MINISTRY OF TECHNICAL AND HIGHER EDUCATION (MTHE)

INSTITUTIONAL ANTI-CORRUPRTION POLICY

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ACRONYMS

ACC	Anti-Corruption Commission
ACA	Anti-Corruption Act 2008
HRMO	Human Resource Management Office
IMC	Integrity Management Committee
MTHE	Ministry of Technical and Higher Education

1.0 BACKGROUND

The establishment of Integrity Management Committees in all Ministries, Departments, and Agencies was highlighted in the National Anti-Corruption Strategy (NACS) Implementation Action Plan of 2019–2023. (MDAs). When it is operational, the IMC primarily functions as an internal preventive mechanism to encourage vigilance in the public and private sectors, encouraging integrity, transparency, and accountability to stifle corruption through anti-corruption and democratic governance norms.

As an Internal Preventive Mechanism, The Ministry of Technical and Higher Education Integrity Management Committee shall detect and address any reported instance (s) of corruption within the Ministry in accordance with the guidelines outlined in this policy. It can be applied to make sure that the 2008 Anti-Corruption Commission Act is followed.

1.1 DEFINITION

Corruption – Means an act which constitutes an economic crime or an offence under Section IV and includes:

a. Any conduct whereby in return for an advantage, a person performs or abstains form performing any act in his/her capacity as a Public Officer.
b. The offer, promise, soliciting or receipt of an advantage as an inducement or reward to a person to expedite, delay hinder or prevent the performance of an act by himself or by any other officer in the capacity as a public officer.
c. The abuse of a public office for personal or private gain
d. The corrupt acquisition of wealth
e. The possession and control of unexplainable wealth
f. The misappropriation of public funds or property
g. The misappropriation of donor funds or property and
h. Any offences involving dishonesty in connection with any tax rate, charge or levy imposed under any enactment

1.2 CORRUPT PRACTICES

❖ Any practice or conduct by any person that adversely affects or could adversely affect, either directly or indirectly, the honest and impartial exercise of official functions by any public office or any public body, and
(b) Any practice or conduct of a public officer that constitutes or involves the dishonest or partial exercise of any of his office function, and
(c) Any practice or conduct of a public officer or former public officer that constitutes or involves a breach of public trust;

(d) Any practice or conduct of a public officer or former public officer that constitutes or involves a misuse of information or material that he has acquired in the course of his official functions whether for his benefit or the benefit of any other person;

1.3 Theft – taking without consent and with the intention of not returning any property belonging to the organization, or which has been entrusted to the organization.

1.4 Government – refers to the Government of Sierra Leone

1.5 Misconduct – any inappropriate behavior or conduct , or violation of any of the provisions of the Public Service Regulations, or Civil Service Code Regulations and Rules or any other law or its subsidiary legislations, which is intended to guide public servants in conducting public business.

1.6 Public Officer – any person who holds a public office or an agent of a public institution including persons elected to positions under any law or its subsidiaries (i.e. Regulations or Instructions) and shall have the same interpretation as in Section 1(1) of the ACA 2008

1.7 The Ministry – refers to the Ministry of Agriculture, Forestry and Food Security including all its Departments and their District offices.

1.8 Whistle Blower – any person who reports any allegations or suspicious act of corruption or possible acts of corruption to the Ministry and/or ACC or any law enforcement agency.

1.9 Ethics – The guiding principles by which we live or work

1.10 Fraud– deceiving or dishonest action in order to get goods, money, property, or any valuable consideration.

1.11 Stakeholders – any persons involved in or affected by the services, works or supplies projects of the Ministry whether as an employee, agent, beneficiary or sponsor of such projects.

1.12 Employee – all persons paid or earning remuneration, engaged full time or part time or in any manner whatsoever by the Ministry.

1.13 Protected disclosure – information given in good faith, and as such the persons who gave such information deserving to be protected by the Accounting Officer from any harm of any kind including concealing of their identity.

1.14 Conflict of Interest – is a situation in which a person or organization is involved in multi-interest, financial interest or otherwise one of which could possibly corrupt the motivation of the individual or organization.

1.15 Codes of Conduct – sets of rules or guidelines an organization may develop for its members which reflect its core values and describe how that organization expects its members to behave.

2.0 POLICY STATEMENT

The Ministry of Technical and Higher Education (MTHE) works to foster an organizational culture that is dedicated to the highest standards of honesty and ethical behavior and will not accept any act of fraud or corruption. It is committed to making sure that corruption risks and possible damages are kept to a minimum. These concepts are intended to be implemented by this policy.

This document, which should be utilized in conjunction with all legal papers directing public officials, will serve as policy and guidance on matters relating to economic crime and corruption in the Ministry. All Ministry personnel are required to abide with the policy. In order to handle the challenges of economic crime, the Senior Management will be entirely responsible. Management, employees, and stakeholders all share responsibility for preventing corruption and economic crime. The Anti-Corruption Act of 2008 will serve as the blueprint for all procedures used to confront corruption and economic crime since it will safeguard the personnel and management's human rights.

3.0 POLICY OBJECTIVES

3.1 The goal of this Policy Guideline is to combat corruption in order to prevent it from endangering democracy and the rule of law or from impeding Sierra Leone's economic and social progress.

3.2 To ensure that management is aware of its responsibility for creating controls and procedures for preventing such behavior and/or detecting it when it occurs, and to provide guidance to staff on what to do if they suspect any fraudulent or corrupt activity.

3.3 To give the staff unambiguous instructions that ban engaging in any illegal action, including dishonest or corrupt behavior that is harmful to the public interest.

3.4 To guarantee that every fraudulent and corrupt activity will be thoroughly investigated and dealt with appropriately.

3.5 To create a safe space where employees can report situations they believe include major improper behavior, fraud, or corruption.

4.0 GENERAL CORRUPTION ISSUES

4.1 Bribery, nepotism and clientellism resulting in plans favouring specific interest groups rather than areas of greatest need, such as landowners seeking priority for particular regions.

4.2 Rent-seeking and abuse of discretion in the implementation of funds, giving priority to infrastructure projects with greater opportunities for bribery.

4.3 Fraud and collusion to ensure favourable treatment such as provision of inaccurate or incomplete information by industry groups to ensure the adoption of specific technologies, funding of research to support specific approaches and methods etc.

4.4 Corruption in procurement processes of large infrastructure projects which typically involve many sub-contractors and are highly complex and technical, making procurement processes easy to manipulate through bribery, collusion between industry stakeholders, kickbacks in the management of contracts etc.

4.5 Appointments of staff managing and implementing adaptation projects, such as members of supervisory boards and committees managing resources, may also be vulnerable to nepotism, patronage and clientellism, and 'selling' positions with high rent-seeking potential

4.6 Bribery: there are also many opportunities for bribery in the delivery of essential services such as water, food and health services to local communities.

5.0 SPECIFIC CORRUPTION RISK AREAS

5.1 Availability of funds to monitor projects that the Ministry supervise

5.2 Availability of funds to monitor Technical and Higher Education Institutions
5.3 Award of Sierra Leone Grant-in-Aid and Student Loan Scheme to deserving candidates

5.4 Untimely supply of staff incentives and entitlements (Fuel, Provisions, Toiletries, etc.)

6.0 CORRUPTION PREVENTION POLICY (GENERAL)

6.1 Environment and Culture

- The Ministry shall create an environment and culture in which employees have confidence and dishonest acts will be detected, investigated and appropriate action be taken. To this end, the Ministry shall:
  - Ensure employees understand that internal controls are designed and intended to prevent and detect fraudulent and corrupt activities.

- Encourage employees to report suspected fraud directly to those responsible for investigation without fear of disclosure or retribution; and
- Require vendors and contractors to abide by the Ministry’s and Agency’s policies and procedures and thereby avoid any conflict of interest.

6.2 Honesty and Integrity

The Ministry shall:

- Ensure that employees of MTHE and its subordinate institutions must act with honesty and integrity in all aspects of their work.
- Employees must not engage in fraudulent or corrupt behavior or assist others in such behavior. Examples of such behavior include obtaining an illegal payment or benefit, the unauthorized release of confidential information, the unauthorized use of office equipment, or other public assets for private purposes, false claims for expenses, travel or overtime and the dishonest or improper use of an employee’s position in MAFFS and its subordinate institutions.

6.3 Conflict of Interest

A conflict of interest may arise when personal, financial, business or other interests might affect, or be seen to affect, the way an employee performs his/her duties.

- Ensure employees should avoid participating in any business activity outside of MTHE and its subordinate institutions that may conflict with their duties within the Ministry
- Ensure employees should not accept gifts which could be seen as a past, present or future conflict of interest in carrying out their duties
- If an employee is faced with a possible conflict of interest, the conflict should be declared, the circumstances discussed with their immediate manager or other senior executives, and action taken to avoid any real or perceived conflict of interest

6.4 Corporate Hospitality and Gifts

- Ensure any offer of corporate hospitality or a gift must be entered in the Gifts Register maintained by the Ministry or its departments. The Register is inspected by the Internal Auditors at six monthly intervals
- Ensure employees must not request any gifts, favours or any form of hospitality or entertainment in return for or in exchange for business services or information.
- Under no circumstances may employees accept money or other forms of payment for services or information provided as an employee of the Ministry.

- Ensure that employees involved at any stage of a tendering process must not accept any gifts, favours or any form of hospitality or entertainment from any organization involved in a bid or tender with MTHE.
- Ensure employees should not accept gifts which could be seen as a past, present or future conflict of interest in carrying out their duties
- If an employee is faced with a positive conflict of interest, the conflict should be declared, the circumstances discussed with their immediate manager or other senior executive, and action taken to avoid any real or perceived conflict of interest.

7.0 CORRUPTION REPORTING PROCEDURE

7.1 Reporting Suspected Act of Corruption or Maladministration

Any act of corruption must be reported to the Permanent Secretary/MTHE IMC or Supervising Officer or Head of Division depending on whether the complaint is coming from within or without.

Where the informant is not sure whether the behavior being perpetrated is related to corruption or not they may:

Call the Ministry's telephone line on:

………… or the MTHE IMC focal person for advice, or visit the nearest MTHE office;

ACC report centre line on +232 77 985 985 or any Anti-Corruption Commission office as indicated below:

Cathedral House 3 Gloucester Street in Freetown

In the North, Mena Hills Reservation, Makeni

In the South, 10 Bo-Pujehun Drive, Kebbie Town, Bo

In the East, Maxwell Khobe Street, Kenema

Suspected acts related to maladministration should be reported to the appropriate level of authority in the Ministry.
An employee reporting suspected act of corruption who wishes to remain anonymous is allowed to remain so.
If an individual is concerned about adverse consequences of making a report, they should consider whether the report could be made a protected disclosure.

7.2 Protection of Informants

- The Ministry making protected disclosure concerning corrupt conduct, maladministration or waste of Public funds can be given protection against any reprisals or detrimental action in relation to the making of the protected disclosure.

- Detrimental action includes injury, damage or loss, intimidation or harassment, discrimination, disadvantaged or adverse treatment in relation to employment dismissal form or prejudice in employment or disciplinary proceedings.
- In the event that any person takes detrimental action against another officer or any other person for having made a protected disclosure, appropriate measures will be taken.

7.3 Feedback Mechanism

- The Ministry shall acknowledge receipt of reports from complainants within 3 days of receiving such reports
- All such complainants requiring further investigations or enquires shall be dealt with by the IMC within 14 working days of receipt and the findings duly forwarded to the Permanent Secretary
- The IMC is expected to promptly act on complaints and recommendations from the IMC indicating action taken on the matter.
- The Permanent Secretary remains accountable for timely response from the IMC in Freetown and the IMCs in the respective Regional Officers and to ensure the foregoing is appropriately and effectively carried out.

7.4 Anonymous Reporting

Individuals are encouraged to make anonymous report or can report in person on fraud and corruption. While anonymous reports can raise legitimate issues, the lack of an identifiable complainant means that the IMC is unable to collect further information from the complainant or verify the information contained in the report. In many circumstances, an anonymous complaint may not be pursued or any inquiry may be limited in scope. If an individual is concerned about adverse consequences of making a report, they should consider whether the report could be made as a protected disclosure.

8.0 IMPLEMENTATION OF THIS POLICY

8.1 Confidentiality

Under this policy, persons receiving allegations and conducting investigations have a responsibility to ensure that information that might identify the person making the allegation is kept confidential.

8.2 Disciplinary Measures

The MTHE and its subordinate institutions are committed to ensuring that this policy is duly implemented in the organization. Disciplinary measures in accordance with established procedures will be taken against any staff member who is found guilty of breach of the provisions contained in this policy.

8.3 Communication/Education for Awareness

The Ministry recognizes that the success and credibility of this policy will largely depend upon how effectively it is communicated throughout the organization and beyond. MTHE will, therefore, from time to time take proactive steps towards ensuring that the wider community 'is aware of its zero-tolerance' and prevention of fraud and corruption on its website respectively.

- Promoting the Ministry's initiatives and policies regarding the control and prevention of fraud and corruption on its website and at their regional offices.
- Making reference to the Ministry and Agency's fraud and corruption initiatives in their regular reporting.
- Facilitating public access to the relevant documents that constitute the Ministry's and Agency's fraud and corruption framework. The Ministry's and Agency's standards regarding ethical behavior are principally conveyed to customers, stakeholders and the community through the manner in which its employees conduct business with them. This is the strongest and most effective means of demonstrating ethical standards.

8.4 Employee Awareness

Staff that has responsibilities for resources, decision making or information needs to be aware of the behavior that could result in corruption, either actual or perceived. All supervisors need to be aware of the corruption risks in the activities they supervise.

This understanding can be developed through:

- Staff familiarizing themselves with the relevant conduct standards including the Civil Service Code issued by the Human Resource Management Office (HRMO)
- Involvement of supervisors and managers in risk assessment activities including those conducted in conjunction with the Internal Auditor.
- The use of staff meetings and training sessions to identify the corruption risks inherent to an activity or workplace, and the controls in place to address them including questions on ethics issues and ethical practice in staff selection interviews.
- Providing corruption awareness and ethics training, including reference to the Corruption Prevention Policy induction resources
- Providing corruption awareness publications including resources on the Ministry's intranet.

8.5 Customers/Stakeholders

Our Ministry considers community involvement and partnership with relevant stakeholders as an integral part of corruption prevention. We shall involve the communities through associations in collaboration with all law enforcement agencies in the country to fight corruption in Technical and Higher Education Institutions.

9.0 TERMS OF REFERENCE OF THE VARIOUS IMPLEMENTERS OF THE POLICY

IMC

- The IMC is responsible for keeping constant check on MTHE's operations and procedures to ensure that there are no opportunities for corruption. Other responsibilities include:
- Ensure that NACS Implementation Work Plan is implemented
- The preparation of supplementary Corruption Prevention Plans in ensuring appropriate assignment of responsibilities in carrying out and implementing the plan, as and when the need arises
- Ensuring that all corruption prevention initiatives are integrated in the Ministry's Anti-Corruption Policy
- Receiving and reviewing reports on corruption prevention initiatives and recommend appropriate actions.
- Ensuring that all decisions and guidelines on corruption prevention are communicated effectively to employees of the Ministry and interested parties
- Monitor the impact of corruption prevention and other recommendations.
- Act with honesty and uphold the integrity of the Ministry at all times
- Immediately report any act or suspicion of corruption in accordance with Anti-Corruption reporting process.
- Maintain professional and ethical standards when dealing with MTHE's employees at all times
- Maintain transparent and good public standing reputation for good of partial involved
- Give honest feedback to the Ministry and Parastatals
- Always observe and implement all laid down government policies and uphold the laws of Sierra Leone.

10.0 REVIEW OF THE POLICY

This policy will be reviewed every three years or earlier if necessary or in the event of any change in the laws and regulations that are relevant to the Agriculture sector.

The Chairman of the IMC shall recommend the review of this policy to the Permanent Secretary, as applicable.

BACK PAGE

WHAT IS CORRUPTION?

ACCORDING TO THE ANTI-CORRUPTION REVISED ACT 2008

1. Any conduct whereby in return for a bribe, a person performs or abstains from performing any act in his capacity as a public officer.

2. The offer, promise, asking or receipt of a bribe as an inducement or reward to a person to quicken, delay hinder or prevent the performance of an act by himself or by any other public officer in his capacity as a public officer.

3. The abuse of a public office for personal or private gain.

4. The corrupt acquisition of wealth.

5. The possession and control of unexplained wealth.

6. The misuse of public funds or property.

7. The misuse of donor funds or property

8. Any offence involving dishonesty in connection with any tax, rate, charge or levy imposed under any enactment.