission.

108. Ministers should take care to ensure that they do not become associated with any public organisations whose objectives may in any degree conflict with Government policy and thus give rise to a conflict of interest.

109. Ministers should not therefore normally accept invitations to act as patrons of, or otherwise offer support to, pressure groups, or organisations dependent in whole or in part on Government funding. There is normally less objection to a Minister associating him or herself with a charity, subject to the points above. However, Ministers should take care to ensure that in participating in any fund-raising activity, they do not place, or appear to place, themselves under an obligation as Ministers to those to whom appeals are directed. For this reason, they should not approach individuals or companies personally for this purpose. In all such cases, the Minister should consult their Permanent Secretary and the Integrity Commission.
110. There is no objection to a Minister holding trade union membership but care must be taken to avoid any actual or perceived conflict of interest. Ministers should therefore arrange their affairs so as to avoid any suggestion that a union of which they are a member has any undue influence; they should take no active part in the conduct of union affairs, should give up any office they may hold in a union and should receive no remuneration from a union.
111. From time to time, the personal support of Ministers is requested for nominations being made for prizes and awards. Ministers should not sponsor individual nominations for any awards, since it would be inevitable that some people would assume that the Government was itself thereby giving its sponsorship.
112. Ministers should not normally, while holding office, accept awards or decorations from foreign countries.

### **Meetings with external organizations**

113. Ministers meet many people and organisations and consider a wide range of views as part of the formulation of Government policy. The duty of transparency on government means that the public should be aware of these meetings. Ministers will publish, at least annually, details of Ministers' external meetings.

### **Ministers' rights and responsibilities after leaving office**

114. Former Ministers must not act in such a manner as to take improper advantage of their office. They will be prohibited from lobbying Government

for two years after leaving office. They must also seek advice from the Integrity Commission about any appointments or employment they wish to take up within two years of leaving office. Former Ministers must abide by the advice of the Commission.

115. Former Ministers must also continue to observe their duties of confidentiality after they have left office. Ministers must honour any confidentiality requirements on classified documents in perpetuity, including after they leave office.
116. Former Ministers must submit any manuscripts of personal memoirs reflecting their experience in government for comment to the Head of the Public Service in good time in advance of publication.
117. At the Government's discretion, former Ministers are allowed reasonable access to the papers of the period when they were in office. Ministers may have access on government property to copies of Cabinet or Cabinet Committee papers which were issued to them when in office, and to other official papers which they are known to have handled at the time.

## Chapter 2: CODE OF CONDUCT FOR MEMBERS OF THE HOUSE OF ASSEMBLY

### Part I: Overview and enforcement of the Code

1. This Code applies to a Member's conduct in relation to their membership of the House. The Code does not seek to regulate the conduct of Members in their purely private and personal lives or in the conduct of their wider public lives unless such conduct significantly damages the reputation and integrity of the House of Assembly as a whole or of its Members.
2. The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural and other rules of the House of Assembly and the rulings of the Speaker, and to those which apply to Members falling within the scope of the Code of Conduct for Ministers.
3. Members should read and be conversant with this chapter of the Code and the entire Code of Conduct for Persons in Public Life, the TCI Constitution, the House of Assembly (Powers and Privileges) Ordinance *as amended* and the Standing Orders of the House of Assembly, the Integrity Commission Ordinance, the Public Finance Management Ordinance (especially as it relates to their financial responsibilities), the Public Service Ordinance; to abide by the overarching duties on House of Assembly members to generally comply with the law including international law and treaty obligations; to uphold the administration of justice, and to protect the integrity of public life. Members are expected to observe and uphold the **Seven Principles of Public Life** and be guided by the **Guide to identifying, avoiding and managing Conflicts of Interests** respectively set out as **Appendices A and B** to the Code of Conduct.
4. Members should be aware that a breach of the code under this Chapter or the Code of Conduct may also constitute an act of corruption or other criminal offence under the Integrity Commission Ordinance.

## **Part II: General and Specific obligations**

5. Members have a general duty to act in the interests of all the residents of the Turks and Caicos Islands and of the nation as a whole; and a special duty to their constituents.
6. By virtue of the oath, or affirmation, of allegiance taken by all Members when they are elected to the House, Members have a duty to be faithful and bear true allegiance to Her Majesty the Queen, her heirs and successors, according to law.
7. Members have a duty to uphold the law, including the general law against discrimination.
8. Members should act on all occasions in accordance with the public trust placed in them. They should always behave with probity and integrity, especially in their use of public resources.
9. Information that Members receive in confidence in the course of their duties in the House of Assembly should be used only in connection with those duties. Such information must never be used for the purpose of financial gain or to bring the House into disrepute. Members have a special obligation to protect the confidentiality of any classified documents and to follow the necessary security procedures in relation to them.
10. Members are personally responsible and accountable for ensuring that their use of any expenses, allowances, facilities and services provided from the public purse is in accordance with the rules laid down on these matters. Members shall ensure that their use of public resources is always in support of their duties in the House of Assembly. It should not confer any undue personal or financial benefit on themselves or anyone else, or confer undue advantage on a political organisation.

11. Members shall never undertake any action which would cause significant damage to the reputation and integrity of the House of Assembly as a whole, or of its Members generally. Members should behave with courtesy to each other.
12. Members must not accept any reward or benefits in kind which might influence or be seen as influencing the performance of their duties in the House of Assembly, as set out in Section 18 of the House of Assembly (Powers and Privileges) Ordinance. Members should note in particular that such an offence carries a potential fine of \$5,000 or imprisonment for three years or both.
13. Members of the House of Assembly must abide by the relevant provisions of the Constitution and the Integrity Commission Ordinance. In particular, Members are required to read and understand the requirements of these provisions and are reminded that breaches of these provisions will in many cases be a criminal offence as well as a breach of this Code.

### **Part III: Members' relations with public officers**

14. Members must not intervene in issues affecting a public officer's career such as recruitment, promotion, reward, discipline and dismissal or his or her assignment or allocation of responsibilities. Members are reminded that a breach of this code may also amount to a criminal act of corruption under the Integrity Commission Ordinance
15. Members must treat public officers with courtesy and respect.
16. Members must uphold the political impartiality and objectivity of the Public Service as set out in the Public Service Ordinance, and not ask or seek to

influence public officers to act in any way which would conflict with their duties or the ethical values as set out in that Ordinance. Public officers who believe members are asking them (or seeking to influence them) to act against their legal obligations, duties or values as set out in the Public Service Ordinance have a legal obligation, under that Ordinance, to report that to the relevant authority or authorities as set out in that Ordinance. Such a report of a Member is a protected disclosure against suffering any disadvantage under the Public Service Ordinance as well as the Integrity Commission Ordinance.



## Chapter 3: THE CODE OF CONDUCT FOR PUBLIC OFFICERS

### Overview and enforcement of the Code

1. The Public Service is a vital part of the Government of the Turks and Caicos Islands. Public officers have an overriding duty to act in accordance with the best interests of the Turks and Caicos Islands and not in their own private interests, as set out in Section 88 of the Constitution. Senior public officers, in particular, must demonstrate leadership and set an example to the Public Service as a whole. This Code of Conduct outlines the values required of the Public Service and what they mean in practice.
2. The statutory basis for the management of the Public Service is the Public Service Ordinance 2012 which gives more detail on the duties and obligations of the Public Service, disciplinary arrangements and the support and protection available to public officers in carrying out their duties in accordance with this Code of Conduct.
3. Certain obligations are also laid on senior public officers by the Integrity Commission Ordinance 2008, in particular in relation to declarations, gifts and acts of corruption.
4. Public Officers are expected to read and be conversant with this chapter of the Code and the entire Code of Conduct for persons in Public life as well as the TCI Constitution, the Integrity Commission Ordinance, the Public Finance Management Ordinance (especially as it relates to their financial responsibilities), the Public Service Ordinance ; abide by the overarching duties on Public Officers to generally comply with the law including international law and treaty obligations; uphold the administration of justice, and protect the integrity of public life. Public Officers are expected to observe and uphold the **Seven Principles of Public Life** and be guided by the **Guide to identifying, avoiding and managing Conflicts of Interests** respectively set out as **Appendices A and B** to the Code of Conduct

5. Public officers will be supported and protected in adhering to this Code. The statement of Governance Principles for the Turks and Caicos Islands requires that the Government shall ensure that the TCI Public Service implements policy in accordance with the rule of law and internationally accepted standards. The Government shall respect the integrity and impartiality of the Public Service and the Public Service shall be protected from partisan interference.
  
6. Where a public officer is instructed or otherwise believes that they are being required to act, whether by a senior officer, Minister or other person in authority, in a way that is;
  - a. illegal, improper, or unethical;
  - b. is in breach of this Code of Conduct, an accepted convention or a professional code;
  - c. may involve maladministration or;
  - d. is otherwise inconsistent with their duties and obligations under the Public Service Ordinance or Integrity Commission Ordinance.They must report it in accordance with procedures laid down in the appropriate guidelines or in accordance with the provisions of any relevant law, including the Public Service Commission Ordinance 2012 and the Integrity Commission Ordinance. In practice, this will normally mean reporting the matter to the Head of Department or Permanent Secretary, the Head of the Public Service or the Integrity Commission.
  
7. Public officers who make such reports are protected by Section 20 of the Public Service Ordinance and by the Whistleblower Protection provisions in the Integrity Commission Ordinance from any detriment in their employment as a result of making a report in good faith.
  
8. Public officers who fail to live up to the values in this Code and who contravene the statutory and other obligations upon them will be subject to disciplinary penalties up to and including dismissal, depending on the

nature of the case. Where their failure warrants it, they will be subject to criminal prosecution.

### **Values of the Public Service**

9. Public officers must carry out their duties with integrity, honesty and impartiality.
  - a. **Integrity** conjures up all that is good, whole, sound, upright, honest, noble and true and means putting the obligations of public service above personal interests.
  - b. **Honesty** means being truthful, open and incorrupt and using resources only for the authorized public purposes for which they are provided.
  - c. **Impartiality** means acting solely according to the merits of the case and serving governments of different political parties equally well regardless of personal political beliefs.
  
10. Public officers have a duty to uphold and promote the values set out in this Code of Conduct.

### **Role of the Public Service**

11. The role of the Public Service include but not limited to:
  - a. providing efficient services to the public on behalf of the Government with integrity, honesty and impartiality;
  - b. administering the services to the public for which the Government is responsible, with integrity, honesty and impartiality;
  - c. assisting with the formulation of the policies of Government by providing frank, honest, comprehensive, accurate and timely advice;
  - d. implementing the programme, policies and decisions of Government.

## **Recruitment, appointment and promotion on merit**

12. Recruitment, appointments and promotions in the Public Service are made on the basis of merit, performance, impartiality and integrity with consideration given where appropriate to seniority and experience.
13. Public officers must not solicit the intervention or influence of the Governor, Members of the House of Assembly, Ministers, members of a commission or prominent members of the community to support or advance their individual claims in the Service.

## **Ethical standard**

14. Public officers must maintain the highest ethical standards. This means they must make sound judgments based on the accepted principles of what is right and wrong. They must fulfil their duties and obligations responsibly and to the best of their ability. They must not ignore inconvenient facts or relevant considerations when providing advice or making decisions. They must not be reckless or negligent of foreseeable consequences for those likely to be affected by their actions. They must not act in a way that unjustifiably favours or discriminates against particular individuals or groups. They must not misuse their position and they must not act whether on duty or off duty in a way which brings the Public Service into disrepute.
15. Specific ethical standards may govern particular professions. Public officers in such professions must meet the professional ethical standards which apply.

## **Apolitical and professional**

16. The Public Service in Turks and Caicos Islands should be apolitical, impartial and professional. Public officers must base their advice and decisions on rigorous analysis of the evidence and always act in a way that deserves and

retains the confidence of all those with whom they have dealings. They must set out the facts and relevant issues truthfully and correct any errors as soon as possible. They must not deceive or knowingly mislead Ministers, the House of Assembly or others. They must take due account of expert and professional advice.

17. Public officers have rights of freedom of speech and independence in the conduct of their private affairs but they must not engage in campaigning on behalf of a political party, represent a political party or be a candidate for political office. They must comply with restrictions on their political activities to avoid any conflict of interest, or the appearance of a conflict of interest, in performing their official duties. They must not purport to speak on behalf of the government, for example to the media or on public occasions, unless authorized to do so and must not openly criticize their own organization, public policy or the government as a whole.

### **The rule of law**

18. Section 19 of the Constitution provides that all decisions and acts of the Government and of persons acting on its behalf must be lawful, rational, proportionate and procedurally fair. Public officers must therefore discharge their functions reasonably and in accordance with the law. They must comply with both the letter and spirit of the law, including international law and treaty obligations, and uphold the administration of justice. They must not exceed their powers or authority. They must follow lawful and reasonable directions from Ministers and senior officers, so long as these comply with the requirements of this Code.

### **Relationships with Ministers**

19. Public officers must be responsive to the Government in implementing the Government's legitimate policies and programmes. They must not frustrate the policies, directions or actions of the Government by declining

to take, or abstaining from, action which flows from lawful decisions, or by undue delay.

20. Section 21 of the Public Service Ordinance provides for cases where a Permanent Secretary disagrees with a course of action proposed by a Minister on grounds of propriety.

21. For their part, Ministers must treat public officers with courtesy and respect and uphold the political impartiality and objectivity of the Public Service as set out in Chapter (1) of this Code of Conduct.

### **Relationships within the Public Service**

22. Public officers must co-operate fully with other public officers to advance the public interest. All decisions on recruitment, appointment and promotion must be taken strictly on the basis of merit. Public officers must not abuse their positions as managers of other public officers or employees.

### **Conflicts of interest**

23. Senior public officers must comply with the provisions of Integrity Commission Ordinance relating to declarations and Section 145 of the Public Service Ordinance and the Public Service Handbook in relation to handling conflicts of interest. They must avoid both actual and apparent conflicts between their private interests and their official functions that may impact on the efficient and effective performance of their duties. Where a conflict of interest arises, public officers should either dispose of any financial interest giving rise to the actual or apparent conflict or take alternative steps agreed with their Permanent Secretary (or the Deputy Governor if the relevant public officer is a Permanent Secretary) to prevent such a conflict.

If in doubt the relevant officer should seek the guidance of the Integrity Commission.

- 24.**Public officers must not let their personal beliefs conflict with their official duties. Where such a conflict arises, a public officer should communicate the issue to their superior officer and abide by any direction given. Further guidance on conflict of interests is set out in Appendix B to the Code. Public officers are obliged to be guided by the **Guide to identifying, avoiding and managing Conflicts of Interests (Appendix B)**

### **Gifts and hospitality**

- 25.**Public officers must comply with the provisions the Integrity Commission Ordinance and the Public Service Ordinance relating to gifts and hospitality. Gifts, hospitality or other benefits, even where they are not covered by these provisions, should not be accepted where they might, or might appear to, influence the judgment and performance of a public officer in their official duties or to compromise their integrity. Public officers must not solicit gifts or hospitality in any circumstances and they must not attempt improperly to influence other public officers by gifts or hospitality.

### **Acts of corruption**

- 26.**Public officers must take particular note of the provisions of Part VI of the Integrity Commission Ordinance in relation to acts of corruption, including the duty to report any act of corruption of which they become aware. Public officers must avoid any action which might give an appearance of corruption or the possibility of corruption.

### **Use of public resources**

- 27.**Public officers must not misuse public funds and must ensure that public money and other resources are used properly and efficiently, without

waste. Contracts must be awarded after proper procedures and on the basis of an objective assessment of the public interest, in accordance with the provisions of the Public Finance Management Ordinance 2012 and Procurement Ordinance. Public officers must not use any public property for their own benefit or for any purpose other than that for which it is provided. Public officers must use their own work time, their skills and expertise effectively and efficiently for the purposes of their Ministries.

### **Dealing with the public**

28. Public officers must deal with the public and their affairs fairly, efficiently, promptly, effectively, courteously and sensitively, to the best of their ability. They should help the public understand their rights and obligations under the law and exercise a duty of care when giving information or advice. They must respond to requests, grievances and complaints and provide redress where appropriate.

29. Public officers must not discriminate in the provision of services on the basis of social standing, religious background, affiliations, gender, marital status, age, political opinion, disability, national origins, ethnicity, employment status or family status, except where such discrimination is specifically provided for by law.

### **Openness and confidentiality**

30. Public officers must keep accurate official records in a system which allows them to be accessed easily when required. Official records should only be destroyed in accordance with the procedures laid down in the Public Service Handbook. Public officers should handle information as openly as possible within the legal framework. Reasons for decisions should be given and information restricted only when wider public interest clearly demands this.



31. At the same time public officers must maintain confidentiality where required and not communicate classified or confidential information to an unauthorised person. They must not seek to frustrate or influence the policies, decisions or actions of Ministers or of the Government by the unauthorised, improper or premature disclosure outside the Service of any information to which they have had access as officers. They must not misuse information obtained at work for their own personal benefit. Public officers must follow the guidelines in the Public Service Handbook regarding the handling of information and confidentiality.

### **Accountability**

32. Public officers are accountable to the officer in charge of their department and through Ministers to the House of Assembly and ultimately to the public. They have an obligation to perform their official duties and arrange their private affairs in a manner that will bear the closest scrutiny and they must submit themselves to such scrutiny as is appropriate to their office.

33. Public officers may be called to give evidence before the House of Assembly in their official capacity in which case they appear on behalf of their Ministries and should answer in that capacity and not on the basis of their private opinions. Public officers who give evidence before the House of Assembly and its Committees should be as helpful as possible in providing accurate, truthful and full information.

### **Continuing obligations after leaving office**

34. The obligations under this Code of Conduct continue on leaving office. Former public officers must not solicit or accept any benefits in return for actions or omissions while they were still in the Public Service. They must not take improper advantage of their previous office. They must continue to observe their duties of confidentiality after they have left the Public Service.

35. Where there is any doubt as to whether a course of action is allowable under this Code of Conduct, a former public officer should consult the Integrity Commission before undertaking it.

## Chapter 4: CODE OF CONDUCT FOR SPECIAL ADVISERS

### Overview, and enforcement of the Code

1. This chapter of the Code provides guidance to Special Advisers on how they should conduct themselves in order to uphold acceptable ethical standards. The responsibility for the management and conduct of Special Advisers, including discipline, rests with the Minister who appointed them.
2. Special Advisers are employed to help Ministers on matters where the work of Government and the work of the Government Party overlap and where it would be inappropriate for public officers to become involved. Special Advisers are an additional resource for the Minister providing assistance from a standpoint that is more politically committed and politically aware than would be available to a Minister from the Public Service, who are bound by a duty of political impartiality.
3. Special Advisers however have a duty to serve the Government as a whole and not just their appointing Minister.
4. Special Advisers will not be paid a salary out of public funds; they will typically be paid for by the Government Party. Special Advisers, who are unpaid, or paid for by third parties, are also subject to this Code. All Special Advisers are expected to behave in a way that upholds the highest standards of integrity, honesty, and propriety.
5. Special Advisers are expected to read and be conversant with this chapter of the Code and the entire Code of Conduct for persons in Public life as well as the TCI Constitution, the Integrity Commission Ordinance, the Public Finance Management Ordinance (especially as it relates to their financial responsibilities), the Public Service Ordinance ; they should abide by the overarching duties on Special Advisers to generally comply with the law including international law and treaty obligations; to uphold the administration of justice, and to protect the integrity of public life. Special Advisers are expected to observe and uphold the **Seven Principles of Public Life** and be guided by the **Guide to identifying, avoiding and**

**managing Conflicts of Interests** respectively set out as **Appendices A and B** to the Code of Conduct

### **Status of Special Advisers**

6. All appointments of Special Advisers require the prior written approval of the Premier, and no commitments to make such appointments should be entered into in the absence of such approval. It is the responsibility of the appointing Minister however to furnish the Integrity Commission, for approval, with particulars of the funding arrangements for the remuneration of the Special Adviser.
7. Special Advisers' appointments end as soon as one of the following occurs: an election is called; the Administration which appointed them leaves office; or the Minister appointing them leaves the Government.
8. The Government will publish an annual statement to the House of Assembly setting out the numbers, names and appointing Ministers of all Special Advisers.
9. Special Advisers will not be paid a salary out of public funds.
10. The responsibility for the management and conduct of Special Advisers, including discipline, rests with the Minister who made the appointment. In managing and disciplining Special Advisers, Ministers must take account of the advice and recommendations of the Integrity Commission, Deputy Governor (as Head of the Public Service), and the Public Service Commission.

### **Nature of a Special Adviser's Work**

11. The nature of the work of a Special Adviser include:
  - a. reviewing papers going to the Minister, and giving advice on ministerial business, drawing attention to any aspect which they think has party political implications, and ensuring that sensitive political points are handled properly
  - b. checking facts and research findings from a party political viewpoint;

- c. preparing speculative policy papers which can generate long-term policy thinking within the Ministry, including policies which reflect the political viewpoint of the Minister's Party;
- d. contributing to policy planning within the Ministry, including ideas which extend the existing range of options available to the Minister with a political viewpoint in mind;
- e. liaising with the Party, to ensure that the Ministry's own policy reviews and analysis take full advantage of ideas from the Party;
- f. maintaining contact with Party members, Assembly members and officers, and helping to brief them on issues of Government policy;
- g. liaising with Party officers on Assembly matters;
- h. liaising with outside interest groups including groups with a political allegiance;
- i. speech writing and related research, including adding party political content to material prepared by public officers;
- j. representing the views of their Minister to the media including a Party viewpoint;
- k. providing expert advice as a specialist in a particular field

### **Conduct of Special Advisers**

12. Special Advisers are exempt from the general requirement on public officers that they should be appointed on merit and behave with political impartiality and objectivity. In all other respects they are required in the same way as public officers to observe and uphold the **Seven Principles of Public Life**, and abide by the **Guide on identifying, avoiding and managing Conflicts of Interests** set out respectively as Appendices **A** and **B** to the Code.
13. Special Advisers should conduct themselves with integrity and honesty. Like other public officers who are specified persons in public life, they are subject to the Integrity Commission Ordinance, and should pay particular attention to its requirements. In particular, they must not misuse their official position or information acquired in the course of their official duties to further their private interests or the private interests of others – to do so is an act of corruption under the Integrity Commission Ordinance, and as

such may be a criminal offence as well as a breach of this code. Special Advisers should not receive benefits of any kind which others might reasonably see as compromising their personal judgement or integrity. They are required to declare details of gifts and hospitality received in accordance with the rules set out in the Integrity Commission Ordinance. Ministries will publish on an annual basis, information about gifts and hospitality received by their Special Adviser(s).

14. Special Advisers' actions should not be influenced or seen to be influenced by the hope or expectation of future employment with a particular firm or organisation.
15. Special Advisers must declare to the Permanent Secretary an interest in relation to any case or application which comes before their minister or ministry officials. They must also declare to their Permanent Secretary an interest in relation to any case or application which comes before the minister or officials in other ministries, if they or their minister get involved in that case or application in any way.
16. Special Advisers must not deceive or knowingly mislead Parliament or the public.
17. Special Advisers must not, without authority, disclose official information which has been communicated in confidence in Government or received in confidence from others in the course of Government work.
18. The preparation or dissemination of inappropriate material or personal attacks has no part to play in the job of being a Special Adviser as it has no part to play in the conduct of public life. Any Special Adviser found to be disseminating inappropriate material will automatically be dismissed by their appointing Minister.

## **Special Advisers' relations with the Public Service**

19. In order to provide effective assistance to Ministers, Special Advisers should work closely with the ministry public officers, and establish relationships of confidence and trust. Special Advisers do not, however, have the authority to direct public servants to carry out a particular task or commit the Ministry to undertake a specific cause of action.
20. Where Special Advisers are having significant meetings, or activities within the Ministry or within the public sector to discuss policy or expenditure, either with public officers in other parts of government, or with outside stakeholders, a member of the public service should be present. Where such meetings arise without being planned, Special Advisers should inform officials in the Ministry that the meeting took place and give an outline of what was discussed.
21. Special Advisers must not use governmental resources for party political purposes, and should avoid anything which might reasonably lead to that perception. When working in a Ministry or other government premises, or using government resources, Special Advisers are there to serve the objectives of the Government and the Ministry. It is this which justifies their access to government resources, and explains why their participation in party politics must be regulated. (Using government resources for party political purposes is an act of corruption under the Integrity Commission Ordinance, Section 44(g), and as such may be a criminal offence, as well as a breach of this Code.)
22. Special Advisers must uphold the political impartiality of the public service and not ask or influence public officers to act in any way which would conflict with their duties of impartiality and objectivity as set out in this Code, the Public Service Ordinance, the Integrity Commission Ordinance or any other law in force in the Turks and Caicos Islands.
23. Special Advisers may, on behalf of their Minister:
  - a. convey to officials the Minister's views and work priorities, including on issues of presentation. In doing so, they must take account of public officers' workloads and any priorities the Minister has set;

- b. request officials to prepare and provide information and data, including internal analyses and papers;
- c. hold meetings with officials to discuss the advice being put to Ministers.

24. Special Advisers must:

- a. treat public officers with courtesy and respect;
- b. respect the public service's duty of impartiality, and the obligations of public officers to meet accepted professional standards in providing advice;
- c. keep ministry officials informed of their activity, including meetings with statutory bodies and boards, and external stakeholders.

25. Special Advisers must not:

- a. directly instruct public officers to carry out a particular task;
- b. ask or seek to influence public officers to do anything which is inconsistent with their obligations under the Public Service Ordinance or the ethical values as set out in that Ordinance, with particular reference to Section [II] of that Ordinance; nor ask or seek to influence public officers to do anything inconsistent with the Code of Conduct;
- c. behave towards permanent public officers in a way which would be inconsistent with the standards set by the ministry for conduct generally;
- d. authorise the expenditure of public funds, have responsibility for budgets, or any involvement in the award of external contracts;
- e. exercise any power in relation to the management of any part of the Public Service;
- f. intervene in issues affecting a public officer's career such as recruitment, promotion, reward, discipline and dismissal;
- g. exercise any statutory or prerogative power;
- h. Suppress or supplant the advice being prepared for Ministers by public officers, although they may comment on such advice.

If a Special Adviser significantly exceeds his responsibilities to the point which adversely affects the ability of the Ministry or its officers to perform their role, then this should be reported to the Deputy Governor. The



Deputy Governor has the authority, under this Code, to remove the Special Adviser from the building if he/she considers it appropriate and proportionate in the circumstances to do so.

26. Where a Special Adviser is uncertain about whether an activity is acceptable according to the Code, or the Integrity Commission Ordinance, he or she should seek advice in advance from the Permanent Secretary of the ministry or the Integrity Commission.
27. Where any public officer has concerns about any request coming from a Special Adviser, they should discuss that concern with their line manager, the Special Adviser concerned, or their Permanent Secretary. If a public officer feels for whatever reason that he or she is unable to do this then he or she may wish to raise the concern with the Integrity Commission or the Public Service Commission.
28. Public officers who believe they or other public officers are being asked or influenced to act against their duties or values as set out in this Code, the Public Service Ordinance or the Integrity Commission Ordinance or any other law in force in the Islands, have a duty, under these laws, to report this to the relevant authority or authorities. Special Advisers must recognise and respect this duty. Public officers are protected against suffering any disadvantage or detriment as a result of making such a report.

### **Special Advisers' relations with the media**

29. Special Advisers should not speak in public for their Minister or the Ministry.
30. Special Advisers are able, in background briefing to the media, to represent Ministers' views on Government policy with a degree of political commitment that would not be possible for public servants. Briefing on purely party political matters must be handled by the Party machine.
31. Special Advisers must not take public part in political controversy whether in speeches or letters to the Press or in books, articles or leaflets; and must observe discretion and express comment with moderation, avoiding personal attacks.

32. All contacts with the media should be authorised by the appointing Minister.
33. Special Advisers must not publish or broadcast personal memoirs reflecting their experience in Government while in government employment.

### **Special Advisers' relations with the Government Party**

34. Special Advisers provide assistance to Ministers on the development of Government policy and its presentation, and on liaison between the Government and the Governing Party. It is in the interests of Government that the Governing Party is properly informed about the development of policy; and also that the Governing Party have the opportunity to contribute ideas to policy development. Special Advisers have a legitimate role in both these areas, which they can discharge with a degree of party political commitment and association which would not be permissible for a public officer.
35. In all contacts with the Party, Special Advisers must observe normal Public Service rules on confidentiality unless specifically authorised, in a particular instance, by their appointing Minister.
36. In liaising between Government and the Government Party, Special Advisers must not use Government resources for party political purposes, and must uphold the political impartiality of the public service.
37. Special Advisers must not take part in the work of the Party's national organisation, and will resign on the announcement of a General Election.
38. Special Advisers may give advice and support to the Minister when the Minister is taking part in party political activities – including in internal party matters such as party elections – but must do while on leave or at times which do not interfere with their normal duties, for example, out of office hours and not on government premises.

## **Special Advisers' rights and responsibilities after leaving government employment**

39. On leaving government employment, Special Advisers are obliged to return any ministry or government documents or papers they have in their possession.
40. Special Advisers are required to submit an application to the Integrity Commission for any appointments or employment they wish to take up within two years of leaving government employment. Decisions on applications are taken by the Integrity Commission based on advice from the Permanent Secretary of the relevant ministry.
41. Any manuscripts for publication or broadcast which reflect Special Advisers' experience in Government must be submitted for comment to the Permanent Secretary of the ministry in which they worked, in good time in advance of publication.
42. Special Advisers must continue to observe their duties of confidentiality after they have left their employment as a special adviser. They continue to be bound by duties of confidentiality in relation to any classified documents in perpetuity.

## **Chapter 5: CODE OF CONDUCT FOR CHIEF EXECUTIVES, MEMBERS AND EXECUTIVE OFFICERS OF COMMISSIONS, STATUTORY BOARDS AND OTHER PUBLIC BODIES**

### **PART I: Overview and enforcement of the Code**

1. This Chapter of the Code of Conduct covers and regulates the conduct of Chief Executives, Board Members and employees of Public Bodies who are ***specified persons in public life*** as defined in the Integrity Commission Ordinance. It also sets out the framework and the standard benchmark to guide and inform policy formulations, procedures, practices and processes of the relevant Commissions, Statutory Boards and other Public Bodies (hereafter referred to as **“the Public Bodies”**).
2. Specified persons in Public life and their Public Bodies are required to read this chapter of the Code and the entire Code of Conduct for Persons in Public Life alongside the TCI Constitution, the Integrity Commission Ordinance, the Public Finance Management Ordinance (especially as it relates to their financial responsibilities), the Procurement Ordinance; to abide by the overarching duties on them to generally comply with the law including international law and treaty obligations; to uphold the administration of justice, and to protect the integrity of public life. They are also expected to observe and uphold the **Seven Principles of Public Life** and be guided by the **Guide to identifying, avoiding and managing Conflicts of Interests**, respectively set out as **Appendices A** and **B** to the Code.
3. Given the fact that there are a number of public bodies with their varying roles and functions, it is not possible to draw up a code that can be uniformly applied to all. Individual Public Bodies should be encouraged to formulate and make available to their entire organization, their own Code of Conduct based on the legislation establishing them as well as the guidance and benchmark in these pages that take account of their own particular characteristics and circumstances.
4. Specified Persons in public life and their Public Bodies should be aware that a breach of the Code under this Chapter or the Code of Conduct may also

constitute an act of corruption or other criminal offence under the Integrity Commission Ordinance.

## **Part II: General Duties of Specified Persons in Public life and their Public Bodies.**

### 5. Specified Persons in Public life:

- a. are bound by and should be committed to decisions legitimately taken by the boards of their Public Bodies;
- b. should provide quality advice or direction to their Public Bodies and thus must have a sound understanding of the organization's operation, keep their relevant skills and knowledge up to date and be conversant with relevant issues and trends;
- c. must act honestly and in good faith with the highest standard of due care and diligence in the performance of their duties;
- d. must in particular : -
  - I. exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances;
  - II. not delegate decisions, except as permitted by law;
  - III. not act under other direction, except as permitted by law;
  - IV. not act for their own benefit or for the benefit of any other third person; and
  - V. not act capriciously or unreasonably.
- e. should be aware of the role of the Board and other Organs of their Public Bodies
- f. should be aware of the role of the Minister and Ministry to which they report.

### 6. Specified Persons in Public life and their Public Bodies must at all times:

- a. observe the highest standards of propriety involving impartiality, integrity and objectivity in relation to the stewardship of public funds and the management of the Bodies concerned;
- b. maximize value for money through ensuring that services are delivered in the most economical, efficient and effective way, within available resources, and with independent validation of performance achieved wherever practicable; and

c. be accountable to the House of Assembly, users of services, individual citizens and employees for the activities of the Bodies concerned, their stewardship of public funds and the extent to which key performance targets and objectives have been met.

7. Specified Persons in Public Life and in particular members of the Boards:

- a. should ensure that the information provided to the relevant ministry and government in general, is sufficient to allow an evaluation of how well the organisation has fulfilled its objectives. The legislation governing each Public Body and other ministerial directives generally prescribe minimum level of information disclosure, but Specified Persons in Public life should ensure that the organisations reporting exceed these minimum requirements.
- b. should be well informed about the operations of the entity it governs;
- c. be well informed about the relevant regulations which govern the entity, including those governing the use of public funds;
- d. make appropriate arrangements for induction and training in conjunction with the relevant ministry;
- e. review their own performance and that of the organisation for which they are responsible;
- f. act in the best interest of the organization it governs. This in effect will mean that they should:
  - I. not present any sectional interest at the expense of the interest of the organization. In determining what are the best interests of the organisation, they shall have regard to the interests of its employees, its shareholders (in this case the government and the general public;
  - II. not misuse property held in a fiduciary capacity;
  - III. not place themselves in a position where their duty as specified persons in public life and personal interest conflict. Any such conflict must be resolved in favour of their duties as specified persons in public life;
  - IV. not promote personal interest by making or pursuing a gain in circumstances in which there is a conflict or a real or substantial possibility of a conflict, between their personal

- interest and those whom they are bound to protect (i.e. employees, government and the general public); and
- V. not misuse information gained in the course of their public service for personal gain or for political purpose, nor seek to use the opportunity of public service to promote their private interests or those of connected persons, firms, businesses or other organisations. Information should only be disclosed for the purposes of the exercise or performance of their functions, for the purposes of any legal proceedings pursuant to the requirements of any written law, or when authorized by the organisation.
  - g. should disclose personal interest in any matter before the board and abstain from any discussion or voting in relation to such matters. In considering whether a real danger of bias exists in relation to a particular decision, board members should assess whether they, a close family member, a person living in the same household, or a firm, business or organisation with which they are connected is likely to be affected more than the generality of those affected by the decision in question;
  - h. should be mindful of the requirement of the Integrity Commission Ordinance to file their declarations as and when due, as well as gift reporting requirements.

### **Part III: Corporate Responsibilities of Board Members**

8. It is also the responsibility of board members to:
- a. ensure that high standards of corporate governance are observed at all times. This entails that the following be in place:
    - I. ethical structures that provide assurance that there is consistent ethical behaviour throughout the organization (e.g. Code of Conduct);
    - II. internal accountability structures that provide assurance on internal controls and management of the organization;
    - III. external accountability and reporting structures that make the organization's performance visible; and

- IV. financial and resource management structures that provide assurance that those resources are being managed efficiently, effectively and ethically;
- b. insure that public bodies comply with all statutory or administrative requirements for the use of public funds;
- c. all major decisions involving any corporation's assets and their financing (annual operating and capital budgets, new project proposals and borrowing requests etc.) must be reviewed and approved by the board.
- d. establish the overall strategic direction of the organisation (through a Corporate Plan) within the policy and resources framework agreed with the relevant Minister and after consultation with management.
- e. ensure that the board operates within the limits of its statutory authority and any delegated authority agreed with the relevant ministry;
- f. ensure that all dealings with the public are conducted in an open, transparent and responsible manner.
- g. ensure that they can demonstrate that they are using resources to good effect, with propriety, and without grounds for criticism that public funds are being used for private, partisan or party political purposes.

#### **Part IV: The Workings of the Board**

- 9. Good practices for an effective board include:
  - a. A working partnership between the board and executive management, with the board providing the oversight and guidance and management responsible for the day to day operations;
  - b. A strong independent element on the board who are able to bring an objective view to board deliberations. Independence should be taken as independent of management and free from any business or other relationship which could materially interfere with the exercise of their judgment.
  - c. A board size small enough for effective decision making. To provide a more focused debate on important issues such as financial reporting, etc. various sub-committee's should be established; and
  - d. A chairman who ensures full discussion of agenda items at meetings.



10. Board Members should request in advance of a board meeting, the draft agenda, minutes of the previous meeting and the relevant information relating to matters to be discussed, well in advance.
11. Board meetings are the main forums for board members to fulfill their responsibilities, providing an opportunity to receive information, develop an understanding of important issues and influence the direction of the organisation. Board members should therefore fully understand their specific roles and responsibilities prepare well and actively participate in such meetings.
12. There are no set requirements as to how and when board meeting are to be conducted, beyond those of an organization enabling legislation and company law. The most important factor is to maintain an open and inclusive atmosphere.
13. The frequency of meetings will depend on an organizations specific situation, and on internal and external events and circumstances. As a general rule, full board meetings should be held no less than quarterly. Board committees may meet less frequently, perhaps three or four times a year, but again this will vary with circumstances.
14. The papers prepared for each meeting will vary depending on the organization, and the circumstances of the meeting itself. Basic papers seen as necessary to enable board members to play a useful part include:
  - a. the agenda (generally prepared or approved by the Chairman);
  - b. minutes of the previous meeting (usually provided by the Company Secretary);
  - c. the CEO s operational report, giving an overview of major events affecting the organization since the previous meeting;
  - d. the financial report, presenting up-to-date statements of operating profit or loss, cash flow and availability of finance; and
  - e. any other report relevant to the agenda facing the board.

## Accountability for Public Sector Resources

15. Board Members have a duty to ensure the safeguarding of public funds and resources. This can be taken to include all forms of receipts from fees, charges and other sources, and the proper custody of assets, which have been publicly funded. Appropriate measures should be taken to ensure that the organisation in question at all times conducts its operations as economically, efficiently and effectively as possible, with full regard to the relevant statutory provisions, including those under any standing Financial Instructions and any other line ministry directions.

16. Public sector resources fall into four categories, namely:

- **Assets and liabilities;**

Sound asset management requires that assets contribute to achieving the desired outcomes and be used at the optimal level. Furthermore, assets should be adequately maintained and protected against loss or damage through appropriate risk management initiatives. The cost of owning, operating and maintaining assets should also be minimized.

- **Human resources;**

Sound human resource management requires all roles and responsibilities to be clearly defined. Staff should have the appropriate skills to perform their job effectively and be given developmental opportunities.

Performance appraisals should be regularly undertaken to determine competency and required skills development. Furthermore, a succession plan for key positions should be in place and periodically reviewed.

- **Information;**

Sound management of information for decision making and service delivery requires public records to be properly kept and privacy of information (where required) to be maintained.

- **Finances;**

Sound management of finances requires the accounting processes to be efficient and effective. The administration of the organizations finances should be done in a timely and accurate manner.

Key to the accountability function of boards is the preparation of annual budgets outlining planned performance and the proposed allocation of available resources among the correcting priorities. These should be prepared annually along with a corporate plan, including a capital budget

and borrowing plan. Audited financial statements should also be prepared annually and presented to the board for approval.

17. Board Members should ensure that they receive periodic reports prepared by management that outline and explain how the corporation has performed relative to the objectives set out in the approved plan and the actual results for the period under review. The board should also request the CEO and management to provide additional information where necessary.
18. Underlying all of the above is also the responsibility of a Board of Directors to ensure the establishment of a system of internal controls that:
  - a. enable the business to identify, measure, monitor and respond appropriately to significant business, operational, financial and compliance risks;
  - b. safeguard assets from inappropriate use and loss from fraud or error;
  - c. ensure the quality of internal and external reporting through the proper maintenance of records and information flows; and
  - d. facilitate compliance with applicable laws and regulations and internal policies.

## **APPENDIX A**

### **The Seven Principles of Public Life**

*(These principles were developed by the UK Committee on Standards in Public Life in 1995. They have been adopted by Trinidad and Tobago, the Cayman Islands and elsewhere.)*

**1. Selflessness**

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

**2. Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

**3. Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

**4. Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

**5. Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

**6. Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

**7. Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **APPENDIX B**

### **Guide to identifying, avoiding and managing Conflict of Interests**

(Largely adapted from the “Principles of Integrity for Persons in Public Life and those exercising public functions” published by the Integrity Commission of Trinidad and Tobago.)

#### **What is Conflict of Interest?**

*A conflict of interest is deemed to arise if a person in public life or those exercising public functions, were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought reasonably to have known that in the making of the decision, there is an opportunity either directly or indirectly to further his private interest or that of a member of his family or any other person.*

The key question to consider in assessing whether an interest might create, or appear to create a conflict, is whether or not the interest creates an incentive to act in a way that may not be in the best interest of the government body in question. If the answer is yes, then a conflict of interest is seen to exist.

The existence of an incentive and whether or not the public might reasonably think that a person in public life would be influenced by it is sufficient enough to create a conflict. Whether or not a person would actually act upon the incentive is irrelevant.

#### **Identifying Conflicts of interest:**

In identifying conflicts of interest, focus should be placed on interests that are specific rather than generic (those held in common with the general public) in nature.

Two ways in which a conflict of interest, or the perception of it, can arise are:

- from the exercise of power or other influence in a way that does or could be considered to affect the value an interest held; or
- from using special knowledge acquired in the course of public duties in ways which bring benefit or avoid loss (or could arouse reasonable suspicion of this) in relation to private interests.

**Responsibility for avoiding a conflict:**

Ultimately, it is the responsibility of persons in public life to order their own private lives in such a way as to avoid criticism and to decide whether and what action is needed to avoid a conflict or the perception of a conflict. They should be able to defend that decision if necessary by accounting for it to the relevant authorities.

It is also the responsibility for those in a position to do so, to ensure that proper systems are established so that potential conflicts of interests are identified and managed. This is necessary in order to protect the decision-making integrity of the public bodies concerned and the public confidence in them.

**Procedure:**

The Integrity Commission Ordinance prescribes the procedures to be followed by all persons in public life with regards to the filing of declaration of assets, incomes and liabilities (covering themselves, their spouses and dependent children) and Statement of Registrable Interests (currently only for the House of Assembly Members)

While the Ordinance does not require the filing of interests based on those of family members or close personal links based on friendship or common memberships or organizations, these can be very influential and should be declared and managed in the same way as those of a person themselves, so as to avoid any possibility of misinterpretation and partisanship .

Where it is proper for a person in public life to retain a personal interest, that interest should be disclosed in accordance with the procedures prescribed under the Integrity Commission Ordinance or other relevant legislation. In particular, whenever there is a possible or perceived conflict of interest, a person in public life must disclose such interest in accordance with any prescribed procedure. This will include disqualifying himself from any decision-making process involving the interest in question.

**Types of Conflicts of Interests**

Conflicts of interest are likely to arise in the following situations and care should be taken to identify and manage any such conflicts.

- Directorships or other employment;
- Interests in business enterprises or professional practices;
- Share ownership;
- Beneficial interest in trusts;
- Existing professional association with a public body or personal association with a person in public office;
- Professional associations or relationships with other groups or organisations; or
- Family and other close relationships.

Persons in public office should scrupulously avoid any danger of an actual or apparent conflict of interest between their professional duties and their private interests. In order to avoid such a danger, they should be guided by the general principle that they should either dispose of any financial interest giving rise to the actual or apparent conflict or take alternative steps to prevent such conflict.

### Directorships

In considering whether a conflict of interest may exist, or appear to exist, a person in public life and those seeking to enter public life, should consider whether:

- the company of which they are currently a director, is in, or is in the process of entering into, a contractual relationship with the Government or any public body;
- the company, of which they are currently a director, is in receipt of Government assistance;
- their department or agency is in a regulatory relationship with the company;
- granting approval could give a rival business, including a government business enterprise, reasonable grounds for perceiving a conflict of interest to exist.

These considerations should be applied in relation to directorships in both public, private as well as charitable organisations, regardless of whether or not the position carries a remuneration or is honorary.

Best practice would have officers resign their previous position when taking up public office .

### Partnerships

Persons in public life, more specifically members of the House of Assembly and members of Boards of Public bodies, who are partners, whether in professional firms (e.g. attorneys- at- law, accountants etc.), or in other Businesses, should, on taking up office, cease to practise or to play any part in the day-to-day management of the firms affairs'

The above is not intended to require those to whom it applies to dissolve their partnership or to allow, for example, their annual practising certificate to lapse. Any continuing financial interest in a firm would however make it necessary for steps to be taken so as to avoid any involvement in relevant decisions that could be perceived as a conflict of interest.

### Non-public bodies

Those in public life should ensure that they do not become associated with non-public organizations whose objectives may in any degree conflict with Government policy and thus give rise to a conflict of interest. Those in public life should not accept invitations to act as patrons of, or otherwise offer support to pressure groups or organisations dependent in whole or in part on government funding.

### Trade unions and other professional organisations

Where membership in trade unions and other professional organisations are retained, those in public life should arrange their affairs so as to avoid any suggestion that a union or any other organization, of which they are a member, has any undue influence on their actions or decisions. Conflicts of interest can be avoided by taking no active part in the conduct of affairs, by resigning from any office held, and by not accepting any remuneration.

### Family relationships

When considering what constitutes a private or personal interest, consideration should also be placed on those interests held by family members, including spouses, partners (member of a couple who live together), parent, parent-in-law, son, daughter, step-son, step-daughter, child of a partner, brother, sister, grandparent, grandchild, uncle, aunt, nephew, niece, of a spouse or partner of any of the preceding people, and friends, as well as those arising through



membership in, or associations with, clubs, societies and other organisations including trade unions and other voluntary bodies.

### Government Contracts

The following situations give rise to conflicts of interest and should thus be avoided:

- knowingly and willingly, directly or indirectly, being a party to a contract with the Government or any public body; and
- having an interest, whether directly or indirectly (through family, friends or other associations), in a company that is a party to a contract with the Government or any public body.

### **Mechanisms for avoiding or managing the conflicts of interest**

The various methods that can be used for dealing with conflicts of interest include:

- Divestment;
- Blind trusts -where investments are placed into a blind trust, it must be remembered that it could be assumed that knowledge of the contents of the portfolio would exist for a period after its creation. The protection that a trust offers against conflicts of interest is therefore not complete and those in question should consider refraining from dealing in the relevant investments for a period of time.
- Severing connections;
- Confidentiality agreements;
- Declaration of interests- the principles of disclosure should be applied to both formal meetings such as sittings of the Cabinet, House of Assembly Public Service Management meetings, Board meetings and other such meetings at which the respective person is present as well as in unofficial relations with those concerned; and
- Withdrawal and abstaining from discussions and voting.