



**THE FIFTH REPORT OF
THE COMMISSION FOR STANDARDS IN PUBLIC LIFE**

17 AUGUST, 2012

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SECTION ONE

INTRODUCTION

1. The Commission is mandated under section 117(9)(g) of the Cayman Islands Constitution Order 2009 to report to the Legislative Assembly at regular intervals and at least every six months.
2. In so doing, the Commission has sought to ensure that such reports are tabled as soon as practical so that they may become public documents. The Commission will continue its endeavour to ensure that members of the public are thereby kept informed of the work of the Commission on a regular and on-going basis.
3. The Commission takes this opportunity to again publicly express its concern that its previous reports have elicited little to none formal written response from Government Officials. In particular, the Commission is concerned that 1) while the Commission understands the recommendations made in its Third Report issued on 17 August, 2011 are being considered, reviewed and some are in draft form; they have yet to be implemented; and 2) the Fourth Report of the Commission, issued 17 February, 2012 has yet to be laid in the Legislative Assembly.
4. During the current reporting period the Commission has continued its review on the current procurement system, including the acceptance by the Chair of the request by His Excellency the Governor and the Honourable Deputy Governor to serve as the Chair of the Working Group on Procurement. In addition to addressing the need for increased communication with senior Government officials, being provided with the requisite enabling legislation, seeking ways to address the monitoring of ethical conduct, appointments to statutory boards and the use of a Declaration of Interests form the Commission has also during the current reporting period prepared and forwarded to the Deputy Governor a recommended Code of Conduct in accordance with the mandate laid down by section 117(9)(f) of the Cayman Islands Constitution Order 2009.
5. In this report the Commission will outline the progress made and the key issues arising from the work completed by the Commission over the last six months.

SECTION TWO

COMMISSION FOR STANDARDS IN PUBLIC LIFE

Reports of the Commission

6. The Commission would like to take this opportunity to reiterate its desire to form a meaningful working relationship with Senior Government Officials by establishing open lines of communication without compromising its independence.

Communication with Government Officials

7. The Commission remains concerned that its first four reports have received little to no formal response from the Government.
8. In a letter dated 10th August 2012 from the Financial Secretary the Commission was informed that the recommendations made in its Third Report issued on 17 August, 2011 are being considered, reviewed and some are in draft form. The Commission nevertheless remains concerned that its recommendations have yet to be considered and implemented by the Government.

Fourth Report of the Commission

9. The Commission strives each six month period to ensure its reports are submitted in a timely manner. The fact that the Fourth Report, issued on 17 February, 2012 which aims at making the Cayman Islands Government more transparent and accountable to the public has still not been laid in the Legislative Assembly is a matter of deep concern to the Commission who has taken steps to ensure that the situation is remedied.
10. During this reporting period the Commission requested legal advice on the formal reporting lines for the Commission. The Commission has also sought an opinion from the Honourable Attorney General to clarify the manner in which Commission reports shall be submitted. Previous reports have been submitted to the Honourable Deputy Governor who has presented the same in a Cabinet Note to the Honourable Ministers and Members of Cabinet prior to these reports being laid in the Legislative Assembly and being made public documents.
11. The Commission maintains the view that its reports should be submitted directly to the Legislative Assembly in accordance with the mandate provided by Section 117(9)(g) of the 2009

Constitution Order which places an obligation upon the Commission *to report to the Legislative Assembly at regular intervals, and at least every six months.*

Transparency

12. There can be no doubt that by its very nature the Commission should remain as open and accessible to all members of the public as possible. It is recognised that there will however be instances when the subject matter may be of a privileged or otherwise sensitive or restricted nature which by law must be treated as such. The Commission is supported by the Commissions Secretariat and as such the Secretariat is often able to answer questions on behalf of the Commission or contact members in a timely manner. Any queries in relation to the Commission may be directed at info@standardsinpubliclifecommission.ky or deborah.bodden@gov.ky. The Secretariat may also be contacted at 244-3685. In addition many of the queries can be answered through the documents accessible on our website www.standardsinpubliclifecommission.ky.

SECTION THREE

CODES OF CONDUCT – THE SEVEN PRINCIPLES OF PUBLIC LIFE

13. As an integral part of its first report and in the exercise of its constitutional remit (Section 117(9)(f)) to assist in the setting of the highest standards of integrity, competence and behaviour on the part of public officers in order to ensure the prevention of conflict of interests or corruption; the Commission defined and adopted *The Nolan Principles* as the seven core principles which govern standards in public life.
14. The Commission continues to reaffirm its undertaking to uphold, promote and apply these seven core principles which form the basis of a universal standard of good governance, namely:

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

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

Leadership

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

15. Since the tabling of its fourth report on 17 February, 2012, the Commission has dedicated significant time to a process of reviewing and addressing the various ways and means of moving forward with the application of these seven principles of good governance.
16. The Commission maintains the goal of assessing the most effective manner in which these principles may be readily adopted and upheld by the relevant individuals and the Public Service as a whole, inclusive of members of public boards, committees, authorities, and commissions.
17. The Commission has created a Code of Conduct which has been forwarded to the Honourable Deputy Governor with a request that it be forwarded to all Chief Officers for use with their Board Members. This document incorporates the Nolan Principles and is meant to serve as an addition to and not override or conflict with any legal or professional requirements specific to the remit of the Bodies who choose to use it. The Code is contained in Appendix I of this document.
18. The Commission has also written to His Excellency the Governor with a request that he endorse the document for use by all Boards and Committees associated with Government's Statutory Authorities and forward it to all Chief Executive Officers and Directors of the Statutory Authorities associated with Government.

SECTION FOUR

DRAFT STANDARDS IN PUBLIC LIFE LEGISLATION

19. The Commission is pleased to report that what appears to be a finalised Draft Standards in Public Life Bill has been received from the Chambers of the Honourable Attorney General. The Chair is scheduled to meet with his Excellency the Governor, the Honourable Deputy Governor and the Honourable Attorney General on Thursday, 13th September 2012. It is anticipated that the draft Legislation will progress through the normal channels to the Honourable Ministers and Members of Cabinet and then on to the Legislative Assembly for a first reading before becoming subject to the requisite twenty-one (21) day consultation period.
20. The Commission expects to be placed in a position to begin an open process of consultation with the public during this period.

SECTION FIVE

PROTOCOLS FOR MONITORING ETHICAL CONDUCT

21. The Commission has a mandate under Section 117(9)(b) of the Constitution Order 2009 to *monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers.*

In recent times the Cayman Islands have seen a number of persons in public life being investigated for various reasons under the provisions of the Anti-Corruption Law, 2008 and the Penal Code (2010 Revision). The Commission has also received information from members of the public expressing their concerns regarding the unethical behaviour of public officials. No complaints of a formal nature have been received by the Commission in this regard. Furthermore, based on the information provided, it would appear that most if not all of the incidents referred to relates to behaviour of a personal nature and does not fall within their capacity as public officials.

22. Recently, the local television news station, Cayman 27, released a news story intimating that the primary, if not only reason the Commission had not involved itself in these investigations/cases of a pending nature was due to the lack of the requisite legislation to enable it to do so.

23. The functions of the Commission as outlined in Section 117 (9) of the Constitution Order 2009 include:

- (a) to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interest;
- (b) to monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers;
- (c) to supervise the operation of registers of interest and to investigate breaches of established standards;
- (d) to review and establish procedures for awarding public contracts; to review and establish procedures for appointing members to public authorities, and the terms of their appointment;
- (e) to recommend codes of conduct to prevent any Minister, public authority or public officer employing their power for any personal benefit or advantage, and to recommend legislation to provide appropriate sanctions;
- (f) to report to the Legislative Assembly at regular intervals, and at least every six months.

In this regard it will be noted that the draft Standards in Public Life Bill does not address matters pertaining to the private life of public officials

24. Nevertheless, behaviour of the nature referred to in recent media reports is an area that the Commission understands causes great concern for members of the public. Bearing in mind that members of the public continue to express the expectation that the Commission will, upon the passage of the long awaited enabling legislation, conduct an investigation arising from matters of this nature. As such, the Commission has taken steps to seek independent advice as to the extent of its remit in matters that may be seen to relate to behaviour of a personal nature on the part of a public official falling outside the scope of their public lives. Once legal clarification has been obtained, the Commission will make a public statement on the extent of its powers in this regard.

SECTION SIX

FREEDOM OF INFORMATION LAW

25. The application of the Freedom of Information Law, 2007 (FOI Law) has been the subject of discussion by the Commission since its inception. The Commission has sought and obtained legal advice with regard to the application of the FOI Law to the commissions created under the 2009 Constitution. In turn, the Commission understands through the advice provided by the Honourable Attorney General that the constitutionally-created commissions, including the Commission, are not included in the entities mandated to comply with the provisions of the FOI legislation.
26. The Commission nevertheless recognises and accepts that the Commission, being one of the institutions created to support democracy, is by its very nature charged with the duty of promoting openness and transparency. It is also accepted that the exclusion of bodies such as the Commission for Standard in Public Life was likely not a deliberate decision on the part of the legislative framers.
27. The Commission will seek to remedy the existing anomaly to allow the Commission to be expressly brought under the operations of the FOI Law subject to the inclusion of the requisite exemptions as contemplated thereunder by incorporating such an inclusion within its own requisite enabling legislation hereinbefore referred to.
28. The Commission intends to engage in continuing dialogue on the matter with the appropriate individuals and entities to ensure that any anomalies in this regard will be adequately covered once the proposed legislative frameworks comes into effect. Ideally, this issue will require the Commission to dedicate a significant degree of energy toward the technical aspects as a means in which to guarantee that provisions are in line with the Standards in Public Life legislative framework for maximum practicality and effectiveness in fulfilling its constitutional mandate.

SECTION SEVEN

ONGOING REVIEW OF PROCUREMENT FRAMEWORK

29. The Chair remains committed to meeting with various stakeholders in an effort to gather information and develop meaningful dialogue on the differing remits and inherent responsibilities of the Commission. Discussions have taken place regarding procurement as well as on rules, a proposed statutory framework and the on-going review of statutes of proposed legislation.
30. As a result of its findings, the Chair initially suggested that the Commission host a roundtable meeting to facilitate conversations aimed at fulfilling the Commission's mandate with respect to procurement.
31. As a follow up to the Chair's suggestion for a roundtable meeting, His Excellency the Governor and the Honourable Deputy Governor requested to meet with the Chair in order to discuss the convening of a Working Group on Procurement.
32. The Chair accepted this invitation to assist with the Working Group with a view to establishing clear lines of communication between the relevant entities who play a pivotal role in the procurement process. A clear and recent example of the need for improved lines of communication in this regard is evidenced by the two day workshop on procurement ~~was~~ hosted in the Cayman Islands by the Caribbean Development Bank on the 17th and 18th May 2012, in respect to which the Commission was neither invited to or provided with any information.

SECTION EIGHT

WORKING GROUP ON PROCUREMENT

33. As hereinbefore referred to, the Chair met with His Excellency the Governor and the Honourable Deputy Governor on 4 April, 2012 regarding the establishment of a Working Group on Procurement. It was agreed that this Group would be chaired by Mrs. Thompson in her capacity as Chair of the Commission.

34. In addition to the Chairman of the Commission, the members of the newly formed Working Group on Procurement are as follows:

- Mr. Alastair Swarbrick (Auditor General – acting in an advisory capacity);
- Mr. Peter Gough (Deputy Governor's Office);
- Mr. Nick Freeland (Central Tenders Committee Chairman);
- Ms. Nyda Mae Flatley (Commission for Standards in Public Life);
- Mr. Michael Nixon (Ministry of Finance);
- Mr. Tim Hubbell (Cabinet Office);
- Mr. Alan Jones (Chief Officer);
- Ms. Reshma Sharma (Attorney General's Office);
- Mr. Max Jones (Public Works Department); and
- Mr. Tom Van Zanten (Water Authority).

35. The terms of Reference of the aforesaid Working Group on Procurement include:

- Conduct a review of the existing frameworks and various mechanisms for procurement (including the entities and stakeholders involved, the existing laws and regulations, the policies and practices in place, the fairness and transparency of the process, whether value for money is being obtained, the information systems that support the process) and provide an independent view to the Cayman Islands Government on the issues and problems that are identified;
- Develop the fundamental principles that should be used and Government's overriding policy objectives on procurement; and
- Make recommendations for change that promotes good public sector procurement practice.

The full Terms of Reference can be found in Appendix II of this document.

36. In line with the policy of the Commission for Standards in Public Life, the minutes of the Working Group are being placed on the Commission's website under a separate tab entitled *Working Group on Procurement*.

SECTION NINE

MONITORING OF ETHICAL CONDUCT

37. The Commission continues to receive information from members of the public expressing their concerns regarding the unethical behaviour of certain public officials. The Commission notes that most, if not all, of the alleged behaviour referred to relate to personal behaviour of individual members of the Legislative Assembly that do not fall within the scope of their duties as a public officer.
38. Section 117(9)(b) of the Constitution Order 2009 empowers the Commission to *monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers.*
39. Notably, the draft Standards in Public Life Bill does not address behaviour pertaining to the private lives of public officials. Nevertheless, as members of the public continue to express an expectation that the Commission will investigate these matters the Commission has taken steps to obtain legal clarification as to the extent of its remit in such matters.
40. With respect, however, to public officials acting in their official capacities, the Commission is keen on the implementation of legislation that requires all public officials to adhere to the use of the Nolan Principles. Additionally, with the passing of its own Standards in Public Life legislation, the Commission will be able to establish protocols for monitoring the ethical conduct in the Legislative Assembly, the Cabinet and on the part of public authorities and public officers including establishing channels in which individuals may lodge complaints about the ethical conduct of the members of the aforementioned entities and methods of investigating complaints and producing reports.
41. As set out above the Commission has issued a Code of Conduct for public authorities in an effort to educate persons on their responsibilities and to assist the Commission in meeting their constitutional mandate in regards to monitoring ethical conduct.

SECTION TEN

APPOINTMENTS TO STATUTORY BOARDS AND USE OF DECLARATION FORM

42. In accordance with its mandate set out in Section 117(9)(e) the Commission continues to research how best to *review and establish procedures for appointing members to public authorities, and the terms of their appointment*. As such, the Commission would like to see Government enact legislation which requires public officials, as defined under the 2009 Constitution Order (so as to include all persons who serve on a public body, board, etc.), to complete and submit a Declaration of Interests Form at the time of their appointment. The prescribed form should show an awareness of the requirement to disclose current or future conflicts of interests and be held accountable in instances of a breach.
43. With this in mind, the Commission has created a Declaration Form which has been forwarded to the Honourable Deputy Governor with a request that it be forwarded to all Chief Officers for use with their Board, Committee or Commission Members. This document requests relevant information meant to ensure conflicts of interest, real or perceived, do not arise during the business of these Board, Committee or Commission meetings. The recommended Declaration Form is contained in Appendix III of this document.
44. The Commission has also written to His Excellency the Governor with a request that he endorse the document for use by all Boards and Committees associated with Government's Statutory Authorities and forward it to the relevant Chief Executive Officers and Directors of all Statutory Authorities associated with Government.

SECTION ELEVEN

MOVING FORWARD

General Communication

45. The Commission awaits feedback on its correspondence, to the Honourable Deputy Governor, which expressed its desire to develop open lines of communication between the Commission and the Senior Government Officials, in all aspects related to its constitutional mandate.

Third Report of the CSPL

46. The Commission is always keen to receive formal written feedback from senior Government officials with respect to its reports. The Commission has recently received commentary on the recommendations made in its Third Report from the Financial Secretary. The Commission now understands that many of the recommendations referred to in its Third Report are being carried out in regards to the Central Tenders Committee (CTC) with an *“as needed”* application to the Departmental Tenders Committee (DTC), noting that the CTC has no jurisdiction over DTC's. Documents such as draft Terms of Reference, a Policies and Procedures Manual, Confidentiality Agreements and Conflicts of Interest are currently being drafted and reviewed with the relevant stakeholders. Further, the Commission is pleased to see that recognition is being given to the fact that leadership, training and support on the technical front are very much needed for both the CTC and the DTC's.

Fourth Report of the CSPL

47. The Commission has corresponded with the Honourable Deputy Governor to express its concerns that the Fourth Report of the Commission, which was presented to the Honourable Deputy Governor to table in the Legislative Assembly on 17 February, 2012 was still not tabled as of the date of the submission of this report. The Commission understands that the report is due to be tabled at the next sitting of the Legislative Assembly.

Nolan Principles and Codes of Conduct

48. The Commission recommends that the Government seek ways to ensure all legislation which governs public officials and authorities including all persons who serve on a public body, requires adherence to the Nolan Principles.

49. The Commission will continue to promote the use of the Code of Conduct throughout Government and Statutory Authorities.

Freedom of Information

50. The Commission will seek to remedy the existing anomaly to allow the Commission for Standards in Public Life to be expressly brought under the operations of the FOI Law subject to the inclusion of the requisite exemptions as contemplated thereunder by incorporating such an inclusion within its own requisite enabling legislation in due course.

Enabling Legislation

51. The Commission will continue to work with the Attorney General's Chambers and Legal Drafting Department to assist with the creation of the underlying statutory framework that is fundamental to the ability of the Commission to effectively perform its functions under the 2009 Constitutional Order by meeting with key stakeholders in early September to discuss its contents prior to it being presented to Cabinet and then the Legislative Assembly for the public consultation period.

Procurement – Commission for Standards in Public Life

52. The Commission will continue its mission to formulate a strategy and action plan in order to manage the procurement process and create a system specific to the needs of the Cayman Islands.
53. The Commission will also seek to ensure the Government understands the importance placed on the recommendations contained in its previous reports as well as those resulting from the final report of the Working Group on Procurement.

Procurement – Working Group

54. The Chair and other Commission members will continue working as part of the Working Group on Procurement in an attempt to address and resolve the extremely important issues associated with procurement in the public sector.
55. The Chair, in her role, on the Working Group on Procurement, will continue to seek to secure resources through the UK and contract a procurement expert for consultancy to facilitate the timely execution of the Group's Terms of Reference.

56. The Working Group has asked the Deputy Governor's office to contact the Bermudian Government to find out if the Cayman Islands Government could have shared assistance with the procurement issue through the procurement expert they have currently seconded.
57. The outstanding invitation on the part of the Working Group to meet with the Honourable Ministers to further discuss the work of the Group and the way forward remains an open one.

Monitoring of Ethical Behaviour

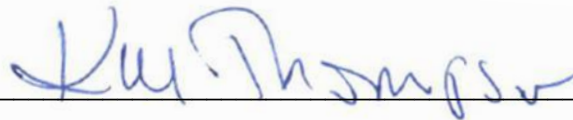
58. It is the Commission's view that it has no authority to deal with the complaints it receives from the general public regarding the unethical behaviour of public officials in their private lives under Section 117 of the Constitution Order 2009. Subsection 9(a) does not empower the Commission to take any action as a result of the lack of integrity of a public official. It only permits the Commission to set standards generally (such as, under subsection (9)(d) establishing procedures for awarding public contracts, under subsection 9(e) establishing procedures of public appointments, and, under subsection (9)(f), recommending codes of conduct. *It will be noted that Subsection (9)(b) does permit the Commission to monitor standards of ethical conduct in the Legislative Assembly, the Cabinet, and on the part of public authorities and public officers.* It is the view of the Commission that these words permit the Commission to *monitor* the ethical conduct of individual public officers, and as such do not seek to confine that monitoring to their conduct in their official capacity (as opposed to the power to monitor conduct *in* the Legislative Assembly or Cabinet). There is however not always a clear line between what constitutes public conduct as opposed to that which forms the basis of personal conduct in one's private life. Furthermore, the Commission recognises the growing concerns of members of the public and the need to ensure that these concerns are addressed in the appropriate manner. Active steps have been taken to obtain legal clarification as to the extent of its powers of this nature. Once legal clarification has been obtained, the Commission will make a public statement on the matter.

Appointments to Statutory Boards and Use of Declaration Form

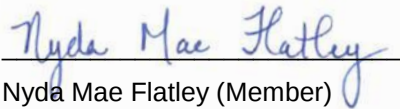
59. The Commission recommends that the Government seek ways to ensure all legislation which governs public officials and authorities including all persons who serve on a public body, requires the mandatory use of a Declaration of Interests Form for all Board or Committee members at the time of their appointment to a Statutory Board.
60. It is the Commission's recommendation that persons serving on such Boards, Committees, etc. should be required by legislation to declare, through a prescribed form, awareness of the requirement to disclose current or future conflicts of interests and be held accountable in instances of a breach.

For more information on the Commission for Standards in Public Life please visit www.standardsinpubliclifecommission.ky, e-mail info@standardsinpubliclifecommission.ky, or call 244-3685.

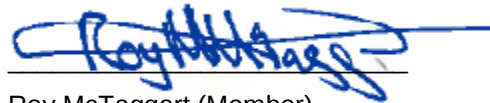
Dated this 17th day of August, 2012.

A handwritten signature in blue ink, appearing to read "K.M. Thompson", written over a horizontal line.

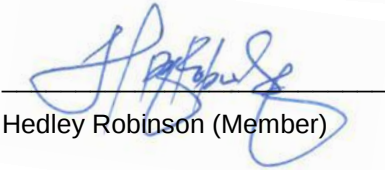
Karin M. Thompson (Chair)

A handwritten signature in blue ink, appearing to read "Nyda Mae Flatley", written over a horizontal line.

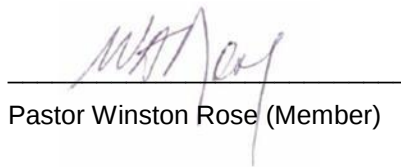
Nyda Mae Flatley (Member)

A handwritten signature in blue ink, appearing to read "Roy McTaggart", written over a horizontal line.

Roy McTaggart (Member)

A handwritten signature in blue ink, appearing to read "Hedley Robinson", written over a horizontal line.

Hedley Robinson (Member)

A handwritten signature in blue ink, appearing to read "Winston Rose", written over a horizontal line.

Pastor Winston Rose (Member)

APPENDIX I

WORKING GROUP ON PROCUREMENT – TERMS OF REFERENCE

Working Group on Procurement led by the Commission for Standards in Public Life

Background:

The procurement process operated by the Cayman Islands Government is set out in Part IX of the Financial Regulations (2010 Revision) under the Public Management and Finance Law and the guidance documents (Pre-qualification and Open Tender Process) issued by the Central Tenders Committee. It is noted that these regulations and policies apply to all public authorities. In addition, in the past two years various reports have been written on the procurement process in the Cayman Islands such as the Keith Luck Report of April 2011; two reports issued by the Office of the Auditor General in July and August 2011; and the Third Report of the Commission for Standards in Public Life (“the CSPL”).

The Honourable Deputy Governor presented a note to Cabinet on 24 April, 2012 entitled *A Review of Government’s System of Procurement* in which he informed the Honourable Ministers and Members of Cabinet that a Working Group would be established to develop a new framework for procurement and would be chaired by the Chair for the CSPL.

Membership:

Members of the Working Group will include:

- Chairman of Commission for Standards in Public Life – Karin Thompson (Chairman);
- Ministry of Finance – Michael Nixon;
- Deputy Governor’s Office – Peter Gough;
- Attorney General’s Office – Reshma Sharma;
- Cabinet Office – Tim Hubbell;
- Central Tenders Committee Chairman – Nick Freeland;
- Chief Officer/Deputy Chief Officer – Alan Jones;
- members from the CSPL – Nyda Mae Flatley and Hedley Robinson;
- any other person nominated by the Chairman – Max Jones (PWD) and Tom Van Zanten (Water Authority); and
- Auditor General – Alastair Swarbrick (acting as an advisor).

Terms of Reference:

- Define the term “procurement”;
- Conduct a review of the existing frameworks and various mechanisms for procurement (including the entities and stakeholders involved, the existing laws and regulations, the policies and practices in place, the fairness and transparency of the process, whether value for money is being obtained, the information systems that support the process) and provide an independent view to the Cayman Islands Government on the issues and problems that are identified;
- Develop the fundamental principles that should be used and Government’s overriding policy objectives on procurement; and
- Make recommendations for change that promotes good public sector procurement practice

Reporting:

The Working Group will be expected to provide a report with recommendations to Cabinet via the Deputy Governor by the end of September 2012.

APPENDIX II

CODE OF CONDUCT FOR PUBLIC AUTHORITIES



1. PURPOSE AND APPLICATION

The primary role of the Commission for Standards in Public Life (the Commission) is to assist in the setting of the highest standards of integrity and competence in public life in order to ensure the prevention of corruption or conflicts of interests. In so doing, the Commission adopts, upholds, promotes and undertakes to be bound by the seven core principles, known as the Nolan Principles, which form the basis of a universal standard of good governance. This document is meant to serve as an addition to and not override or conflict with any legal or professional requirements specific to the remit of the [name of agency].

2. NOLAN PRINCIPLES

Leadership

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

Selflessness

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

Integrity

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

Objectivity

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

Accountability

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

Openness

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

Honesty

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

3. ADDITIONAL REQUIREMENTS (DELETE AS APPROPRIATE)

a. Compliance with Laws

Members shall act in accordance with all applicable laws and should comply with the spirit and intent of the law.

Members shall not commit or condone an unethical or illegal act or invoke another to do so.

Members should be familiar with legislation, policies and directives that apply to their work and the work of the public body to which they serve in order to comply with or facilitate others' compliance with applicable laws.

Members should recognize the public interest through consistency and predictability in the exercise of their decision-making authority by considering relevant facts and evidence as well as law and jurisprudence.

b. Objectivity / Impartiality

Members should approach every proceeding and every issue arising in a proceeding with an open mind, and avoid doing or saying anything to cause any person to think otherwise.

Members should be independent in decision-making.

c. Fairness / Courtesy

Members have an obligation to comply with procedural fairness and natural justice requirements and to act impartially in the conduct of proceedings, including in matters of law and Member attitude and demeanour.

Members should treat each person with dignity and respect and in a manner that builds trust.

d. Accessibility

Members should treat those who appear before this Authority fairly, and without favouritism.

Members should be aware and respectful of social and cultural differences. In the course of their duties, they should act in a manner that promotes an appreciation of diversity.

Members must be sensitive to potential barriers to accessibility.

Members should conduct hearings or reviews such that those who appear before the agency understand procedures and practices and can participate equally, whether or not they are represented.

e. Timeliness

Members should take all reasonable steps to ensure that proceedings are concluded in a timely manner, avoiding unnecessary delays and cancellations of proceedings.

Parties are entitled to a decision as soon as possible after the proceeding.

f. Quality and Consistency

Members should be fully prepared for a proceeding and ensure that proceedings are orderly.

g. Optimum Cost

Members should ensure that proceedings are streamlined to the best extent possible without sacrificing fairness.

Members should respect the use and treatment of public funds.

h. Collegiality

Members should foster a collegial working environment and conduct themselves in a manner that reinforces the integrity and professionalism of the [name of agency] among appointees and with support staff.

Members should conduct themselves in a manner that demonstrates respect for the views and opinions of colleagues.

Members should not comment publicly on another member's decision or conduct unless otherwise approved through an established policy.

i. Confidentiality

Members shall consider the privacy interests of individuals in the conduct of hearings and decisions, and act in accordance with applicable laws.

Members must not disclose information that the [name of agency] considers to be confidential.

Members must not take advantage of confidential information obtained through official duties to obtain a personal benefit.

Members should follow agency protocols for communicating in the media and should not communicate with the media regarding a decision unless otherwise established through policy.

4. ACKNOWLEDGEMENT

I _____ acknowledge that I have read and understand the Code of Conduct as set out above.

I agree to adhere to this Code of Conduct and commit to supporting standards set out in all applicable legislation, policies or guidelines conduct myself in accordance with the Code of Conduct.

Signature of Appointee

Signature of Witness

Date

Date

APPENDIX III

RECOMMENDED DECLARATION FORM FOR BOARD, COMMITTEE AND COMMISSION MEMBERS

Register of Interests

Declaration Form

FAILURE TO COMPLY FULLY AND TRUTHFULLY WILL GIVE RISE TO
SANCTIONS IMPOSED BY LAW

**PLEASE PROVIDE DOCUMENTARY EVIDENCE TO SUPPORT THE
INFORMATION THAT YOU HAVE LISTED IN THIS FORM.**

Full Name	
Address	
Directorships Here provide particulars of any remunerated or unremunerated directorships in any company or corporate body including names and nature of the business of the company in each case.	
Shareholdings / Investments Provide name and description of any company, partnership or association in which you or your spouse are an investor.	
Income Provide details of any income or other form of remuneration or pecuniary interest received from any source including employment, office, trade or vocation.	

Land and Other Holdings Include particulars of any beneficial interest in any land and other holdings, other than home used solely for the personal residential purposes of you or your family (including nature, block and parcel numbers and approximate values).	
Liabilities Here provide details of all liabilities in respect to our or any other person connected to you including your spouse.	
Contracts with Government Here provide details of any contracts made between yourself (or any entity in which you or your spouse may have an interest) with Government.	
Miscellaneous Here include any other substantial interest whether of a pecuniary nature or notes which may appear to raise a material conflict between your private interests and your public duties.	

I declare that the information contained in this declaration is a complete and accurate description of all the interests that I am liable to declare under S. 121 of the Cayman Islands Constitution Order 2009.

Signed: _____

Dated: _____