



## MINISTRY OF ENVIRONMENT AND FORESTRY

### CLIMATE CHANGE (CODE OF CONDUCT AND CONDUCT FOR DOING BUSINESS) REGULATIONS

#### ARRANGEMENT OF REGULATIONS

1. Citation and commencement
2. Interpretation
3. Application of Code

#### PART II – CODE OF CONDUCT FOR MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL AND THE MEMBERS OF STAFF UNDER THE CLIMATE CHANGE ACT

4. General Code
5. Rule of Law
6. Public Trust
7. Protection of the environment
8. Performance of duties
9. Professionalism
10. Integrity and honesty
11. Confidentiality
12. Teamwork
13. Accountability
14. Impartiality
15. Abuse of Power
16. Guidance when acting for foreigners
17. Falsification of records
18. Use of technology
19. Conduct of private affairs
20. Participation in political affairs
21. Care for public property
22. Financial integrity and Unlawful Enrichment
23. Gifts or benefits
24. Participation in procurement processes
25. Stakeholder relationships
26. Conflict of Interest
27. Giving advice
28. Compliance with laws and Regulations
29. Non-discrimination
30. Sexual Harassment
31. Public Participation
32. Declaration of Income, Assets and Liabilities
33. Enforcement of this Code
34. Disciplinary procedure
35. Complaints and Investigations
36. Contravention of this Code
37. Review of this Code



## **PART III – CONDUCT OF DOING BUSINESS FOR THE NATIONAL CLIMATE CHANGE COUNCIL**

38. The Role of the Council
39. Duties of Council Members
40. Duties of the Chair of the Council
41. Duties of the Vice-Chairperson
42. Duties of the Secretary to the Council
43. Separation of Roles
44. Meetings and Quorum at meetings
45. Notice and Venue of meetings
46. Conduct of Council Meetings
47. Attendance of meetings by members
48. Appointment and removal of Alternate
49. Minutes and record keeping
50. Decisions of the Council
51. Committees of the Council
52. Council members' remuneration
53. Council Evaluation and Performance Management
54. Council Independence
55. Transparency and disclosure
56. Financial Reporting
57. Accountability, Risk Management and Internal Control
58. Procurement process
59. Ethical leadership and corporate citizenship
60. Stakeholder Relationships
61. Council Charter

## **PART IV – FORMS UNDER THE REGULATIONS**

62. Use of Forms

## **PART V – SCHEDULES**

### **PART I – PRELIMINARY PROVISIONS**

#### *Regulation*

1. Citation and commencement

This Code may be cited as the Climate Change (Code of Conduct and Conduct of Doing Business for the Climate Change Council and Members of Staff under the Climate Change Act) Regulations, 2020

2. **Interpretation**

In this Code, unless the context otherwise requires:

“**Act**” means the Climate Change Act, 2016;

“**Council**” means the National Climate Change Council established under section 5 of the Act;

“**Directorate**” means the Climate Change Directorate as established under section 9 of the Act;

“**Officer**” means a Member of the National Climate Change Council or a member of staff under the Act

3. **Application of Code**



This Code shall apply to:

- (1) Members of the National Climate Change Council; and
- (2) Members of staff under the Act.

## **PART II – CODE OF CONDUCT FOR MEMBERS OF THE NATIONAL CLIMATE CHANGE COUNCIL AND THE MEMBERS OF STAFF UNDER THE CLIMATE CHANGE ACT**

### **4. General Code**

- (1) This Part prescribes the general Code for Officers under the Act
- (2) Unless otherwise provided in these Regulations, the provisions of the Public Officer Ethics Act (No. 4 of 2003) shall form part of this Code.
- (3) If any provision of these Regulations is in conflict with any Act of Parliament that prescribes a code of Conduct for Public Officers, the provisions of these Regulations shall prevail.

### **5. Rule of Law**

- (1) All Officers shall respect and abide by the Constitution of Kenya, and the Laws of Kenya.
- (2) All Officers shall conduct their affairs and duties in accordance with the Law
- (3) In carrying out their duties, all Officers shall not violate the rights and fundamental freedoms of any person unless otherwise expressly provided for in the law and in accordance with Article 24 of the Constitution.

### **6. Public Trust**

The position held by the Officers is a position of public trust and the authority and responsibility vested in an Officer shall be exercised by the Officer in the best interest of the environment, Climate Change, the Ministry and the people of Kenya in General.

### **7. Protection of the environment**

In the performance of their duties, every Officer shall conduct their affairs in a manner consistent with the Constitution requirements on environment conservation

### **8. Performance of duties**

Every officer shall ensure that they perform their duties as [prescribed under the Act, any Regulations to the Act and as per their contracts of employment or appointment.

### **9. Professionalism**

An Officer shall –

- (a) Maintain high standards of performance as expected by their office;
- (b) carry out duties of the office in a manner that maintains public confidence in the integrity of the office;
- (c) treat members of the public and other public officers with courtesy and respect;
- (d) if an Officer is a member of a professional body, observe and subscribe to the ethical and professional requirements of that body including attending any trainings on continuous professional development.

### **10. Integrity and honesty**

Every Officer shall:

- (1) Conduct themselves in a manner that maintains confidence in the integrity of the Office.
- (2) At all times in the conduct of their official business provide information that accurate and that represents the true state of events.
- (3) Report truthfully on all matters of the Ministry which they represent.



- (4) Should an officer provide any information that is not a true representation of events, the officer shall be liable for misconduct under these Regulations and shall be subject to disciplinary action in accordance with section 35 of these Regulations.

#### **11. Confidentiality**

- (1) Every Officer shall ensure all information and/or documents relating to their office is adequately protected from improper or inadvertent disclosure.
- (2) Every Officer shall not directly or indirectly use or allow any person under the Officer's authority to use any information obtained through or in connection with the office, which is not available in the public domain, for the furthering of any private interest, whether financial or otherwise.
- (3) The provisions of subsection (2), shall not apply where the information is to be used for the purposes of—
  - (a) furthering the interests of the Act or these Regulations; or
  - (b) educational, research, literary, scientific or other purposes specified by the Act, any environment related legislation; or other purposes not prohibited by law.

#### **12. Teamwork**

All Officers shall maintain teamwork for purposes of meeting the Climate Change Action Plan as well as any other Climate Change Agenda as shall be prescribed from time to time.

#### **13. Accountability**

Every Officers shall carry out the duties in a transparent and accountable manner.

#### **14. Impartiality**

In making any decisions and carrying out their day-to-day duties, every Officer shall carry out their duties impartially and shall not allow family, social, political, economic or any other factors to influence their conduct or judgment.

#### **15. Abuse of Power**

Every officer shall be required to refrain from engaging in any activity that may amount to abuse of office.

#### **16. Guidance when acting for foreigners**

- (1) An Officer shall not be an agent of, or further the interests of a foreign government, organization or national in a manner that may be detrimental to the security interests of Kenya, except when acting in the course of official duty.
- (2) For purposes of this section:
  - (a) A foreign national means any person who is not a citizen of Kenya;
  - (b) An organization is a foreign organization if it is established outside Kenya or is owned or controlled by a foreign government, organization or individual.

#### **17. Falsification of records**

Every Officer shall:

- (1) Not falsify any records;
- (2) Accurately and honestly present information to the public

#### **18. Use of technology**

- (1) Every officer shall use technology in the performance of their duties, including generation and storage of data.
- (2) Every officer shall ensure that such use of technology under section (1) shall not breach any confidentiality protocols established by the Council.

#### **19. Conduct of private affairs**

Every Officer shall:



- (1) Conduct their private affairs in a manner that maintains public confidence in the integrity of the office.
- (2) In conducting their private affairs, pay any taxes due from them within the prescribed period.
- (3) Not use or lend the prestige of their office to sanction or endorse his or her own private affairs or the private activities of any other person.
- (4) Ensure their private affairs do not interfere with their official duties and run the risk of conflict with their official duties.

## **20. Participation in political affairs**

An officer shall at all times and in the conduct of their official duties, maintain political neutrality at all times and shall not act in a manner that may compromise or be perceived to compromise their neutrality.

## **21. Care for public property**

- (1) An Officer shall:
  - (a) Take all reasonable steps to ensure that public property in the Officer's custody, possession or control is taken care of and is in good repair and condition.
  - (b) Not use public property, funds or services that are acquired in the course of or as a result of the official duties, for activities that are not related to the official work of the Officer.
  - (c) Return to the issuing authority all the public property in their custody, possession or control at the end of the appointment, or election term.
- (2) Any Officer who contravenes subsection (b) or (c) shall, in addition to any other penalties provided for under the Constitution, this Act or any other law be personally liable for any loss or damage to the public property.

## **22. Financial integrity and Unlawful Enrichment**

Every Officer shall:

- (1) Not use his or her office to unlawfully or wrongfully enrich himself, herself or any other person.
- (2) Not seek or accept a personal loan or benefit that may compromise his or her integrity.
- (3) Live within their means and shall not incur any financial liability that they cannot satisfy.

## **23. Gifts or benefits**

- (1) A gift or donation given to an officer in their official capacity shall be treated as a gift or donation to their office.
- (2) Notwithstanding sub-paragraph (1), an officer may receive a gift given in their official capacity provided that—
  - (a) the gift is within the ordinary bounds of propriety;
  - (b) the gift is an ordinary expression of courtesy or protocol, or within the ordinary standards of hospitality;
  - (c) the gift is not in monetary form;
  - (d) the value of that gift does not exceed twenty thousand shillings or such value as may be prescribed by the Ethics and Anti-Corruption Commission from time to time;
  - (e) the offer and receipt of the gift is done with utmost transparency and openness;
  - (f) the offer and receipt of the gift is not done in secrecy or exclusivity of the donor and recipient; and
  - (g) the person making the offer is present at the time of presentation.
- (3) Without limiting the generality of sub-paragraph (2), an officer shall not—
  - (a) accept or solicit gifts, hospitality or other benefits from a person who:-



- (i) has an interest that may be achieved by the carrying out or not carrying out of the officer's duties;
  - (ii) carries on regulated activities with respect to which the Council or Directorate has a role; or
  - (iii) has a contractual or legal relationship with the public entity;
- (b) accept or offer gifts of jewelry or other gifts comprising precious metals or stones, ivory or any other animal part protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora; or
  - (c) any other type of gift specified by the Ethics and Anti-Corruption Commission or the Public Service Commission.
- (4) An officer shall not receive a gift which is given with an intention of compromising their integrity, objectivity or impartiality.
  - (5) Subject to sub-paragraph (2), an officer who receives a gift or donation shall declare the gift or donation to the Council.
  - (6) Whereas an officer can accept gifts dictated by custom, such gifts shall not be given or accepted in the office.
  - (7) The Council and Directorate shall keep a register in Form A set out in the First Schedule to these Regulations of—
    - (a) all gifts received by all Council Members and Members of Staff under the Act; and
    - (b) all gifts given by the Council or the Directorate.
  - (8) Council shall comply with the Ethics and Anti-Corruption Commission Regulations on the receiving and disposal of gifts.

#### **24. Participation in procurement processes**

- (1) An officer shall not, in their private capacity, participate in a tender for the supply of goods or services to the Council or Directorate.
- (2) If an entity is procured by the Council to supply goods or services where an Officer is a shareholder, the Officer shall immediately disclose the fact that they own shares in the entity through Form B set out in the First Schedule to this Code.

#### **25. Stakeholder relationships**

An Officer shall practice patience, dignity and courtesy to all stakeholders of the Council, Directorate and the Ministry at large.

#### **26. Conflict of Interest**

- (1) An officer shall use their best efforts to avoid being in a position in which their personal interests conflict with their official duties.
- (2) Without limiting the generality of subsection (1), an officer shall not hold shares or have any other interest in a corporation, partnership or other incorporated or unincorporated body, directly or through another person, if holding those shares or having that interest would result in the officer's personal interests conflicting with their official duties.
- (3) An officer whose personal interests conflict with their official duties shall—
  - (a) declare the personal interests to the Council or Directorate through Form B under the first schedule herein and comply with any directions to avoid the conflict; and
  - (b) refrain from participating in any deliberations with respect to the matter.
- (4) Notwithstanding any directions to the contrary under subsection (3)(a), an officer shall not award a contract, or influence the award of a contract to—
  - (a) Him/herself;



- (b) a spouse or relative;
- (c) a business associate; or
- (d) a corporation, partnership or other incorporated or unincorporated body in which the officer has an interest.

(5) These regulations may govern when the personal interests of an officer conflict with their official duties for the purposes of this section.

(6) In this section, “**personal interest**” includes the interest of a spouse, relative or business associate.

### **27. Giving advice**

An officer who has a duty to give advice shall give honest and impartial advice without fear or favour.

### **28. Compliance with laws and Regulations**

(1) An officer shall not neglect their financial or legal obligations either general or specific to their performance of official duties or conduct of private affairs.

(2) An officer shall not engage in actions that may lead to their or her removal from the membership of a professional body to which they may belong.

### **29. Non-discrimination**

An officer shall not practice favouritism, nepotism, tribalism, cronyism, religious bias or any other kind of bias or discrimination, or engage in corrupt or unethical practices.

### **30. Sexual Harassment**

(1) An officer shall not sexually harass a member of the public or a fellow public officer.

(2) In subsection (1), “**sexually harass**” includes doing any of the following, if the person doing it knows or ought to know that it is unwelcome—

- (a) making a request or exerting pressure for sexual activity or favours;
- (b) making intentional or careless physical contact that is sexual in nature;
- (c) making gestures, noises, jokes or comments, including innuendoes, regarding another person’s sexuality; or
- (d) Any other acts specified under the Laws of Kenya as amounting to sexual harassment.

### **31. Public Participation**

All Officers shall ensure proper conduct of participation in accordance with the Act and any public participation regulations created under the Act.

### **32. Declaration of Income, Assets and Liabilities**

Every Officer shall be required to declare their income, assets and liabilities to the Public Service Commission in accordance with the provisions of the Public Officers Ethics Act, 2003.

### **33. Enforcement of this Code**

(1) On appointment to office, each officer shall swear an oath of appointment to Office in Form C and commit to this Code in Form D set out in the First Schedule to this Code.

(2) Every officer who is in service at the time of the coming into force of this Code shall sign and commit to this Code within seven days of the coming into force of this Code.

### **34. Disciplinary procedure**

(1) Subject to sub-paragraph (2), a breach of this Code shall be deemed to be an act of misconduct for which the public officer may be subject to disciplinary proceedings.

(2) Where an allegation of a breach of this Code has been made against a Council member the question of their disciplinary procedure or removal or dismissal from office shall be determined in accordance with the provisions of section 35 herein.



### **35. Feedback, Complaints and Investigations**

- (1) A person may give feedback on the services provided by the Officers as set out under Form E set out in the First Schedule to this Code.
- (2) A person who alleges that an Officer has committed a breach of this Code may notify the Directorate of the Directorate shall register the complaint in the Form F set out in the First Schedule to this Code and investigate the allegation.
- (3) The Directorate may within seven (7) days of receipt of the complaint form a Committee of not more than three (3) members to inquire into the allegation and determine whether or not the officer has contravened this Code.
- (4) An officer against whom an allegation has been made under this paragraph shall within Fourteen (14) days of receipt of the Complaint be informed of the allegation by the Committee and shall be given adequate opportunity to challenge the allegation.
- (5) A person who makes an allegation against an officer shall be entitled to be informed of any action taken in relation to the allegation.
- (6) Where an investigation against an officer under this section has been initiated, and the officer resigns his or her office before the investigation has been completed, the investigation may be continued even after the resignation of the officer.
- (7) Subject to any other written law, an officer against whom an allegation has been made under this paragraph may be suspended from office while an inquiry is made regarding the allegation.
- (8) If upon investigation under this Part the Committee is of the opinion that civil or criminal proceedings should be preferred against an officer, the Committee shall refer the matter to—
  - (a) the Ethics and Anti-Corruption Commission;
  - (b) the Attorney-General;
  - (c) the Director of Public Prosecutions; or
  - (d) any other competent authority.

### **36. Contravention of this Code**

Subject to section 35, an officer who contravenes any provision of this Code shall be also be liable to disciplinary action as may be prescribed in any written law.

### **37. Review of this Code**

This Code may be reviewed from time to time as the Council may deem appropriate.

## **PART III – CONDUCT OF DOING BUSINESS FOR THE NATIONAL CLIMATE CHANGE COUNCIL**

### **38. The Role of the Council**

- (1) The Council shall in addition to their Functions under the Act:
  - (a) Exercise their role collectively and not individually;
  - (b) Determine Council's mission, vision and core values;
  - (c) Approve organizational structure;
  - (d) Enhance the corporate image of the Council;
  - (e) Ensure availability of adequate resources for the achievement of the objective of the Council and those under the Act;
  - (f) Ensure effective communication with stakeholders;

### **39. Duties of Council Members**

Each Council Member shall:

- (1) Exercise the highest degree of care and skill and diligence in discharging their duties;
- (2) Act in the best interest of the Council and not for any other purpose;



- (3) Act honestly at all times and must not place themselves in a situation where their personal interests conflict with those of the council;
- (4) Exercise independent judgment at all times;
- (5) Understand and accept the principle of collective responsibility;
- (6) Promote transparency and accountability at Council level; and
- (7) Promote teamwork within the Council.

#### **40. Duties of the Chair of the Council**

The Chairperson shall:

- (1) Provide overall leadership to the Council;
- (2) Encourage Council members to participate fully in the agenda of Council meetings;
- (3) Conduct efficient Council meetings and guide the Board's decision making process;
- (4) Play a key role in setting up the agenda of Council meetings;
- (5) Lead the Annual Council Evaluation process;
- (6) Monitor the performance of the Directorate;
- (7) Be available for consultations with Council members; and
- (8) Provide quarterly updates on performance of Council in accordance with the Council's objectives under the Act.

#### **41. Duties of the Vice-Chairperson**

The Vice-Chair shall have the following duties:

- (1) Deputize the Chair throughout their term;
- (2) Chair meetings in the absence of the Chair;
- (3) Ensure that the duties to be performed by the Secretary are carried out; and
- (4) Be available for consultations with Council members.

#### **42. Duties of the Secretary to the Council**

- (1) Assist the Council in carrying out the following:
  - (i) Council induction and training;
  - (ii) Updating Council Committees and Council Charter from time to time;
  - (iii) Conducting Governance Audits;
  - (iv) Implementation of this Code of Conduct and Conduct of Doing Business; and
  - (v) Council evaluation.
- (2) Ensure prompt preparation of minutes of the Council and Council Committees and circulation of the same to Council members.
- (3) Be the custodian of the Council Seal and account for its use;
- (4) Maintain and update the register of conflict of interest;
- (5) Ensure Council members are kept updated of all Climate Change laws;
- (6) In conjunction with the Secretariat, facilitate effective communication on with the relevant stakeholders

#### **43. Separation of Roles**

- (1) The role of the Council shall clearly be separated from that of management.
- (2) The Office of the Chairperson, Vice-Chairperson and Secretary shall be held by different persons.

#### **44. Meetings and Quorum at meetings**

- (1) The President shall be the chair of the Council and in their absence, the Vice President shall Chair Council Meetings. In the absence of both the President and the Vice President, Council members present shall appoint one of their members to preside over the meeting.
- (2) The Vice President shall be the vice-chair to the Council.



- (3) The Cabinet Secretary for the time being responsible for environment and climate change affairs shall be the secretary to the Council. In their absence, Council members shall appoint a secretary for the meeting from amongst themselves.
- (4) The Quorum at each Council Meeting shall be two thirds of total number of the members at any given time.

#### **45. Notice and Venue of meetings**

- (1) The Chair with the help of the Secretariat shall circulate notice of Council Meetings at least twenty-one (21) days before the date of the meeting either manually or through electronic means.
- (2) The Notice of Council Meetings shall indicate the agenda for the meeting, date of the meeting, venue of the meeting and whether the meeting shall be physical, hybrid or virtual. The Notice may also be accompanied by any documents to be discussed at the meeting.

#### **46. Conduct of Council meetings**

- (1) Council meetings may be undertaken physically, or in a hybrid nature where part of the members attend physical and others through electronic means, or wholly through electronic means. In case of electronic attendance of meetings, the Secretary to the Council shall ensure the following measures:
  - (a) The constitutive documents of the Council allow for video/tele-conferencing;
  - (b) The necessary measures are in place to ensure seamless, effective and secure communication;
  - (c) In case of a hybrid meeting, the Secretary in sending out the Notice shall confirm the number of participants attending via electronic means.
  - (d) At the start of every hybrid or virtual meeting, for purposes of confirming quorum, all Council members attending virtually shall be required to fill in a record of attendance by stating their full name, their role in the Board and provide confirmation that they can clearly hear the other members.
- (2) Council shall meet at least four (4) times in a year.

#### **47. Attendance of meetings by members**

- (1) Council members shall dedicate their time to Board meetings.
- (2) Council members shall meet as many times as prescribed by the Act.
- (3) Attendance of meetings shall be physical or virtual.

#### **48. Appointment and removal of alternate**

- (1) Ex officio Council members may appoint as an alternate, any other person subject to approval by the Council Chairperson and gazette notification of the alternate.
- (2) Such alternate may exercise the powers and carry out the duties of their appointor in relation to making decisions of the Council.
- (3) Any appointment or removal of an Alternate shall only be valid if a notice is given to the Council Chairperson.
- (4) The notice of appointment should indicate the name of the proposed alternate and a statement of the proposed alternate authenticating their willingness to act as alternate.
- (5) The alternate is not entitled to receive any remuneration from Council.

#### **49. Minutes and record keeping**

- (1) The Secretary shall ensure that minutes of Council Meeting and Council Committee meetings are promptly prepared and circulated.
- (2) Minutes of Council meetings shall be kept at the official Council offices both in hard and soft copies. The Secretary shall ensure that the soft copies of the minutes are kept confidential.



- (3) Minutes shall be available to Council members at any time upon a request being made by the Council members.

#### **50. Decisions of the Council**

Decisions of the Council shall be made by a simple majority of the members present at every meeting.

#### **51. Committees of the Council**

- (1) Council shall:
- (a) Establish not more than four (4) Committees of person with specific expertise provided that Council shall be at liberty to establish such ad hoc committee as required to deal with any ad hoc matters requiring specific attention such as disciplinary action under these Regulations.
  - (b) Establish an Audit Committee and a maximum of three (3) other Committees to discharge the following functions:
    - (i) Governance and Compliance;
    - (ii) Technical matters;
    - (iii) Risk;
    - (iv) Finance and strategy; and
    - (v) Human resource.
  - (c) Provide terms of reference for each committee which shall indicate the objectives, delegated authority, operations, frequency of meetings, and reporting mechanism to the Council.
  - (d) Review the mandate of Committees periodically;
  - (e) Appoint the chairperson of each Committee; and
  - (f) Conduct an annual review of the effectiveness of each Committee.

#### **52. Council members' remuneration**

- (1) Council remuneration shall be as prescribed by the Salaries and Remuneration Commission.
- (2) The Salaries and Remuneration Commission should ensure the Council Members' remuneration is transparent, fair, and linked to performance.

#### **53. Council Evaluation and Performance Management**

- (1) Council shall:
- (a) Determine its performance criteria;
  - (b) Put in place a performance management system that is linked to the mandate of the Council and the objectives of the Act in general.
  - (c) Ensure performance targets are set and met by the Council members and members of staff at large.
  - (d) Conduct an annual evaluation of its performance;
- (2) The annual evaluation shall cover the Council as a whole, its committees, individual members, the Chairperson, vice-chairperson and the Council Secretary.

#### **54. Council Independence**

- (1) Council members shall:
- (a) Exercise independent judgment in discharging their duties;
  - (b) Disclose any real or perceived conflict of interest as prescribed by these Regulations;
  - (c) Seek any independent advice or opinion in the discharge of their duties;
  - (d) Council members nominated by stakeholders should recognize that they owe their duties to the Council and not to the nominating stakeholder organization(s).



#### **55. Transparency and disclosure**

- (1) The Council shall disclose key stakeholders who may have an influence on the performance of the functions of Council under Section 6 of the Act and performance of functions under the Act in general.
- (2) Council shall disclose all relevant information to stakeholders to enable them exercise their rights.
- (3) Council shall ensure that all reporting duties vested under the Act are strictly adhered to.
- (4) In addition to the reports required under the Act, Council shall prepare an annual report highlighting key milestones achieved in each year.

#### **56. Financial Reporting**

- (1) In addition to the Financial Reporting obligations under the Act, Council shall in the annual report indicate:
  - (a) An assessment of factors that affected Council's financial position;
  - (b) Known trends that are expected to have material effect to the Council's future financial position.
- (2) Council shall ensure that books of account are prepared on a timely basis.
- (3) Council shall report in the annual financial statement that the Council is operating as a going concern with supporting assumptions or qualifications when necessary.
- (4) Council shall ensure that an independent external auditor conducts an audit on the Council's financial statements.

#### **57. Accountability, Risk Management and Internal Control**

- (1) Council shall ensure that a Policy on Risk Management is formulated.
- (2) Council shall maintain an effective and efficient system of internal control that involves designing, implementing and monitoring effectiveness of internal controls.

#### **58. Procurement process**

- (1) The Council shall establish a procurement policy that promotes sustainability, high ethical standards and best practice and periodically review the policy.

#### **59. Ethical leadership and corporate citizenship**

- (1) The Council shall:
  - (a) Provide ethical leadership in the management of the Council.
  - (b) Establish core values of the Council and its members of staff.
  - (c) Ensure that Council members and other officers adhere to the core values of the Council.
  - (d) Ensure the review of the Code of Conduct is made when required.
  - (e) Ensure that there is a whistle blowing policy that protects and prohibits victimization of those who provide information in good faith.

#### **60. Stakeholder Relationships**

- (1) The Council shall:
  - (a) Conduct well thought out stakeholder mapping;
  - (b) Promote effective communication with stakeholders;
  - (c) Ensure the reputation of Council and its linkage with stakeholders is a regular agenda at Council meetings.
  - (d) Ensure disputes with stakeholders are resolved amicably, effectively and expeditiously.

#### **61. Council Charter**

Council shall ensure the formulation of a Council Charter which shall prescribe ways of managing the business of the Council.



**PART IV – FORMS UNDER THE REGULATIONS**

**62. Use of Forms**

Where these Regulations require the use of prescribed forms, Council or the Directorate shall not accept any application unless it is in the prescribed form.

**SCHEDULES**

**SCHEDULE I – FORMS**

**FORM A – REGISTER OF GIFTS GIVEN/RECEIVED**

Name of Officer giving/receiving	Name of person/entity giving the gift	Value of Gift	Purpose of Gift	Date of receipt/giving of gift	Decision on the gift (to be kept or returned) and (reason, if any)

**FORM B – DECLARATION OF CONFLICT OF INTEREST**

Name of Officer	Date conflict is recorded	Business under transaction	Nature of conflict	Decision made on participation of officer	Signature of Officer(s) making decision

**FORM C – OATH OF OFFICE AND APPOINTMENT TO POSITON OF COUNCIL MEMBER/STAFF**

I ..... (*name in full*) having been appointed the Chair to/Vice-chair to/Secretary to/Member of/Member of staff of) the Council, do (swear/solemnly affirm) THAT I will at all times do my best to preserve the objectives of the national climate change laws, regulations and policies; THAT I shall discharge all the duties devolving upon me by virtue of my appointment according to the Constitution and law without fear or favour: THAT I will not, without due authority, disclose or make known to any person any information acquired by me reason of the duties



performed by me on behalf or under the direction of Council. THAT I shall subject myself to the Constitution, the Act and to all other laws SO HELP ME GOD. (IN THE CASE OF AN OATH — SO HELP ME GOD).

Sworn/ Declared by the said .....

Before me this ..... Day of .....

**FORM D – COMMITMENT TO THIS CODE**

I, \_\_\_\_\_ holder of National ID/ Passport No. \_\_\_\_\_ and having been appointed as a \_\_\_\_\_

(Designation), do hereby confirm that I have read and understood this Code and hereby solemnly declare and commit to abide by the provisions of the Code at all times.

Signed: \_\_\_\_\_

This \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_

**FORM E – CLIENT FEEDBACK FORM**

**MINISTRY OF ENVIRONMENT AND FORESTRY  
NATIONAL CLIMATE CHANGE COUNCIL  
CLIENT FEEDBACK FORM**

We are delighted to have offered our services to you. We are committed to continued improvement of our services to improve your experience in dealing with us. Hence, we request you to fill this form to help us know how best to serve you in future. Kindly therefore tick the boxes below based on your experience in your interaction with us.

Name of Client	
Client Phone Number	
Institution from (if applicable)	
Client Email Address	
Date	

**PART A: Quality of reception service**

- How do you rate the speed of our reception services?  Excellent  Very Good  Good  Fair  Poor
- How do you rate the attitude of our reception personnel?  Excellent  Very Good  Good  Fair  Poor

**PART B: Quality of Service**



- 3. How do you rate your initial interaction with the officer that served you?  Excellent  Very Good  Good  Fair  Poor
- 4. How do you rate the effectiveness of the information or service delivered?  Excellent  Very Good  Good  Fair  Poor
- 5. How do you rate the attitude of the officer towards offering their service to you?  Excellent  Very Good  Good  Fair  Poor

**PART C: Turn Around time**

- 6. How do you rate the turnaround time for the services offered?  Excellent  Very Good  Good  Fair  Poor

**PART C: Referral**

- 7. On a scale of 1-10, would you recommend our services to third parties? 1 \_\_\_ 2 \_\_\_ 3 \_\_\_ 4 \_\_\_ 5 \_\_\_ 6 \_\_\_ 7 \_\_\_ 8 \_\_\_ 9 \_\_\_ 10 \_\_\_

**8. GENERAL SECTION: Complaints or Compliments (State Department or Officer complemented)**

---



---



---

- 9. Any other feedback you think will help us improve our services?

---



---



---

Client's Signature .....

Date: .....

**FORM F – REGISTER OF COMPLAINTS**

Name of person making complaint	Date of complaint	Particulars of officer	Nature and particulars of complaint	Decision made on complaint	Particulars of officer attending the complaint



**FORM G – FORM OF NOTICE FOR COUNCIL MEETINGS**

**NATIONAL CLIMATE CHANGE COUNCIL  
NOTICE OF COUNCIL MEETING**

Notice is hereby given that a Council Meeting of the National Climate Change Council will be held on ..... at ..... (*venue and time*). Members may attend physically at the prescribed venue or attend virtually using the following link ..... Members should therefore send their confirmation of attendance within two days of receipt of this notice. The following will be the agenda of the meeting:

1. ....
2. ....
3. ....
4. ....

By Order of the Council

Dated: ...../...../.....

Signed by:

NAME: .....

Secretary

---

**Prepared by:** CONSULTANT  
**In Collaboration:** MUMA & KANJAMA ADVOCATES

**Signed:** \_\_\_\_\_  
**Date :** CONSULTANT, ANDREW MUMA  
6<sup>TH</sup> JANUARY 2021