

## **CHAPTER 3**

### **CONDUCT AND DISCIPLINE**

- 3.1 For the purposes of discipline, all officers are subject to the General Orders and to any regulations, orders or instructions for the time being in force in their departments, which apply to posts held by them. Where the provisions of General Orders are at variance with any legislation for the time being in force in Anguilla, the provisions of the legislation will prevail to that extent. In addition, the provisions of the legislation for the time being in force in Anguilla relating to conditions of service which are not covered by General Orders will apply to such extent as may be provided in the legislation.

### **DUTIES**

- 3.2 The duties of officers include the usual duties of the post in which they are engaged and any other duty which the Head of Department or the Governor or other duly authorised officer may reasonably call upon them to perform. In the discharge of their duties officers shall, at all times be courteous and polite both to fellow officers and to members of the public. Officers shall also comply with any rules established by the Governor or their Head of Department and/or Permanent Secretary and approved by the Governor, establishing acceptable standards of dress and grooming in the work place.

### **TRAINING OF OTHER OFFICERS**

- 3.3 Senior officers in the Service are expected to ensure that junior members of the service receive training relevant to their position.

### **OFFICERS LIABLE TO MAKE GOOD DAMAGE**

- 3.4 In the event of any financial damage arising from disregard of, or failure to comply with any General Order, Financial Instructions, Store Rules, or departmental instructions or from any neglect of duty whatsoever on their part, officers may be liable to make good the damage or any part thereof.

### **ACCESS TO RECORDS**

- 3.5 Officers will be allowed access to records relating to themselves but will not be allowed to take extracts or copies of minutes or correspondence for their own purpose, unless such correspondence is addressed to them personally. Access will be under the supervision of an officer appointed by the Permanent Secretary, Public Administration.

### **GIVING EVIDENCE IN COURT**

- 3.6 Officers may not, except as provided by General Orders, give expert evidence in Court in civil cases other than as witness for the Crown. There is no objection to their giving evidence not connected with their official duties.
- 3.7 Officers requested to give voluntarily in Court advice or evidence of a technical nature, in respect of which by virtue of their appointment they are regarded as an expert, must obtain **from the Governor**, through the Head of their department **and/or Permanent Secretary** permission to do so before complying with the request.

### **SUBPOENA**

- 3.8 Officers who receive a subpoena to give advice or evidence in Court related to their duties must, obey the subpoena. They must report the fact immediately in writing to the Head of their department who in turn should notify the Governor.

### **FEES FOR EXPERT EVIDENCE**

- 3.9 All fees received by officers in respect of job-related advice or evidence which they give in Court must be paid into the Treasury. Only in exceptional cases, and with the express approval of the Governor, will officers be permitted to retain any part of such fees.

### **ABSENCE FROM ANGUILLA**

- 3.10 A Permanent Secretary may not leave Anguilla, without informing the Governor and after consultation with the relevant Minister except in the case of visits to St. Martin/St. Maarten not exceeding 48 hours, when the visit does not constitute absence from duty. With the same exception, Heads of Department may not leave Anguilla without informing their Permanent Secretary.

### **ABSENCE FROM DUTY OR REFUSAL TO PERFORM DUTIES**

- 3.11 Officers who are absent from duty without reasonable cause will be liable to disciplinary action. Officers who wilfully refuse to perform their duties or who omit to perform their duties will be liable to disciplinary action (See Chapter 4).

In certain circumstances, an officer whose conduct and/or performance is unsatisfactory may be required by Public Administration, on the advice of the Head of Department, to attend a meeting to discuss the officer's conduct and/or performance, identify the areas of the officer's conduct and/or performance that are considered unsatisfactory and offer such guidance and/or counsel as appropriate to assist the officer in improving his or her conduct and/or performance to make it satisfactory.

### **HOURS OF WORK**

- 3.12 It is within the discretion of the Governor, Permanent Secretary or the Head of Department to require the attendance of staff on such days and for such hours as the Governor, Permanent Secretary or the Head of Department considers necessary to meet the needs of the public and the public service and to vary the hours of arrival and departure, to meet departmental requirements. The normal hours of work in offices where public business is transacted shall not be fewer than thirty-five per week, excluding periods for lunch. An officer working alongside or in a direct supervisory capacity over non-established staff may be required to work the same hours as the non-established staff concerned.

### **PUBLIC HOLIDAYS**

- 3.13 Officers may be required by the Head of their Department to work on any public holiday but in such cases the officers will, wherever possible, be compensated by being given time off in lieu on another occasion, unless they receive overtime payment in respect of such duty.

### **ATTENDANCE REGISTER**

- 3.14 Regular and punctual attendance is required of all officers. Working fewer than the minimum hours required or irregular attendance will render officers liable to disciplinary proceedings. A Head of Department may require, or the Governor may so direct, an attendance register to be kept in the charge of an officer designated by the Head of Department. Where an attendance register is required to be kept all officers must record the time of their arrival and departure at the commencement and end respectively of the day's work and the time of

their departure and return at the lunch interval. The attendance register must be brought to the notice of the officer concerned. Where the irregularity is of such a nature that disciplinary proceedings may be contemplated, notification must be in writing. Where an officer fails to work the prescribed number of hours per week/month the officer's salary may be reduced accordingly. If an officer is consistently late, in addition to reducing the officer's salary disciplinary proceedings may also be taken.

### **PRIVATE WORK**

- 3.15 Prior permission to engage in private work must be sought from the Governor. Full details of private work or any other work which may create a conflict of interest for which permission is sought, together with particulars of the remuneration offered and of when the work is to be performed, must accompany the application. Failure to obtain prior approval will render officers liable to disciplinary proceedings.
- 3.16 For the purpose of this General Order, where public officers possess a direct or indirect interest in a commercial undertaking or are directly or indirectly involved in private work, there shall be deemed to be a conflict of interest if such interest or work clashes with or is incompatible with the official duties. Without prejudice to the generality of the foregoing, a conflict of interest includes, interest or work which:
- (i) impairs or is likely to impair officers' efficiency;
  - (ii) brings or likely to bring the government, the public service or the officer into disrepute;
  - (iii) impinges or is likely to impinge on their official work or responsibility;
  - (iv) makes them unavailable for reasonable official duties outside normal working hours; and
  - (v) puts them or gives the appearance of putting them in a position where they are, or would be able to use the official position for private gain.

### **WORK FOR PUBLIC BOARDS OR COMMITTEES**

- 3.17 Officers are not permitted to undertake work for public boards or committees, either within or outside official hours, without the prior approval of the Governor. As a general rule, permission will not be given if the board or committees can obtain the necessary assistance or advice from unofficial sources. If such

assistance or advice cannot be obtained by the board or committee from unofficial sources approval may be given for the work to be undertaken by an officer:

- (i) during official hours, in which case the board or committee will be required to pay a fee and this payment will be credited to revenue; or
- (ii) in special circumstances, outside official hours, in which case the officer will be entitled to remuneration.

### **OFFICERS NOT ALLOWED TO UNDERTAKE PRIVATE AGENCIES**

- 3.18 Officers are prohibited from undertaking any private agency in any matter connected with the exercise of their public duties.

### **PUBLICATIONS**

- 3.19 Officers shall not act as the editor of any newspaper, pamphlets, magazines and periodicals, nor create and/or set up blogs or other social media networks, or take part directly or indirectly in the management thereof, without having first obtained the permission of the Governor.
- 3.20 Save in the course of their official duties, officers may not, without permission, speak in public or publish in any manner or broadcast on the radio or television any thing which may reasonably be regarded as being of a political nature. Officers may, however, publish in their own name matter relating to subjects of general interest or give broadcast talks on the radio or television on such matters. In cases of doubt, prior reference should be made to the Governor.

### **PUBLICATION OF OFFICIAL INFORMATION**

- 3.21 Save in the course of their official duties officers may not, without permission of the Governor, make public (for example via blogs or other social networks) or communicate to the Press or to individuals, copies of documents, papers or information which they may have obtained in their official capacity. Contravention of this may subject the officer to disciplinary action up to and including termination.

### **DECLARATION OF CONFIDENTIALITY**

- 3.22 All established officers and such other officers as may be designated from time to time will be required to sign a general declaration of confidentiality. This will indicate that such officers are aware that they may not divulge any information gained by them as a result of their appointment.

### **INTERVIEWS ON PUBLIC POLICY**

- 3.23 Officers, whether on duty or on leave of absence, may not without permission of the Governor allow themselves to be interviewed on questions of a political nature or on matters that may compromise the security of Anguilla.

### **PUBLIC MEETINGS AND PETITIONS**

- 3.24 Save in the course of their official duties officers may not call a public meeting to consider any action of the Government or actively participate in the proceedings of public meetings called for such purpose. Officers may not procure signatures to any public petition regarding an action or proposal of the Government.

### **ENGAGEMENT OF PUBLIC OFFICERS IN POLITICAL ACTIVITIES AND TRADE UNION AFFAIRS**

- 3.25 In order to ensure the impartiality and political integrity of the Public Service, the following instructions have been issued in regard to the engagement in political activities of persons employed in the Government and also the position of such persons in relation to trade unions in places where the objects of a trade union are wholly or in part political.
- 3.26 Officers may be members of political parties and may subscribe to the funds of those parties. They may attend private political meetings of the parties and may speak and vote at such meetings. They may not, however, hold office in political parties nor may they speak or vote at public meetings. They may, if eligible, record their votes at an election to the House of Assembly; it is indeed desirable that as good citizens they should do so. But they may not, by canvassing or any other means, attempt publicly to further the activities or aspirations of a political party or the return of a political party to the House of Assembly. They may not issue an address to the electors, nor in any way publicly announce themselves as candidates or prospective candidates for election unless they have first resigned from their official appointments.
- 3.27 Public Officers may be members of a trade union and they are entitled to attend private meetings of their union, even if of a political character, and to speak and

vote at such meetings. But they may not hold office in a trade union other than Public Service Associations. Nor may public officers speak or vote at public meetings organised by a trade union other than a Public Service Association.

### **SOLICITING OUTSIDE INFLUENCE**

- 3.28 Officers are forbidden from soliciting the intervention or influence of Members of Parliament and other persons in the United Kingdom or in other countries or territories, or of Members of the House of Assembly in Anguilla or other prominent members of the community in pursuing their claims for promotion or seeking such influence as a means of bringing personal representations or complaints about their conditions of service, otherwise than through the proper channels.
- 3.29 Officers are not permitted to make representations direct to the Public Service Commission in regard to appointments, promotions or transfers. Any such representations which an officer wishes to make must be submitted to the Governor.

### **CANVASSING MEMBERS OF THE PUBLIC SERVICE COMMISSION**

- 3.30 Officers who canvass on their own behalf, or on behalf of any other person, a member of the Public Service Commission in connection with any vacancy, whether existing or impending, or attempts improperly to influence the Commission or members thereof in connection with any appointment, promotion, termination of appointment or disciplinary proceedings, commits an offence under the Public Service Commission Act and shall be liable to dismissal.

### **PETITIONS**

- 3.31 Officers who have any representations of a public or private nature to make to the Government should address them to the Governor for discussion at Executive Council. Petitions addressed to the Governor should be sent through the officers' Head of Department and wherever possible in typescript.
- 3.32 Petitions to the Queen or the Queen in Council or officers of Her Majesty's Government in the United Kingdom must be sent through the officers' Head of Department to the Governor for onward transmission to the Secretary of State.
- 3.33 Every petition submitted and received by a Head of Department must be transmitted to the Governor without delay and with such comments as the Head of Department may consider as necessary. A written acknowledgement of

receipt for onward transmission of a petition should normally be sent by the Head of Department and the Governor to the officer submitting it.

### **INTERVIEWS WITH THE GOVERNOR**

- 3.34 Requests for interviews with the Governor should clearly state the reasons for the request and must be submitted through the Head of the officer's department, who should comment in writing on the matter. If the Governor thinks it appropriate the Governor may direct that an interview be conducted by the Deputy Governor or some other senior officer on the Governor's behalf.

### **LOANS BY PUBLIC OFFICERS**

- 3.35 Save with the express permission of the Governor, officers are not permitted to lend money to other officers at interest or in return for payment of a larger sum or any other valuable consideration whatever. Heads of Department are responsible for reporting to the Governor, officers who are known to be lending money at interest and such officers will render themselves liable to disciplinary charge.

### **FINANCIAL EMBARRASSMENT**

- 3.36 Public Officers are required to be prudent in the conduct of their private financial affairs. Serious financial embarrassment, for whatever cause, is regarded as a circumstance which impairs the efficiency of officers and renders them less valuable than they would otherwise be and, if occasioned by imprudence or other reprehensible cause, may form the basis of a disciplinary charge.
- 3.37 Heads of Department are responsible for reporting to the Governor any case in which it appears that an officer is suffering from serious financial embarrassment. Officers who are publicly sued for debt and against whom a judgement is obtained will be regarded in the absence of any reasonable explanation of their failure to pay their debt, as having brought themselves within the terms of General Order 3.36

### **BANKRUPTCY AND INSOLVENCY**

- 3.38 If proceedings in bankruptcy are taken against an officer, the officer is required to notify the Head of Department immediately. Failure to do so will render the officer liable to summary dismissal without further disciplinary proceedings being necessary.



- 3.39 Officers who become so financially involved that they are unable to meet their obligations is required at the earliest possible moment to submit a complete statement of the facts of their case to the Permanent Secretary, Public Administration, for transmission confidentially to the Governor.
- 3.40 Even though the circumstances may not warrant the interdiction of the officers from duty, in no case may officers who are so financially involved that they are unable to meet their obligations continue to be employed on duties involving the handling of public money.

### **GIFTS**

- 3.41 No officer shall give or receive gifts or presents whether in the form of money, goods, property of any kind (including land) or any other personal benefit, other than gifts or presents of a strictly private nature unconnected with the position as a public servant. This prohibition applies not only to officers themselves but also to their families, and Officers will be held responsible for its observance by their families. It does not apply, however, to cases of remuneration for special services rendered and paid for with the consent of the Governor.

### **PRESENTS FROM FOREIGN GOVERNMENTS OR ORGANISATIONS**

- 3.42 A present given to an officer by an officer or representative of a foreign Government or a member of a recognised organisation, either officially or unofficially which cannot be refused without giving offence, may be accepted, but the fact must at once be reported through the Head of the officer's department (or by the Head of Department if the Head is the recipient) to the Governor, for a decision as to the disposal of the gift.

### **GIFTS TO MARK PUBLIC APPROBATION OF AN OFFICER**

- 3.43 Money which has been subscribed with the prior approval of the Governor, with a view to marking public approbation of an officer's conduct or service may be dedicated to objects of public purpose and connected with the name of the officer who has merited such proof of general esteem.

### **PRESENTATION ON RETIREMENT**

- 3.44 The provisions about the receiving of gifts may be relaxed at the discretion of the Governor upon the final retirement of an officer from the service.

## **BRIBES**

- 3.45 If a bribe, or present which is not essentially the ordinary gift of a personal friend, or relative is offered or given to an officer, the officer must immediately inform the Head of Department, who should report the matter to the Governor with such recommendation as the Head of Department thinks fit. Heads of Department who are offered or given bribes or presents of this nature should immediately inform the Governor.

## **LEGAL PROCEEDINGS BY OFFICERS**

- 3.46 Officers may not on their own behalf initiate any legal proceedings against other officers or against any member of the public with respect to any matter which has arisen in the course of his duty, unless they first submit in writing through their Head of Department to the Governor a statement setting out the facts of the case and obtains written permission to proceed. Leave to proceed will be refused only on grounds of public policy or on the ground that the proposed proceedings would be detrimental to the discipline or good repute of the service.

## **LEGAL PROCEEDINGS AGAINST OFFICERS**

- 3.47 Where legal proceedings are threatened or instituted against officers in respect of acts done or liability incurred in the execution of their duty, the fact thereof shall be reported forthwith to the Attorney-General, and no legal or other expenses shall be incurred by such officers until the directions of the Attorney-General have been received. The Government will, unless otherwise advised by the Attorney-General in any particular case, accept responsibility for the defence of officers against whom such legal proceedings are threatened or instituted.