

## **Malta Further and Higher Education Authority (MFHEA)- Code of Ethics**

**Issued on 28/05/2024.**

### **1. General**

This Code of Ethics seeks to support MFHEA's pursuit of excellence in its area of operations as outlined in its mission statement. In addition to this Policy, employees are also directed to Chapter 595- Public Administration Act of the Laws of Malta which may be accessed at <https://legislation.mt/eli/cap/595/eng> .

### **2. Scope**

This policy is intended to provide employees of this Authority with a framework of the organisation's norms, values and ethos which should guide their behaviour at the workplace and their physical and online interactions with colleagues and the public.

### **3. Applicability**

This Code of Ethics is applicable to all MFHEA employees, including any detailed employees or staff "on loan" from other entities, and furthermore any other persons who may not be direct employees but still working at MFHEA or acting in an advisory capacity.

### **4. Fundamental Principles**

In fulfilling their duties, MFHEA employees should bear in mind that they are representing the Authority. They are thus to behave ethically and with integrity and moreover maintain a professional disposition to preserve the organisation's image and reputation.

Throughout, their behaviour should be guided by the following values:

- Integrity

- Respect for others
- Loyalty
- Trustworthiness
- Maintaining quality and standard
- Drive improvement
- Accountability
- Fairness, equity, and equality
- Impartiality

These values are further expanded as follows:

#### **4.1 Integrity**

MFHEA employees shall:

- a. Always act with diligence, honesty, grace and integrity, such that their conduct can stand the test of public scrutiny even in situations where no law, policy or procedure may apply.
- b. Use public resources appropriately, conscientiously, efficiently and effectively in the public interest.
- c. Make use of official authority, information or resources to reach their goals and execute their responsibilities fairly, impartially and equitably.
- d. Refuse any gift, payment, compensation, privilege, or any form of solicitation unless, where gifts are concerned, they are token in nature and which may not be construed as an inducement which influences the employee in his/her execution of duties.

#### **4.2 Respect**

MFHEA employees shall:

- a. Treat others, including clients and colleagues, with courtesy, civility and respect.
- b. Avoid any form of direct or indirect discrimination or harassment.
- c. Treat the opinions, beliefs, and individuality of all persons with suitable respect, regard and consideration.
- d. In the execution of duties, roles, and responsibilities, safeguard their own health and safety and that of others.
- e. Cooperate with colleagues and enhance teamwork.

### **4.3 Loyalty**

MFHEA employees shall:

- a. Observe the Constitution and the law.
- b. Abide by official policies and directions.
- c. Provide objective, knowledgeable and honest advice on matters within their competence.
- d. Efficiently and effectively implement MFHEA's policies.
- e. Act in accordance with any lawful directions, written or verbal, given by their superiors.

Notwithstanding the provisions of the preceding paragraph, MFHEA employees who perceive better ways of achieving objectives, should draw their superiors' attention before executing the instructions. Moreover, if they feel that they have been given verbal instructions that are contrary to the Code of Ethics or improper for any other reason, they can ask for those instructions to be given in writing.

### **4.4 Trust**

MFHEA employees shall:

- a. Act in a manner which gains and maintains the trust of their superiors and the public.
- b. Safeguard confidential information, particularly personal data, and not use or disclose it inappropriately or without authorisation.
- c. In both their official and private capacities, behave in a manner which upholds and reinforces the Authority's reputation and good standing.

The obligation to safeguard confidential information is without prejudice to the disclosure of information in the interests of transparency, or under the Freedom of Information Act, provided that the decision to disclose is taken by those with the authority to do so, and provided that other laws (particularly the legislation on data protection) are respected.

#### **4.5 Quality**

MFHEA employees shall:

- a. Enhance and develop their skills whilst keeping abreast with developments in their area/s of expertise to improve their service level.
- b. Apply their knowledge, experience, creativity, drive, and initiative to increase the efficiency, effectiveness and overall quality of their service.
- c. Intelligently and humanely exercise suitable discretion in the interpretation of rules, with a view to avoiding a universal approach.
- d. Coordinate their activities with other staff to improve the Authority's efficiency.
- e. Take steps to identify and rectify poor performance, misconduct or misuse of resources.

#### **4.6 Accountability**

MFHEA employees shall:

- a. Act in a transparent manner and in compliance with applicable laws, regulations, directives, policies, and procedures.
- b. Be ready to have their actions appraised by others.
- c. Be prepared to give a clear explanation of their judgements, behaviours, intentions and actions to any authorised to demand such explanation.
- d. Report to their Head of Department or Manager in charge of their section any violations of the Code of Ethics by other MFHEA employees.
- e. Fully co-operate with investigations by any authorised person or entity, whether internal or external to the Authority.
- f. Take responsibility for their actions and behaviour and furthermore shoulder the level of responsibility that is appropriate to their posts. This includes accepting responsibility and being held accountable for their errors, misjudgements, and negligence.
- g. Assign responsibility for tasks and duties delegated to subordinates and thereafter supervise them and giving them due credit whilst holding them accountable for shortcomings.

#### **4.7 Fairness and Equity**

- a. Issues or cases being considered by MFHEA employees shall be addressed consistently, promptly and fairly. This involves dealing with matters in accordance with approved procedures and without discrimination on any grounds. There is an obligation to treat each issue reasonably and with a view to meeting the principles of natural justice.
- b. When using any discretionary powers, employees shall ensure that they take all relevant facts into consideration and with due regard to the peculiarities and merits of each case.

#### **4.8 Non-discrimination**

MFHEA employees shall:

- a. Not discriminate in any manner or on any basis including race, place of origin, nationality, skin colour, political opinions, creed, sex, sexual orientation, expression or gender identity, civil status, mental or physical well-being.
- b. Not act in a manner which impairs others' fundamental rights and freedoms.
- c. Respect the rights and freedoms of others.
- d. Treat all with dignity and respect.

#### **4.9 Impartiality**

MFHEA employees shall:

- a. Act in line with official MFHEA policies and procedures.
- b. Treat everyone with fairness and impartiality and protect everyone's rights.
- c. Ensure that decisions are based on objective criteria and not tarnished by any personal bias, conflict or prejudice, or designed to favour or benefit, or give any unjustified preferential treatment to one person over another.

## 5. Personal and Professional Behaviour

The principles and values outlined convey the personal and professional behaviour expected of MFHEA employees. Thus,

- a. Employees shall perform any duties associated with their positions diligently, impartially, conscientiously and to the best of their ability.
- b. In the performance of their duties, MFHEA employees shall:
  - i. Keep up to date with advances and changes in their area of expertise.
  - ii. Comply with any relevant legislative or administrative requirements.
  - iii. Treat members of the public and other staff members with respect, courtesy and sensitivity of their rights and beliefs.
  - iv. Avoid discrimination or harassment in any form direct or indirect.
  - v. Safeguard their own health and safety and that of others in the execution of their duties, roles and responsibilities.
  - vi. Provide all necessary and appropriate assistance to members of the public.
  - vii. Maintain adequate documentation to support any decisions made.
  - viii. Strive to obtain value for public money spent and avoid waste and extravagance in the use of public resources.
  - ix. Not take or seek to take improper advantage of any official information gained in the course of employment.
  - x. Not wilfully supply incorrect or misleading information.
  - xi. Not indulge in favouritism or nepotism.
  - xii. Work with colleagues in a spirit of cooperation and teamwork.
- c. At all times, employee behaviour and comport shall not disgrace his or her position and not reflect adversely on the Authority.
- d. MFHEA employees are expected to give full support to the Government of Malta regardless of which political party or parties are in office. When implementing Government policy, their own values and beliefs shall not take precedence over those explicit or implicit in Government policy.
- e. MFHEA employees shall not harass or discriminate in work practices on the ground of sex, marital status, pregnancy, age, race, colour, nationality, physical or intellectual impairment, sexual preference, or religious, political or other conviction/ allegiances when dealing with their colleagues and members of the public.

- f. MFHEA employees have a duty to report any unethical behaviour or wrongdoing by another employee to their respective Head of Department or Manager in charge of their unit.

## **6. Gifts, payment, compensation and other benefits**

- a. No MFHEA employee or any member of his/her household shall accept gifts, payment, compensation or other benefits or services which might be construed to create an obligation, real or imagined.
- b. A gift can serve as an inducement or influence a reward simply because of its intrinsic value and therefore only token gifts may be accepted.

## **7. Political Participation**

7.1 MFHEA employees should strive to maintain the Authority's political impartiality and any participation in political activities should not bring them in any conflict with their duties at the Authority.

7.2 Moreover, any political participation and public comments by MFHEA employees should not take the precedence over maintaining public confidence in the impartiality of the Authority. Determining what is appropriate is also dependent on the extent of participation, the nature of the issue and the position held by the individual.

7.3 To this effect, MFHEA employees shall:

- a. Maintain political neutrality and not bring the Authority into disrepute through their workplace and private activities.
- b. Ensure that any public comments made (including on social media), and/ or their participation in political activities, do not undermine or jeopardise public confidence in the competence and impartiality of the Authority, or expose themselves employees to potential or perceived impartiality.
- c. Fulfil their duties and responsibilities with loyalty to the Government of the day and never act in a manner that may undermine the achievement of Government policy or direction, or otherwise diminish public confidence in Government in any way, extent or manner.

## 8. Conflict of Interest

- 8.1 MFHEA employees shall ensure that no conflict, real or apparent, arises between their official duties and any other occupations, activities or interests (financial or otherwise) that they or their close relations may have. Such a conflict arises if an MFHEA employee's ability to faithfully discharge their duties is, or can reasonably be, called into question on account of such other occupations, activities or interests. This includes instances where the MFHEA employee is placed in a position to be biased or is seen as potentially being biased.
- 8.2 If such a conflict arises, the MFHEA employee shall make this conflict known to the Chief Executive Officer and take such action as may be necessary to resolve the conflict.
- 8.3 A conflict of interest may be defined as a situation in which an MFHEA employee has a private or personal interest sufficient to influence or appear to influence the objective exercise of his or her official duties.
- 8.4 MFHEA employees shall avoid any financial and other interest or undertaking that could directly or indirectly compromise the performance of their duties.
- 8.5 In many cases only the individual employee will be aware of the potential for conflict. Therefore, the onus is on the employee to disclose to management, to his or her senior or to a committee he/she forms part of, if a potential or actual conflict of interest arises.
- 8.6 This also includes the notification of all relevant personal, financial, business or other interests, in particular:
- a. Any directorship, partnership or agency.
  - b. Any shareholding in any entity/ organisation involved in the Authority's work, duties or functions.
  - c. Any interest in any activity or business in which or with which MFHEA is engaged.
  - d. Any interest in goods or services recommended or supplied to MFHEA.
- 8.7 If a potential or actual conflict of interest arises, MFHEA employees shall immediately notify the Chief Executive Officer by means of the **MFHEA Form-Employee Declaration of Conflict of Interest** at Appendix A. This is applicable whenever any of the above interest arises i.e., upon assuming office, change in duties or due to change in circumstances.



- 8.8 Authorisation from the Chief Executive Officer must be obtained prior to proceeding with the undertaking.
- 8.9 All notifications submitted, and decisions taken shall be documented and a copy shall be kept in the employee's file at MFHEA's Corporate Department.

## 9. Use of Official Information

- a. MFHEA employees shall only disclose official information or documents acquired in the course of their employment when required to do so by law, in the course of duty, or when proper authority has been given. In such cases, comments made by employees shall be confined to objective information and shall not express opinion on official policy and practice. In this regard, and as applicable, employees are also bound by the provisions of the Professional Secrecy Act and the Data Protection Act.
- b. MFHEA employees shall not accept employment in the private sector if their position would entail use of 'insider information' if such information came to their knowledge as a direct result of their employment at MFHEA.

## 10. External Employment and Termination

- a. MFHEA employees require prior approval by the Chief Executive Officer before they may engage in any form of business or employment outside their official duties. To this effect, a formal request is to be submitted and a formal response by the CEO will be given.
- b. In all cases when external employment is considered, MFHEA interests take the precedence and employees should avoid situations which could give rise to an actual or perceivable conflict of interest.
- c. All notifications submitted, and decisions taken shall be documented as per **MFHEA Form- Request for External Employment** at Appendix B and a copy shall be kept in the employee's file at MFHEA's Corporate Department.
- d. Former MFHEA employees bound by an undertaking shall not, for a period of up to two years after leaving MFHEA employment, enter into a relationship of profit with any private enterprise or non-government body with which the former MFHEA employees dealt in an official capacity in the five years preceding their departure from MFHEA employment.

## **11. Use of Official Facilities and Equipment**


It is expected that MFHEA employees:

- a. Be efficient and economical in the use and management of the Authority's resources.
- b. Be scrupulous in their use of public property and services and not permit their abuse by others.
- c. Official facilities and equipment shall not be used for private purposes unless prior official permission has been given.


## **12. Sanctions**

- a. Breaches to this Code of Ethics shall be sanctioned.
- b. The degree of the sanctions shall depend on the severity and nature of the breaches and the suitable formal disciplinary action will ensue. However, this does not preclude any criminal action which may be applicable.
- c. If appropriate, counselling by Senior Management may also be given.

## Appendix A to Malta Further and Higher Education Authority- Code of Ethics and Conflict of Interest Policy

<b>MFHEA Form- Employee Declaration of Conflict of Interest</b>		 Malta Further & Higher Education Authority
<b>Personal information</b>		
Name & Surname		
Designation/ Grade		
Department/ Unit/ Section		
Declaration of actual or potential conflict of interests due to assigned duties.	Please specify:	
I declare that the above information is true and correct.		
_____ Signature of Employee	_____ Date	
CEO's Response:		
_____ Chief Executive Officer		
_____ Date		

## Appendix B to Malta Further and Higher Education Authority- Code of Ethics and Conflict of Interest Policy

<b>MFHEA Form- Request for External Employment</b>		 Malta Further & Higher Education Authority
<b>Personal information</b>		
Name & Surname		
Designation/ Grade		
Department/ Unit/ Section		
<b>Details of external work outside hours of duty</b>		
Business/ Company name		
Type of business		
Address		
Type of work which will be performed		
No of hours of work		
Timings		
Registered part-time	Yes/ No	If no, please specify further below
I declare that the above information is true and correct.		
_____ Signature of Employee	_____ Date	
<b>CEO's response</b>		
Approved/ Not Approved due to the following reasons:		
_____ Chief Executive Officer	_____ Date	