

Chapter 7

Principle 7: A Code of
Conduct for Public Sector
Ethics

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7.1 Code of conduct for public servants in St Vincent and the Grenadines

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Overview

Codes of conduct provide guidance on ethical conduct and regulate the behaviour of public servants and other public officials. The public service provides a critical service to the public, such as formulation and implementation of public policies. Public servants exercise authority and manage public resources, and their actions therefore directly affect the public and the confidence the public has in the government.

The public demand high standards of behaviour and ethical conduct from public servants. All public servants have a part to play in earning public respect for government and in ensuring the public maintain confidence in the institutions of government. A code of conduct helps regulate ethical behaviour. This framework is based on the St Vincent and the Grenadines code of conduct.

7.1.1 Introduction

Serving the public

Serving the public is both a privilege and a responsibility. Public servants have the opportunity, through their work, to contribute to the development of St Vincent and the Grenadines, the flourishing of Vincentian society and the well-being of the public. Conversely, if the work of public servants falls short of acceptable standards, the impact on the country and on the public's quality of life can be severe.

The public service exists to safeguard and promote the interests of the citizens of St Vincent and the Grenadines. It is paid for by, works on behalf of and is accountable to the public. Citizens are entitled to put their trust in public servants. Such trust from the public is critical if public servants are to carry out their responsibilities effectively, and it is therefore crucial that public servants behave in ways that warrant this trust.

The primary responsibility of each public servant is to serve the public effectively and according to high ethical standards. They owe this responsibility to all members of the public, and especially to the most vulnerable. Public servants may fulfil this duty either as individual public servants serving individual members of the public directly or as public servants working collectively to provide a service to the public.

In order to assist public servants in performing this responsibility, this code of ethics sets out the minimum standards of behaviour required of public servants in the conduct of their work. It was produced following extensive consultation with public servants and with stakeholders in their work.

The purposes of the code of ethics

The code of ethics has the primary purpose of providing guidance to public servants on particular aspects of their work. All public servants should be familiar with its contents and should refer to it when faced with an ethically difficult situation.

In addition, however, the code is there to provide support for public servants who are under pressure to act unethically. By setting out objective standards to which all public servants are expected to conform, the code empowers public servants to resist this pressure. No public servant should be put under pressure to act contrary to the principles in this code, and any public servant who feels they are being put under such pressure should seek advice using the channels listed below.

Finally, the code has the purpose of advertising to the public the ethical standards they are entitled to expect from public servants, and to assist the public in holding public servants to account for achieving those standards. The code also sets out the appropriate channels through which concerns should be raised.

Scope

This code of ethics applies to anyone who is paid from public funds, at any level or rank, whether full- or part-time, temporary or permanent or directly employed or employed on a contractual basis. For the purposes of the code, all such people are considered 'public servants'. The term 'civil servant' is also sometimes used to refer to someone who works for a government department or agency, and who does not work in the separate services of health, education or law enforcement. All civil servants are also public servants.

Application

The principles in the code apply primarily to the behaviour of public servants in the performance of their duties. However, they should also be taken to

apply to their behaviour outside of work, where that behaviour is likely to affect their ability to perform their duties effectively and to high ethical standards.

The principles set out in the main section of the code apply equally to all areas of the public service, unless stated otherwise. Because they need to govern behaviour in a wide variety of work contexts, the principles are universal in their application. All public servants have a duty to familiarise themselves with the contents of the code, and must take responsibility for understanding and applying the principles in their general conduct.

7.1.2 Philosophical and contextual framework

Legislative and regulatory background

The conduct of public servants is subject to requirements set out in both the Civil Service Orders and the Public Service Commission Regulations.

The values and principles in this code of ethics are not intended to supersede the requirements set out in either the Civil Service Orders or the Public Service Commission Regulations, or any existing legislation or regulations, nor to be in conflict with them. Instead, the ethical values and principles in the code of ethics support the legal and regulatory requirements and show why they are important. In turn, the legal and regulatory documents give the code its authority and set out those requirements whose breach may lead the public servant to be considered guilty of misconduct and to be subject to disciplinary proceedings accordingly. The possible penalties for public servants who are found guilty of misconduct are summarised below.

All public servants must make themselves familiar with the requirements of the Civil Service Orders, the Public Service Commission Regulations, the Finance Administration Act and all other legislation and regulations that apply to their work, and must abide by them at all times.

The different branches of the public service

Public servants work in a number of specialised areas. Each of these has its own set of ethical requirements. This is because each area has its own challenges, and there are ethical issues that are specific to particular areas or that arise in different ways in different areas. Each public servant must therefore apply the principles in this code of ethics to the context in which he or she is working.

Because of the unique issues in different branches of the public service, the work of many public servants is also subject to requirements set out in legislative and regulatory frameworks specific to their area of work. This code of ethics is designed to complement, rather than conflict with, these other

requirements. The relevant requirements for different branches of the public service are contained in the following documents:

Teaching: Education Act (2006)

Health and environment: Medical Officers Act (1956)

Security and law enforcement:

- Police Act (1947)
- Prisons Act (1967)
- Port Officers Act (1906)
- Customs (Control and Management) Act (1999)
- Saint Vincent and the Grenadines Port Authority Act (1987)

Other/general:

- Finance Administration Act (2004)
- St Vincent and the Grenadines Postal Corporation Act (2002)
- Income Tax Act (1979)
- Eastern Caribbean Supreme Court Act (1970)
- The Magistrates Act (1912)

7.1.3 Ethical principles governing the conduct of public servants

Principle 1: Impartiality and objectivity

For the public service to operate effectively, the public must be served, and information and advice must be provided, in a way that is objective and unaffected by any personal or political interest that public servants may have. It is important to the success of democratic institutions that government policies are implemented and not obstructed, and also that ministers have access to unbiased expert advice, so that they can make informed decisions. Public servants are then obliged to carry out government decisions with professionalism and integrity.

Public servants are required to be politically neutral in the exercise of their duties. While many public servants will inevitably have their own political beliefs, these beliefs, and particularly any party-political considerations, should never affect the impartiality of their decisions.

- Public servants should conduct themselves, in and out of office, in ways that allow them to serve the whole of society effectively. In particular, they should not allow their personal views or beliefs, political, religious or otherwise, to prevent them from performing their duties fairly and effectively.

- Civil servants in particular should act in such a way as to earn the confidence of ministers, while at the same time ensuring they will be able to establish the same relationship with those whom they may be required to serve in a future government.
- Public servants should provide information and advice that conforms to the available evidence and that accurately represents their best judgement on the matter in hand.
- Public servants must declare and resolve any conflicts of interest they may have. A conflict of interest occurs when some private interest of the public servant or of their family, friends or associates can reasonably be seen to threaten to impair their ability to exercise their duties fairly and effectively. If necessary, public servants should remove themselves from particular roles and responsibilities in order to resolve conflicts of interest.

For example, a conflict of interest can arise if 1) a public servant or a member of his or her family is the supplier or contractor to a ministry, department or agency; 2) a customs officer has declared goods for his or her firm or that of his or her family; or 3) a police officer is tasked with apprehending a suspect who is a family member or close associate. In such instances, and all other instances of conflict, public servants must declare their conflict of interest to their line manager, who will decide on the best course of action.

The rules governing the declaration of private interests are set out in the Civil Service Orders Sections 3.5–3.7.

Principle 2: Fairness and equity

Members of the public have a right to expect that they will be treated fairly by public servants, and will receive the same standard of service from any public servant with whom they may interact. Public servants must treat each other fairly too, and this extends to processes and procedures within the public service. Processes and procedures that are not carried out fairly can result in a number of problems. For example, if promotions are subject to bias, this will result in people being unfairly passed over, and in some cases in public servants not being competent to perform their function.

- Public servants should treat the public fairly and equitably at all times. In particular, they should not discriminate based on the political persuasion, religion, race, economic or social background, gender or sexual orientation of members of the public.
- Public servants should treat each other fairly and equitably and in particular should not discriminate based on political

persuasion, religion, race, economic or social background, gender or sexual orientation.

- All processes and procedures within the public service, including appointments, promotions and disciplinary procedures, should be carried out in a way that is fair and equitable. In particular, they should be free of favouritism, nepotism or political patronage.

The processes for appointments, promotions, transfers and termination of appointment are set out in Chapter 2 of the Civil Service Orders, and in Parts 2, 3 and 4 of the Public Service Commission Regulations. Disciplinary processes are set out in Part 5 of the Public Service Commission Regulations and Articles 108-21 of the Police Regulations.

Principle 3: Honesty and openness

The effectiveness of the public service depends on a free flow of accurate information between public servants, between departments and between public servants and members of the public. The public service should develop a culture which empowers its members to be open and honest, which includes raising any ethical concerns they may have. Responding to ethical concerns as they are raised will allow issues to be dealt with before they become unmanageable. If public servants conduct themselves in an open and honest way, the public will be able to trust them better. The duty to be open and honest must be constrained by due respect for confidentiality.

- Public servants must provide information promptly when asked, unless confidentiality concerns apply.
- Public servants must tell the truth at all times and must not seek to deceive other public servants or members of the public. They must own up to any mistakes they have made, and correct any material errors as soon as possible.
- Public servants should raise any ethical concerns they have, using the channels set out below.
- Leaders in the public service have a responsibility to listen to and, if warranted, act on the concerns of their subordinates.

Principle 4: Confidentiality and privacy

Confidentiality is a central ethical concern in all societies, but even more so in a small society like St Vincent and the Grenadines, in which leaked personal information about an individual is much more likely to reach someone who knows that individual personally. The effect of personal information becoming public can be devastating to individuals, for example if that information is used against them. The leaking of confidential personal information is a betrayal

of the trust that individuals place in public servants when they provide that information for use for legitimate purposes. Such behaviour does not just undermine trust between individuals but the wider trust of the public as a whole in the public service, trust on which public servants depend in order to carry out their roles effectively.

- Public servants must not disclose any confidential information unless they are legally required to do so.
- Public servants must exercise diligence in ensuring that confidential information is not accidentally leaked.
- Public servants must not use information acquired in the course of their official duties to further their personal interests or those of others, or to further the interests of any political party or other interest group.
- Public servants must respect the privacy of other public servants and of members of the public.

Principle 5: Responsibility and accountability

For the public service to be effective, public servants must act responsibly and take responsibility for their work. In addition, unethical activity will go unchecked unless public servants are willing to document concerns and report them via the appropriate channels. The primary purpose of reporting unethical behaviour is not to cast blame on individuals but to assist the public service as a whole in raising standards. The responsible use of public resources is also an important concern, because these resources are often scarce, and are the property of the whole public. Public servants should see themselves as stewards of public resources on behalf of the public.

- Public servants should take personal responsibility for their levels of productivity and for the quality of their work.
- Public servants should take personal responsibility for the factual accuracy of any statement with which they are associated.
- Public servants should take personal responsibility for serving members of the public. If they are unable to provide a particular service to which a member of the public is entitled, they should nonetheless take personal responsibility for ensuring that the member of the public is able to access the service in the appropriate way.
- Public servants should use public resources responsibly, should not waste resources and must not misuse public resources.

- If a public servant is aware of another public servant acting illegally or unethically, they should follow the appropriate channels in order to make their concerns known. These are listed in Section 4 of this code.
- Public servants must not seek to intimidate or silence individuals who wish to raise a concern, and must not threaten or victimise individuals who have raised concerns.
- Public servants should recognise that there is a chain of command and should show respect for lines of authority at all times.

Principle 6: Competence and diligence

Competence and diligence are ethical issues because the public is entitled to expect a high standard of service from public servants. A public service in which public servants are not reliably competent to perform their duties will be ineffective and will have a detrimental effect on Vincentian society and the ability of the public to be served effectively.

- Public servants must perform their duties diligently and with due rigour and accuracy.
- Public servants must be competent to perform their duties, and must not act outside of the bounds of their competence, unless they are appropriately supervised.
- Public servants should maintain their level of competence in the area in which they work, and ensure they are up-to-date with developments in their field.
- Leaders have a responsibility to ensure that public servants in their team or department are properly trained to perform the duties required of them.
- Public servants must turn up to work promptly at the agreed time, and must work their full contracted hours.
- Public servants should dress appropriately for the work they perform.
- It is the responsibility of leaders to define and clearly communicate appropriate hours of work and dress codes in their teams or departments, and to hold public servants to account for fulfilling these requirements.

Principle 7: Integrity and respect

Integrity for public servants involves being motivated by the values of public service and not by personal interests, temptations or pressures to act unethically.

Both the public and other public servants have the right to be treated courteously and with respect at all times.

- Public servants must comply with the law and with all applicable regulations.
- Public servants should perform their duties effectively and maintain high ethical standards regardless of temptations or pressure to act otherwise.
- Public servants must not accept gifts or incentives, whether monetary or otherwise, in exchange for carrying out their official duties.
- Public servants should have regard to any personal relationships they may have with other public servants or with members of the public, especially those with whom they also have a direct professional relationship, and should ensure that these relationships do not interfere with their ability to perform their duties effectively.
- Public servants must at all times treat the public with respect and courtesy regardless of their personal feelings.
- Public servants must at all times treat other public servants with respect and courtesy. In particular, they must not bully, intimidate or harass other public servants.

7.1.4 Enforcement

Types of breach and possible penalties

Public servants may find themselves subject to disciplinary action if they breach any provision of the Civil Service Orders, the Public Service Commission Regulations, the Finance Administration Act or any other legislation or regulations governing their work. Any such breach may be considered to be misconduct as described in Section 3.27 of the Civil Service Orders. The various types of breach are set out in Part 5 of the Public Service Commission Regulations.

Public servants who are guilty of misconduct may be liable to penalties ranging from a reprimand, through a fine or reduction in rank, to dismissal from the service. Part 5 of the Public Service Commission Regulations sets out the possible penalties in full, as well as the types of breach that may lead to each penalty being imposed, the procedure for reporting possible breaches, the procedure for referring cases of possible criminal misconduct and the procedure by which disciplinary tribunals are to be carried out. Special procedures for the discipline of police officers are set out in Articles 108–21 of the Police Regulations.

Responsibility for enforcement

Responsibility for monitoring and ensuring adherence to the Code of Ethics lies with line managers in the first instance, and ultimately with permanent secretaries and heads of department. Responsibility for instituting disciplinary action and applying penalties as appropriate lies with the following bodies:

- The Police Service Commission for police officers;
- The Judicial and Legal Service Commission (based in Saint Lucia) for judicial and legal officers;
- The Public Service Commission for all other public servants.

Managers and supervisors in the public service must actively monitor and maintain standards in the performance and conduct of their subordinates. In the first instance, it is their responsibility to deal with any failure to adhere to these standards. If they have reason to believe a public servant is persistently and materially in breach of the code of ethics, and they have exhausted all means available to them to deal with the matter, they must make a report *in writing* to the relevant permanent secretary or head of department. At the same time as doing so, they must also give a copy of the report to the public servants about whom the report has been written. Permanent secretaries and heads of department must then give the officers concerned a chance to respond to the report in writing.

In the case of non-pensionable officers, permanent secretaries and heads of department are responsible for carrying out an investigation and disciplining the person where necessary. In the case of pensionable officers, if they are satisfied that a breach has occurred, permanent secretaries and heads of department are required to make a *written* report on this matter to the chief personnel officer for onward submission to the relevant service commission, including either 1) any written response they have received from the officer concerned or 2) in the case where the officer has declined to make a written response, evidence that the officer has seen and read the report. The permanent secretary or head of department has responsibility for investigating alleged wrongdoing and for submitting the findings of their investigation to the service commission. The service commission then has the responsibility for instituting disciplinary proceedings where necessary. Disciplinary procedures are set out in detail in Part 5 of the Public Service Commission Regulations and Articles 108–21 of the Police Regulations.

What to do if you have concerns

Public servants who are unsure about their responsibilities, are concerned they are being put under pressure to act contrary to the code of ethics or would like advice or guidance on any other aspect of the code should seek

the advice of their manager, supervisor, head of department or relevant permanent secretary, depending on the nature of the issue.

Public servants who have reason to believe that a fellow public servant is acting unlawfully or unethically should report this to their manager, supervisor, head of department or relevant permanent secretary as appropriate.

Members of the public who have reason to believe that a public servant's behaviour is falling short of the standards set out in the code should contact the relevant head of department. Heads of department should deal with such complaints by members of the public in exactly the same way as reports from managers and supervisors as described in the section above.

In the case of issues involving police officers, members of the public should contact the Police Public Relations and Complaints Department.