



ACN  
Anti-Corruption Network  
for Eastern Europe  
and Central Asia



## Ethics Training for Public Officials

A study prepared by

the OECD Anti-Corruption Network for Eastern Europe  
and Central Asia (ACN)

and

SIGMA, a joint EU-OECD initiative, principally financed  
by the EU,

in co-operation with the OECD Public Sector Integrity  
Network

March 2013





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### **The OECD Anti-Corruption Network for Eastern and Central Europe**

The Anti-Corruption Network (ACN) is a regional outreach programme of the OECD Working Group on Bribery. The ACN is open to countries in Eastern Europe and Central Asia. The main counterparts are the national governments and anti-corruption authorities of the participating countries. Civil society, business sector, international organisations and international financial institutions, as well as other countries take an active part in the ACN. The ACN was established in 1998. Its main objective is to support its member countries in their efforts to prevent and fight corruption. It provides a regional forum for the promotion of anti-corruption activities, exchange of information, elaboration of best practices and donor coordination. The ACN operates through general meetings and conferences, sub-regional initiatives and thematic projects.

### **SIGMA**

SIGMA is a joint initiative of the European Union and the OECD, principally financed by the EU. SIGMA provides assistance in five key areas: civil service management and administrative legal framework; public finance and audit; public procurement; policy making and coordination; public governance strategy and reform. SIGMA assesses: governance systems and institutions; legal frameworks; reform strategies and action plans; progress in reform implementation. SIGMA provides methodologies and tools to support reforms; recommendations on improving laws and administrative arrangements; advice on the design and implementation of reforms; opportunities to share good practice from a wide range of countries; policy papers and multi-country studies. SIGMA works with: Croatia as an EU accession country; Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Kosovo\*, Montenegro, Serbia and Turkey as EU candidate and potential candidate countries; Algeria, Armenia, Azerbaijan, Egypt, Georgia, Jordan, Lebanon, Moldova, Morocco, Tunisia and Ukraine as EU Neighbourhood countries.

### **The OECD Network for Public Sector Integrity**

This Network of the Public Governance Committee provides a forum for improving public sector governance through safeguarding integrity and preventing corruption in the public sector. The Network reviews trends, develops best practice guidelines, builds comparative data, disseminates lessons and supports a global policy dialogue with multiple stakeholders, at a time when these issues are high on the international agenda. Integrity is a key area in the Committee's programme of work, contributing to the OECD strategies for stronger fairer and cleaner economies through Open and Clean Government. The crisis has shown an urgent need to reassess how core public sector values, such as integrity, transparency and accountability, can be rethought and strengthened to prevent future deficiencies in the interface between the public and the private sector. Preventing corruption and safeguarding integrity also helps to restore trust in government, an overarching goal for public policies. The Network also reviews issues related to risk areas at the interface between the public and private sector, including public procurement, lobbying, and post-employment conflict of interest. It supports the Public Governance Committee in implementing and reviewing progress made in relation to the following OECD instruments:

- C(2010)16 Recommendation of the Council on Principles for Transparency and Integrity in Lobbying
- C(2008)105 Recommendation of the Council on Enhancing Integrity in Public Procurement
- C(2003)107 Recommendation of the Council on OECD Guidelines for Managing Conflict of Interest in the Public Service
- C(1998)70 Recommendation of the Council on Improving Ethical Conduct in the Public Service Including Principles for Managing Ethics in the Public Service.

\* This designation is without prejudice to positions on status and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

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Manuel Villoria, Henk Bruning and Alberto Moreno de Tejada carried out the analysis of the trends in ethics training and drafted chapter 2. Stefan Ritter and Isabella Spazierer-Vlaschitz prepared the Austrian case study, Annelie Sihver drafted the case study on Estonia, Ahmet Coskun prepared the case study on Turkey, and Patricia Zemple prepared the case study on the United States. The checklist was developed by Aive Pevkur from Estonia and Olga Savran.



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## INTRODUCTION

Integrity in the public administration is an important condition for the effective functioning of the state, for ensuring public trust in the government, and for creating conditions for sustainable social and economic development.

Ethics training for public officials is one of the instruments for building integrity in state institutions and ensuring good quality public governance. The UN Convention against Corruption (UNCAC) requires that the State Parties "promote education and training programmes to enable them [public officials] to meet the requirements for the correct, honourable and proper performance of public functions and that provide them with specialized and appropriate training to enhance their awareness of the risks of corruption inherent in the performance of their functions."<sup>1</sup>

Training on integrity, ethics and anti-corruption is provided in many countries around the world, including countries with relatively high levels of integrity in public administration as well as countries where corruption is widespread. However, there are not enough data and research on good practices in this area. Designing and delivering ethics training is a long term investment; it can be expensive, especially when it targets thousands of civil servants. It is also a high risk investment, as training alone will not be able to increase integrity. It is therefore important to know which programmes have the best design and produce the best results.

This study presents the findings of a project on ethics training for public officials implemented by the OECD-EU SIGMA Programme together with the OECD Anti-Corruption Network for Eastern Europe and Central Asia (ACN)<sup>2</sup>, in cooperation with the OECD Public Sector Integrity Network.

The study analyses existing approaches for ethics training in Eastern Europe and Central Asian countries and selected OECD member countries. It proposes recommendations on how to improve the effectiveness of ethics training, which can be used by countries when they develop their own ethics training for public officials. The policy recommendations are illustrated with case studies from Austria, Estonia, Turkey and the United States. The report also contains a checklist for a training programme based on the best practices identified in this study, which can be used by Eastern European, Central Asian and other countries to develop or to improve the effectiveness of ethics training programmes.

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<sup>1</sup> UNCAC, Article 7 (d).

<sup>2</sup> The ACN includes Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia, the former Yugoslav Republic of Macedonia, Georgia, Kazakhstan, Kyrgyzstan, Latvia, Lithuania, Moldova, Montenegro, Romania, Russia, Serbia, Slovenia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan. SIGMA works with EU accession, candidates and potential candidate states (Croatia; the former Yugoslav Republic of Macedonia, Montenegro, Serbia and Turkey; Albania, Bosnia and Herzegovina and Kosovo\*) and countries covered by the European Neighborhood Policy (Algeria, Armenia, Azerbaijan, Egypt, Georgia, Jordan, Lebanon, Moldova, Morocco, Tunisia and Ukraine). This project focused mostly on the countries in Eastern Europe and Central Asia.

\* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

## METHODOLOGY

The idea for this study on ethics training for public officials was proposed at the expert seminar on "Anti-Corruption Policy and Integrity Training" organised by the OECD Anti-Corruption Network for Transition Economies (ACN) with the OSCE in Vilnius on 23-25 March 2011. During the seminar, experts from Eastern Europe, Central Asia and several OECD countries discussed how ethics training can contribute to fighting corruption and building integrity in public institutions, and agreed that "new and more advanced approaches, which included tailor-made practical ethics training about rules and values, delivered systematically by dedicated ethics officials, using an interactive approach" were needed.<sup>3</sup>

The project was developed by the OECD-EU SIGMA programme together with the ACN and in cooperation with the OECD Public Integrity Network. To guide the project an informal advisory group was established comprising experts from Austria, Estonia, Latvia, Spain, Turkey, United States, and OSCE field offices in Kyrgyzstan and Tajikistan.

The implementation of the project involved the following steps: (1) collection of data from the participating countries about the existing ethics training programme with the help of a standard questionnaire, (2) analysis of trends and development of policy recommendations for further improving ethics training for public officials, (3) preparation of case studies on selected countries to demonstrate useful approaches, and (4) elaboration of a checklist for training programmes to help ACN and SIGMA countries to develop and deliver effective trainings for their public officials.

The questionnaire was sent to public officials responsible for integrity training in Eastern Europe, Central Asia and several OECD countries. Feedback was received from the following 22 countries: Albania, Armenia, Austria, Azerbaijan, Bosnia and Herzegovina, Bulgaria, Croatia, Estonia Kazakhstan, Kosovo, Latvia, Lithuania, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Romania, Tajikistan, Turkey, Serbia, Spain (Regional government of Catalonia), United States and Uzbekistan.

To analyse the data collected through the questionnaire and to identify the main trends, a team of consultants was formed by SIGMA. On that basis, the OECD Secretariat developed policy recommendations on ways to improve ethics training for public officials.

At the request of the OECD Secretariat, members of the advisory group from Austria, Estonia, Turkey and the US agreed to prepare case studies on ethics training for public officials in their countries and to provide examples of training programmes targeting different groups of officials and implemented in diverse cultural contexts.

The OECD Secretariat also hired an external consultant to develop the checklist that can guide countries in designing and delivering ethics training programmes to their own public officials. The checklist aims to provide the main approaches on the substance and training methods, which can then be further adapted to different groups.

The study was compiled by the OECD Secretariat on the basis of the above mentioned inputs.

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<sup>3</sup> Proceedings of the Vilnius seminar are available at <http://www.oecd.org/dataoecd/3/17/47912383.pdf>.

## **1. POLICY RECOMMENDATIONS**

### **1.1. Ethics training as a part of a comprehensive anti-corruption and integrity policy**

Ethics training is a useful tool for strengthening ethics and preventing corruption in public administration if applied together with other tools as part of a comprehensive anti-corruption and pro-integrity policy. Ethics training alone cannot produce sustainable results, especially in countries with high levels of corruption. Ethics training produces observable results only in the long-term.

### **1.2. Political support and "leadership from above"**

Political support for ethics training should be demonstrated not only through declarations but also through the practical actions of the leadership, e.g. by setting an example of ethical behaviour and by allocating funds and staff for the implementation of the ethics training programmes. Lack of such "leadership from above" undermines motivation for participation in ethics training and thwarts their positive impact on the behaviour of civil servants.

### **1.3. Legal requirement to provide and receive ethics training**

Ethics training should be a part of a broader and comprehensive public policy on anti-corruption/integrity and public administration reform, and should be reflected in programmatic documents. However, a requirement to provide ethics training established in policy and programmatic documents alone may not be sufficient to ensure its practical implementation. It is important to have a legislative or other official requirement to deliver and receive integrity training for public officials established in, for example, a Law on Civil Service, an Anti-Corruption Programme, a Code of Ethics and other appropriate regulations.

### **1.4. Leading agency and coordination of ethics training**

It is important that there is at least one public agency responsible for the overall framework for ethics training, for central planning, coordination and evaluation of results. Civil service, anti-corruption or ethics agencies can play this role; clear formulation of responsibilities of these institutions should be complemented with proper coordination among them, as well as with other institutions that provide ethics training at central and local levels. In addition, ethics should be integrated in the everyday management of public institutions and managers of public institutions should be required to promote ethics in their institutions.

### **1.5. Targeting the training for specific groups of public officials**

When there is a limited budget for training programmes, it is important to prioritise the target groups. Targeting also helps to make the training more focused on the practical needs of a specific group of public officials, thus increasing their motivation in participating. Several groups should be targeted for ethics training: all new public officials should be provided with ethics training; senior public officials in management positions and public officials in areas of risk should also be trained on ethics. Compulsory programmes for these target groups are advisable. It is also important to develop ethics training programmes for political/elected public officials. Finally, ethics/HR officers in sector ministries and local

level governments should also be trained for their important role in the dissemination of the integrity policy in the organisation.

### **1.6. Making ethics training practical**

Assessments of ethics risks and training needs should be carried out in order to adapt the training programmes to the needs of the target groups. Specialised ethics related surveys could be a useful tool for such needs assessment. Close cooperation between the agency that provides the training and the agency that employs the public officials at the stage of developing the training programme is also important in order to adapt the programme to the specific needs of a given institution.

To make the training less formalistic and more practice oriented, and to use the limited time allocated for ethics training to its best, it is very important to apply modern training methods. This can include a combination of theoretical lectures and practical tailor-made case studies and workshops.

It is also recommended to use evaluation methods to assess both the knowledge received by the participants of the training and to identify ways to further improve the training. Finally, countries could consider developing follow-up measures, such as individual ethics action plans for participants in the training programmes, and additional coaching in the workplace to support the implementation of such plans.

### **1.7. Training about rules, values and "grey" areas**

It is important to combine the training on ethics rules established in the legislation, ethics codes and other regulations with training on ethical values in order to change attitudes and to strengthen participants' understanding of why anti-corruption reforms are necessary and possible. It is also important to provide practical guidance on ethical behaviour in situations where official rules contradict traditions or do not provide clear answers on how to behave in concrete situations. It is especially important in countries with high levels of corruption where many grey areas have not yet been addressed by formal rules. While lectures appear appropriate for training on rules, interactive and tailor-made practical methods may be more useful for training on values and ethical conduct in risk situations.

### **1.8. How to evaluate the effectiveness of the training**

Evaluation of the effectiveness of ethics training is a challenging task. Current evaluation methodologies focus mostly on outputs such as the number of public officials trained. Direct evidence that the training has led to improvement in ethical behaviour among the target group of public officials is usually not available; the overall impact of the ethics training can be assessed only in the long term.

## 2. ANALYSIS OF TRENDS

### 2.1. Why countries provide ethics training for public officials

The main aim of ethics trainings for public officials is to prevent corruption and to provide good public service. Ethics training is provided to public officials in all countries examined by this study, both in countries with high and low levels of corruption. While both groups of countries confirmed that integrity in their public administration is a concern, the challenges they face are of different scale. It appears that countries with lower levels of corruption and with better developed public administration systems provide better ethics training for their public officials. Conversely, in countries with higher levels of corruption, where integrity in public administration is a serious concern, such training programmes appear to be less developed.<sup>4</sup>

This can be due to a number of reasons. Firstly, countries with higher levels of corruption usually face many challenges and need to introduce important reforms on many fronts simultaneously. They have less experience and resources necessary to provide good ethics training. Citizens in countries with high level of corruption usually want to see real results of the fight against corruption quickly, including criminal cases, arrests and court proceedings. Ethics training can deliver results only in the long term and in combination with other anti-corruption law-enforcement and preventive measures. Ethics training therefore can be treated as a low priority investment in countries where governments seek quick results in a highly corrupt environment, and allocating budget funds to ethics training, especially in times of financial crisis, may not be popular.

The second, and probably more important reason is the lack of political will in these countries to fight corruption. In their answers to the questionnaire, many countries responded that their political leaders supported ethics training, which is reflected in various statements and speeches and in the adoption of anti-corruption or integrity programmes. However, some of them also noted that the lack of participation of politicians in ethics training is one of the main obstacles, leading to a lack of motivation among other public officials. The missing “leadership from above”, together with a cultural environment where corruption is a normal way of doing things, may explain why ethics training remains formalistic and unpopular, and does not have a practical impact on the behaviour of public officials. Respondents to the questionnaire also highlighted the lack of clear allocation of responsibility for ethics training among the key challenges.

Nevertheless, the recognition of the importance of integrity training for ensuring longer-term sustainability of anti-corruption and integrity measures is growing. Many international organisations recommend that countries boost their efforts to educate their public officials on ethics. Donor agencies often support such trainings in recipient countries. The EU played an important role in promoting ethics training in EU candidate countries. However, more efforts are needed to increase political and social support for ethics training programmes. Many experts agree that new and advanced approaches to ethics training should be promoted, and that the quality of such training should be improved, especially in countries with serious problems of integrity in the public administration, including many SIGMA and ACN countries.

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<sup>4</sup> Proceedings of the Vilnius seminar are available at <http://www.oecd.org/dataoecd/3/17/47912383.pdf>.

## 2.2. What legal framework is needed

Recognising the problems regarding integrity and corruption in the public administration, many countries have developed strategies, programmes and other policy documents that include ethics training. Ethics training is often required by anti-corruption strategies (Armenia, Azerbaijan, Austria, Bosnia and Herzegovina, Croatia, Estonia, Latvia,<sup>5</sup> Lithuania, the former Yugoslav Republic of Macedonia, Montenegro, Moldova, Serbia, Spain (Catalonia), Tajikistan) and integrity strategies (Romania and Turkey). Ethics training requirements can also be provided in human resource development or training strategies (Croatia, Lithuania) and public administration reform strategies (Albania and Kosovo).

The inclusion of ethics training in strategic documents is a positive indicator of the growing recognition of its importance, especially if these documents include implementation action plans, with specific actions, allocation of tasks to responsible institutions, timelines and budgets. However, the strategies may not be sufficient to ensure the practical implementation of the training, especially in countries where such strategies do not establish a legally binding obligation, do not have their own budgets, and where their implementation depends on the budgets of various public institutions. In these cases, it may be useful to establish ethics training as a legal requirement, at least for some categories of public officials, such as new officials or officials working in sectors with high integrity risks.

In many countries, receiving training is a right of public officials; this right is often established in the public service legislation. Usually, public officials are required to participate in various training programmes on a regular basis, and are also obliged to comply with the codes of ethics. However, the areas of training that must be provided to the public official are rarely specified. For instance, in Estonia and Montenegro, there is no direct legal requirement for public officials to receive ethics training. In Romania, professional training is required, but ethics training is not specified as one of the mandatory subjects. In other countries, the ethics training is required indirectly. For example, in Lithuania, all new public officials have to participate in introductory training (that which includes integrity issues). Only in several countries is ethics training directly required by law. For instance, in the US, ethics training is required for executive branch employees. In Turkey, ethics training has, since 2009, been provided to all public officials working both at the central and local level.

In addition to the direct or indirect legal requirement for ethics training established by law, there may be other approaches to provide an official basis for such training. Usually, these include codes of ethics and regulations of individual public institutions. For example:

- In Serbia, the Law on Civil Servants states that "the Human Resource Management service organises professional training for civil servants, particularly in the area of fight against corruption".
- In Croatia, ethics commissioners are appointed by the Law on Civil Service; they are obliged to participate in comprehensive integrity programmes.
- In Bosnia and Herzegovina, there is a legal obligation to inform all employees of the public administration about the basic principles of ethics (Law on Civil Service art. 50).
- Training on the Code of Conduct is a right for every civil servant in Spain (Basic Civil Service Law).

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<sup>5</sup> For example, in Latvia, anti-corruption guidelines ([http://www.knab.gov.lv/uploads/eng/guidelines\\_for\\_corruptionprevention\\_combating\\_2009\\_2013.pdf](http://www.knab.gov.lv/uploads/eng/guidelines_for_corruptionprevention_combating_2009_2013.pdf)) and anti-corruption programme ([http://www.knab.gov.lv/uploads/eng/corruption\\_prevention\\_and\\_combating\\_programme\\_2009-2013.pdf](http://www.knab.gov.lv/uploads/eng/corruption_prevention_and_combating_programme_2009-2013.pdf)) both include a requirement of ethics training.

- In Latvia, there are specific training courses for employees in special positions (prosecutors and judges) and functions (responsible for public procurement and other areas involving risks on conflicts of interest, fraud and corruption) (Law on Prevention of Conflict of Interest in Activities of Public Officials).
- In Austria, a special training on integrity is provided for political advisors of ministers.
- In Turkey, ethics commissions established in public institutions are responsible for the provision of ethics training in cooperation with the Council of Ethics for Public Officials of the Prime Ministry.

On the basis of the above analysis, it is possible to assume that ethics training is more effective if it is a part of a holistic and well-implemented strategy. However, such strategies alone may not provide a sufficient basis for ethics training, and need to be reflected in other formal regulations supported with appropriate budgets. Direct legal requirements to provide integrity training to certain categories of public officials may be more effective in the SIGMA and ACN countries.

Legal requirements to provide integrity training can, on the other hand, lead to formalistic results, where public officials take the training to "tick the box", or when new public officials take ethics training as a part of their introductory training but do not pay sufficient attention to it. Senior public officials and political appointees do not always take ethics training, thus failing to set the example. Efforts to promote the involvement of senior officials, together with the programmatic and legal requirements of such training are needed to provide a solid official basis, political support and motivation for ethics training.

### **2.3. Which institutions are responsible for ethics training**

As discussed in the previous section, the responsibility for the delivery of ethics training is established in strategies and legislation. In practice, there are often several ethics or anti-corruption training programmes in each country. Ethics can also be covered in other training programmes delivered to various categories of public officials. In many countries, central executive bodies have their own training programmes. In addition, individual public institutions and local administrations may have their own programmes.

As a result, there are several bodies responsible for the delivery of ethics training. The bodies most frequently mentioned by countries covered by the study are the civil service or human resource agencies and the anti-corruption or integrity bodies. Internal human resources departments are also important for the effective delivery and impact of the training, especially in those countries where there are no specialised training institutes for public officials. The role of all these institutions can be complementary or non-complementary.

They are complementary when all the bodies involved work towards a shared goal and support integrity measures. However, relations between bodies involved are often competitive, reflecting established cultures and structures. For instance, internal HR departments are often well-established parts of public institutions, with their own objectives, methods and traditions, and they sometimes perceive ethics training as additional workload. While they may play a very important role in ethics training, they themselves need to be taught about the importance of integrity policy as part of a modern HR policy and about the available integrity instruments. Civil service agencies are responsible for HR policy but they too have a lot of other responsibilities, and ethics training is not a priority for them. Anti-corruption agencies with an explicit task of preventing corruption normally have ethics training among their priorities, but usually do not have the appropriate resources and skills for providing the training by themselves.

Therefore it is important to ensure a collaborative management between all the bodies involved to avoid inefficiency, organisational rivalry or self-promotion in the search for public money. A clear regulation of

the mission and responsibilities of each body, together with a mechanism for coordination and collaboration, could help to avoid these problems. The best way to organise a sustainable ethics training programme is through regular contact between the bodies involved, in order to discuss and to solve problems during the execution of the programme.

Anti-corruption coordinative bodies established in many countries to coordinate the implementation of anti-corruption strategies, or similar bodies responsible for the coordination of public administration and civil service reforms, can also be used as instruments for coordinating ethics training.

In some countries, coordination, as well as central planning and evaluation, are provided by one leading body. For instance, in Estonia, the Ministry of Finance coordinates the horizontal "Central Training Programme" and is responsible for commissioning various training programmes, such as the induction programme and the general programmes on civil service and public service ethics. In Turkey, the Council of Ethics for Public Officials is the leading institution in the provision of ethics training.

The clear allocation of the central coordinating role for ethics training to a leading institution may be a useful approach for countries with high levels of corruption and an underdeveloped public administration, in order to ensure effective use of funds and to avoid overlaps.

#### **2.4. Which groups of public officials need to receive ethics training**

The question of which groups of public officials need to receive ethics training has one easy answer: all public officials need and should receive such training. Indeed, many countries covered by this study responded that they provided general ethics training to all public officials. While there is good reason in aiming to provide ethics training to all public officials, in reality only basic training can be provided to all.

Since the delivery of training involves public funds and is time-consuming, it is necessary to prioritise, especially if dealing with more sophisticated training. Most of the countries examined in this study prioritise three target groups:

- new civil servants;
- public officials in areas of risk, such as tax, police, procurement;
- senior civil servants, such as heads of departments.

Several countries responded that ethics training is provided to political public officials (e.g. US, Turkey, Austria, Estonia, Lithuania, Montenegro, Serbia, Spain) and to public officials at the local level, including regional administrations and municipalities (e.g. Turkey provides training to governors and mayors; Austria, Croatia, Estonia, the former Yugoslav Republic of Macedonia, Latvia, Romania, Serbia also provide training to local officials).

A few countries provide special training to the ethics officers in various public institutions, or to the human resource managers responsible for integrity issues (e.g. Estonia, Romania, Turkey and the US). This approach seems very promising as ethics or HR officers know the integrity challenges in their institutions better than outside trainers, and can deliver training focused on specific and practical issues that their colleagues face in their work.

Only in some countries (Estonia, Croatia, Moldova and Turkey) is ethics training provided to public sector employees who do not have the status of public officials or civil servants, but who may work in sectors with high risks of corruption, such as doctors and teachers.

In general, there is a difference between countries that already have a history of anti-corruption or integrity policy and newcomers to this field. The longer that policy has been active, the more specific the other groups of civil servants involved are and the broader the range of issues considered is..

## 2.5. How to organise ethics training

As noted above, the quality of the ethics training appears to be worse in countries with high levels of corruption. For instance, the following description of anti-corruption and ethics training in Ukraine, where the level of corruption remains high despite a very large amount of ethics training provided to public officials, probably suggests that the quality of these trainings is not high.

### Box 1. Extract from the monitoring report on Ukraine

[...] a number of awareness raising and training activities were provided to the state officials according to the Public Service Development Program for 2005–2010 approved by Decree of the Cabinet of Ministers of Ukraine on 8 June 2004 and in line with Decree of the Cabinet of Ministers of Ukraine of 2 June 2003 on Measures for Upgrading the Qualifications of Public Officials and Local Self-Government Officials in Anti-Corruption Issues. The Main Department of Civil Service (MDCS) carries out a variety of activities, including conferences and seminars for public officials: in 2009 approximately 500 public officials responsible for corruption prevention participated in training; in 2010 approximately 1500 high officials and specialists were trained.

[...] The National Academy of Public Administration organises courses and workshops on ethics. 11, 276 graduates were trained in the Academy over the past 5 years, all received training on ethics, including 300 academic hours, about mission of service, legal requirements, staff relations and codes.

[...] It was reported that since the creation of the Government Agent and the Bureau on Anti-Corruption Policy, members of the Bureau and its head have participated in training and awareness raising events. According to the Ukrainian authorities, during July-October 2010 more than 4,000 seminars, roundtable discussions, lectures on anti-corruption issues were organised, in which about 26,000 officials have participated. More than 550 meetings of collegiums (collective advisory bodies at the executive bodies) and thematic internal meetings were held during this time period. While the number of activities is impressive, no information is available about the substance, quality and the results of these activities. [...]

*Source:* OECD/ACN, Istanbul Anti-Corruption Action Plan, Second Round of Monitoring report for Ukraine, 2010, <http://www.oecd.org/dataoecd/31/55/46832397.pdf>

Therefore, the search for new and more effective training methods is crucial. As was noted during the Vilnius seminar, "special attention should be paid to the preparation and design of ethics training; such training should be specially developed for individual public institutions, or target group of officials. They should address legal requirements/rules and values; they should be practical and based on real cases relevant to the activities of the institution or group of officials; ... and should be delivered using interactive approaches".

### 2.5.1. Needs assessment

As the needs for integrity training vary significantly between countries, it is important to understand these needs before embarking on a long-term investment in training programmes. A needs assessment can help prioritise and focus training efforts and improve their cost effectiveness. Surveys or studies that analyse the

level of corruption or the level of integrity in the public administration could help diagnose the problems and evaluate the training needs.

In order to determine the needs for integrity training, many countries have used surveys or studies that analyse the integrity of public officials, the trust of citizens in the public administration, the prevalence of corruption, and other related issues. There are various approaches to the conduct of such surveys. In several countries, specialised anti-corruption bodies conduct general anti-corruption surveys which can also be used for ethics training planning (Spain (Catalonia), Lithuania, Montenegro). In many countries, governments use a variety of surveys, both commissioned by the central government or individual ministries and those prepared by NGOs and research institutes (Austria, Romania, and Croatia). Some countries rely exclusively on non-governmental surveys (US, Moldova), or surveys carried out by various donor-supported programmes (Armenia).

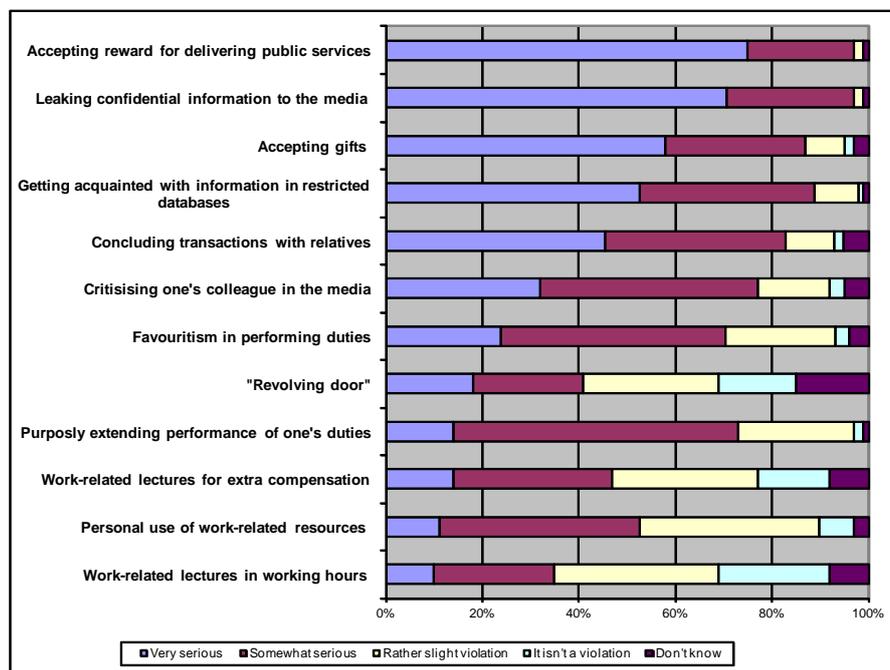
Not all surveys are equally useful for the assessment of the needs for ethics training of public officials. For instance, well-known international surveys, such as Transparency International's Corruption Perception Index, can provide a general indication of the level of corruption in a country in comparison with other countries, but are not sufficient for identifying ethics training needs. Country specific anti-corruption surveys provide more useful results. For instance, the corruption survey conducted in Lithuania among citizens showed that 54% of Lithuanians do not trust state and municipal institutions, and that only 34% think that most public officials work in an honest and responsible manner. The 'Lithuanian Corruption Map' (2007-2008) further investigated the opinion of public officials on the prevalence of corruption, leading to the following indicators:

- 54% of public officials said nepotism was a widespread practice;
- 43% named the abuse of power as a widespread practice and 15% mentioned bribery;
- 78% of public officials mentioned that politicians were responsible for corruption, 57% mentioned businessmen, 47% public officials and 30% citizens.

While such indicators identify general problems, they are still not sufficient to assess ethics training needs. Special surveys that focus on ethics in the public administration are more useful for the assessment of ethics training needs. When such surveys are carried out on a regular basis, they can also provide a tool for assessing trends, and provide an insight into the effectiveness of training programmes. For instance, in Estonia, the Ministry of Finance (until 2010 the Estonian Government Office) - the body responsible for the public administration and public service development - carries out several regular surveys on ethics, which help to identify the specific concerns that need to be addressed by the ethics training. In particular, the MoF carries out regular surveys about ethics and trust in the public sector, including the survey "Roles and Values in Civil service" among civil servants and "Survey on Competence and Trust of Civil Servants" among citizens. Furthermore, the Ministry of Justice, a body responsible for general anti-corruption policy in Estonia carries out a regular "Survey of Corruption among Three Target Groups" among public officials, citizens and entrepreneurs.

The results of such surveys provide useful information on ethics training needs. For instance, the answers (presented below) to the survey question on attitudes towards ethically questionable practices help to identify the integrity issues on which training may be required.

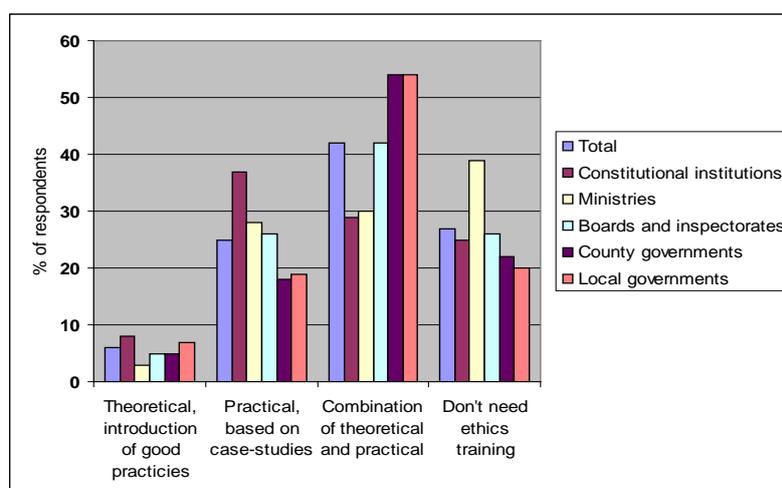
**Graph 1. Attitudes Towards Ethically Questionable Practices in Estonia**



*Source:* Government Office, 2009 Survey "Roles and Attitudes in Public Service"

Similarly, answers to the survey question on the approaches to ethics training help to identify the best training methods adapted to the needs of the audience. The majority of participants in the survey tend to reject theoretical and legalistic approaches. Some are in favour of discussing practical issues and case studies, and the majority would prefer a combination of theoretical and practical approaches in ethics training programmes. It is important to also note that more than 25% of interviewed officials thought that they did not need ethics training, especially in the ministries. This is another aspect that should be analysed in all the surveys, as it represents an obstacle for the successful delivery of integrity training.

**Graph 2. Expected Approaches for Ethics Training Programmes**



*Source:* Government Office, 2009 Survey “Roles and Attitudes in Public Service”

Among SIGMA and ACN countries, there are also several countries where no surveys on ethics in public administration have been carried out yet. This is the case of Bosnia and Herzegovina, Bulgaria, the former Yugoslav Republic of Macedonia, Serbia, and Tajikistan. Several countries report that surveys were commissioned by the governments but that the results were not published, meaning that little is known about their usefulness for integrity training (Azerbaijan, Uzbekistan).

### **2.5.2. Selection of participants and duration of the programme**

As discussed in the section on the legal basis, the requirement for ethics training is in many countries established by law (for instance by the Civil Service Law in Armenia, Azerbaijan and Bulgaria), or by other official documents (e.g. by the Code of Ethics in Croatia). The mandatory requirement of ethics training is usually applicable to new civil servants (e.g. ethics training is mandatory for new career employees in Turkey) or to some specific categories of public officials, such as in the executive branch of the US. In some countries, ethics training is not mandatory; for instance, in Estonia, all examined ethics programmes are voluntary. There are also countries where ethics training is mandatory for some groups of public officials, while for others it is not. For instance in Lithuania ethics training is provided to politicians on a voluntary basis. In some countries training is mandatory, but there are no sanctions in case of absence (Turkey).

Whether the training is mandatory or voluntary, the number of participants who can be accepted for a given training programme is usually limited. This raises the issue of how to select participants. Selection is important not only because of budget constraints but also because it is important to have the most relevant participants in the programme, for instance officials dealing with high risks of corruption or public exposure. It is also important because the design of the programme has to be based on the needs, objectives and competences of participants and contents have to be tailored to address the needs. As discussed in the above section on the groups of civil servants that need to be trained, it appears that several groups are often prioritised, including new civil servants, senior managers, civil servants working in risk sectors, managers responsible for ethics and anti-corruption, and sometimes political officials.

When the possibility of providing central training to all public officials is limited, it is important to train the trainers, e.g. ethics officials responsible for integrity in their own institutions, as well as managers and leadership, in order to “leadership from above” in respective institutions. Austria, for example, gives

priority to the training of managers and employees responsible for anti-corruption or integrity issues within their public institutions. Croatia gives priority to those who work for institutions that have a strategic role in integrity and anti-corruption, like the audit institutions, and selects for training the public servants who apply the earliest. Estonia, where all examined ethics programmes are voluntary, uses several criteria for selection, such as the length of service or the ethical risk of the public officials' positions.

The normal length of an introductory ethics programme is from half a day to three days. An exception is Armenia where training takes ten days. As the time available for ethics training is usually very short, it is very important to make sure that it is used very effectively.

In their responses to the questionnaire, several countries noted that they had serious difficulty in raising the interest and encouraging the target groups to participate in the ethics training programmes. One reason they suggested for that was that the training was not obligatory and was not linked to the performance appraisal system, or other administrative procedures and regulations. However, as discussed earlier in the report, the lack of motivation can also be due to the lack of real political support and "leadership from above" set by the political leaders. Besides, the quality of training may not be high; training is often too general and does not address practical needs of the participants. It is important to better compose the training group based on specific categories of public officials, and provide training on practical issues such as appropriate conduct in "grey" areas.

### **2.5.3. Selection of trainers**

The selection of trainers is an important issue for ensuring high quality training. In 65% of the countries examined, permanent staff at the institution responsible for the training of public officials are also responsible for delivering the ethics training programmes (i.e. human resources managers, senior civil servants, etc.). In 53% of the countries, trainers who are specialised in anti-corruption issues deliver the training. Train-the-trainer (ToT) programmes are organised in 29% of the countries; in these countries integrity trainers have to pass the courses if they want to be selected. The trainers are also private sector trainers (41%), academics (53%) and international experts (35%).

It appears that although many countries use permanent staff from the domestic training institutes, they are open to a mixture of internal and external trainers joined sometimes by international experts. Many countries (e.g. Turkey) also involve academics in the training of public officials.

As discussed above, some countries provide training for trainers, such as ethics officials in various ministries and other public bodies, who then provide training inside their institutions. For instance, in Turkey, public institutions can request training for trainers. Based on the requests, the Council of Ethics provides a two-day certified ethics training for the future trainers, who can later on organise their own courses within their institutions.

To be effective, ethics training requires many new skills, knowledge of ethics issues specific to a given institution, and the use of modern training techniques. The experience of several countries (e.g. Estonia, Spain) shows that when trainers from institutions delivering ethics training work very closely with the managers of the institutions to which the training is provided, better results are achieved.

### **2.5.4. Training methods, internal evaluation and follow-up**

According to questionnaire answers, a variety of training methods is used. For example:

- Conferences and lectures (in 82% of countries);
- Seminars and workshops (88%);
- Interactive methods and cases studies (71%);

- Internet-based training (24%).

Many countries (e.g. Estonia and Turkey) provide a combination of theoretical training methods, such as lectures, with practical tailor-made methods, such as real-life case studies.

However, there is little detailed information about these various training methods. It appears that there are no rules for the selection of the training methods; with the choice largely depending on the traditions and pedagogical strategy, as well as on the participants and the available budget. It appears that the most commonly used methods are traditional ones: lectures, seminars, conferences and sometimes the use of case studies. It appears that the use of pro-active practical and tailor-made methods, such as case studies based on real life scenarios adapted to specific institutions or groups of civil servants are rarely used, especially in the countries where corruption levels are higher.

Regarding the evaluation of training, there are normally two objectives: (1) evaluation of a specific training course in order to identify recommendations for its improvement, and (2) evaluation of the impact of the training course or programme on integrity in the public administration (see 2.7 for this second objective). According to the questionnaire answers, the evaluation of a specific training course, or its internal evaluation, is carried out using the following methods:

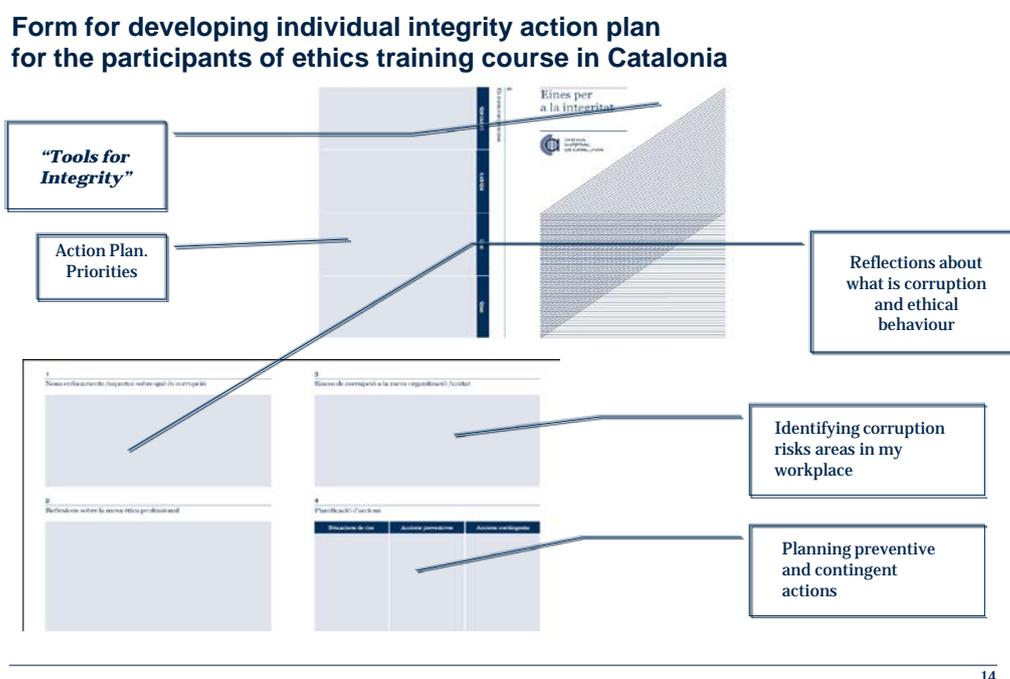
- Evaluation form filled out by participants (76%)
- Report of the trainers (41%)
- Tests for participants (41%)

Once again, little is known about the results of such internal evaluations or about the use of their results. Based on the limited information provided in the questionnaire answers, it appears that evaluation methods are very traditional and formalistic, and can be further improved. For example, evaluation forms to be filled by the participants could include detailed and practical questions. Reports by trainers could invite them to propose recommendations for improvements, and these could be shared with the agencies responsible for ethics training, such as the civil service agency, anti-corruption agency or integrity commissions. The results of the evaluations could be made public.

Follow-up measures are useful to support the application of the newly acquired knowledge by the participants in the training courses in their work. The measurement of such follow-up may include individual action plans for participants and coaching at the workplace. It may also be possible to include ethics as an element of civil servants' performance appraisal. This option may be particularly important for civil servants working in high corruption risk sectors. Most of the countries covered by the project do not use follow-up measures. Spain (Catalonia) provided a useful example, where participants in training are invited to develop their own individual ethics plan, which they start developing during the training course and continue implementing when they return to their workplace.

## Box 2. Follow-up to ethics training in Catalonia

Ethics training provided by the Anti-Fraud Office of Catalonia is based on a training itinerary rather than on a one-off training course approach. Follow-up to a training course is an important part of the itinerary. During the training course, each participant develops his or her own integrity action plan. In this plan each participant identifies integrity risks and challenges in their individual workplace. During the follow-up trainings, participants discuss the implementation of their personal plan. They discuss barriers that have been identified in implementing the actions proposed in their individual action plan, and provide to each other support and share ideas about solutions. The form for the development of individual action plans is presented below.



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*Source:* presentation by Jordi Tres, Head of Training Department, Anti-Fraud Office of Catalonia at the Vilnius seminar.

## 2.6. Contents of an ethics training course

Ethics training can be based on a compliance approach and a focus on rules (which is more legalistic), or on a values approach (which is more values-oriented or "philosophical"). The training can also cover so called "grey" areas, including areas not regulated by formal rules, such as possible conflicts between rules and traditions, unregulated benefits and integrity risks specific to public officials in specific sectors.

### 2.6.1. Rules for ethical behavior

All the countries have a compliance approach for many of their courses (although most of them do use the two approaches: legalistic and values-oriented). The answers to the questionnaire show that a comprehensive package of laws and regulations are included in the contents of the courses (see Table 1).

**Table 1. Laws and regulations included in the contents of the integrity training**

Laws and regulations	Percentage of respondents
- Civil service legislation	94
- Conflict of interest law	76
- Anti-corruption legislation	76
- Administrative code	53
- Public procurement law	53
- Laws on access to information	59
- Criminal code	47

Most countries include a combination of different laws in their training programmes (Armenia and Kosovo only include the civil service legislation). Teaching laws and regulations fits well with lectures and conferences, which probably explains why lectures are the most used method of training.

### 2.6.2. Ethical values

In their responses to the questionnaire, the majority of countries declared that they provide training on ethical values. The only two countries that do not provide training on values and principles are Armenia and Bosnia and Herzegovina. The values that should drive the behaviour of public officials and which are covered by the training are the following:

**Table 2. Values covered by the ethics training programmes**

Values	Percentage of respondents
- Impartiality	82
- Responsibility	82
- Transparency	82
- Legality	76
- Integrity	76
- Efficiency	71
- Equality	71
- Justice	65

However, how the training on values is provided in practice is not well known. These values are often mentioned in national constitutions and further established by the civil service legislation or codes of ethics. In most cases, no information was provided about practical guidance for the application of these values, and it appears that lecturing on these issues may not be the most effective form of training. The United States incorporates values in the discussion on the basic obligations of public service. Estonia addresses values through the application of an ethical decision-making model as part of the ethics training programmes. Turkey sets special rules for ethical behaviour like ‘consciousness of serving the community’, and included ‘mobbing’ as a special issue.

### **2.6.3. Unregulated issues**

Concerning the so-called "grey" areas or unregulated issues, there are important differences between the countries covered by this project. The United States, for instance, stated that in the area of integrity, because it has a well-developed set of regulations, most issues regarding standards of conduct for US public officials are addressed and “*employees who do not follow those rules could be subject to administrative action*”. At the same time, in the SIGMA and ACN regions, public officials may often face dilemmas linked to the contradictions between culture and traditions of the country and the officially established rules (18% of respondents recognised this challenge). Such "grey" areas in the SIGMA and ACN countries can range from such new issues as the personal use by civil servants of frequent flyer points gained through work travel, which are not always regulated; to more traditional problems such as gifts (a new regulation was recently issued in Tajikistan to address the issue of wedding gifts, which limits the number of persons that can be invited to the wedding of a public official. However, it is doubtful that this regulation can be effective). 59% of countries include the issue of "grey" areas in discussions during the training programmes.

It appears that the contents of ethics training programmes are compliance-oriented in most of the countries. The main objective in these cases is to enhance the knowledge of the laws and regulations related to conflict of interest, incompatibilities, civil service duties, procurement, criminal acts, administrative procedures and codes of conduct. This emphasis may be reasonable in countries with high levels of corruption, where basic rules must be enforced as a matter of priority. Nevertheless, it may be worth noting that some countries with an exclusively compliance-based approach have very low Corruption Perception Index scores. This could suggest that an entirely compliance-based approach to ethics training is not sufficient to develop ethical public service or good governance. It is also important to note that a values-based approach requires innovative and interactive training methods.

### **2.6.4. Standard programme, syllabus or manual**

The use of standard programmes, syllabuses or manuals is an extensive practice. 71% of the respondents covered by this project confirmed the existence of a programme or manual in their countries. For instance, Croatia provided three curricula of training programmes, including Basic Course, Advanced Course and Train-the-Trainer course.

However, in most cases such programmes, syllabuses and manuals are only available in local languages, meaning it is difficult to examine their structure and contents. No information is available on how these programmes and manuals were developed. The development of such manuals should be undertaken through cooperation between the anti-corruption or integrity bodies as well as with bodies responsible for human resources and the training of civil servants. This will allow for a more comprehensive and holistic approach to the promotion of integrity in the public administration.

## 2.7. How to evaluate the results of the integrity training

It is important to evaluate the results of ethics training in order to ensure that the use of public money is producing the desired effects, and to look for ways to improve and to modernise the training approaches to make them more effective. The evaluation of results can focus on outputs and outcomes. For instance, it may be possible to estimate the costs of the training and the number of public officials who were actually trained. It may also be possible also to assess whether the training led to an improvement in the ethical behaviour among the target group of public officials; however, this is more difficult and can only be measured in the long-term. Information about the total number of civil servants who should be provided with ethics training and the number of those who actually received this training was available in many of the countries examined by the project. Much less information was available about the costs associated with ethics training, and no information was provided about measures to assess the link between the training and the level of integrity in the public administration.

The countries covered by the study can be broadly divided into two different groups in terms of the evaluation issue. The first group is made up of countries that have provided integrity training programmes for several years (like Austria, US and Estonia) and have a long tradition of ethics training. The second group is made up of those where these programmes are relatively new (some of them only started in 2010) and do not have extensive experience with evaluations.

For the first group, the participation ratio (the number of target participants/real participants) seems very high. It is important to consider that in some countries, like the US, these programmes are mandatory and are effectively implemented. For example, for newly appointed public officials in agencies, the participation ratio is almost 100%. In Estonia, where programmes are voluntary, this ratio is much lower because fewer places are offered. As on average 8 induction training courses are provided annually from the central programme, the ratio for new civil servants was 12% in 2008-2010. For the second group of countries, the ones where these programmes are relatively new, an upward trend in participation can be observed.

Concerning the measurement of the effectiveness of the ethics training, countries that tried to measure the outcomes mentioned the following indicators as indicators of success.

Ultimately, the best way to evaluate the impact of an ethics training course on the participants' conduct is to study their performance in terms of integrity in their workplace. Discussing integrity issues in regular work meetings and as part of the annual performance appraisal interviews can provide additional intermediary methods.

**Table 3. Indicators as proofs of success**

Improved knowledge on ethical rules by public official participating on training sessions. (Azerbaijan)
Fewer questions on ethics legislation are received by state agencies after the implementation of the training programmes. (Azerbaijan)
Raised awareness of issues such as professional codes of conduct, ethics, and the prevention of corruption. (Bosnia and Herzegovina)
Increase in the number of detected crimes in the anti-corruption area. (Croatia)
Officials who have attended courses on ethics are more critical towards ethically questionable activities compared to those officials who have not. (Estonia)
Fewer conflicts of interest or ethical violations; more cases in which politicians evade voting in council because possible conflict of interest; more consciousness and therefore prevention of nepotism; increasing number of requests about donations or gifts received. (Lithuania)
The activities and reports of the ethics officers improved, as measured by the National Agency for Civil Servants. (Romania)

### **3. CASE STUDIES**

The purpose of the case studies is to illustrate the various approaches analysed in the previous section with specific country examples. They provide more detailed descriptions and insights into the practice of the development, delivery and evaluation of specific real-life training programmes. Case studies describe modern and innovative approaches, success stories and best practices, as well as real life challenges. They were developed by practitioners from the selected countries.

- The case study on Austria describes the basic course for all officials and courses for officials in risk sectors in the police service.
- The case study on Estonia presents the basic course for all officials.
- The case study on the United States presents the courses for political and senior officials, and courses for ethics officials.
- The case study on Turkey describes the training-the-trainer courses.

### **3.1. Austria**

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and

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## PART 1 GENERAL TRAINING PROGRAMME

### "CORRUPTION PREVENTION – COMPLIANCE – INTEGRITY"

#### INTRODUCTION

In October 2008, the Austrian code of conduct for the prevention of corruption titled "The responsibility lies with me" (<http://www.bundeskanzleramt.at/DocView.axd?CobId=40151>) was published by the Federal Chancellery. This Code was drafted by a working group consisting of experts from all ministries, the Länder, the municipalities and the public sector trade unions. It incorporates an explicit dedication of all participating organisations to providing appropriate training in the field of integrity and prevention of corruption to their staff.

#### Preparation

To this end, the Federal Administrative Academy in the Federal Chancellery has established a special training course "Corruption prevention – Compliance – Integrity" with the aim of strengthening the integrity of the performance of duties in the entire Austrian public administration and thus enabling participants to set the necessary measures to prevent misconduct and corruption. The three-day seminar is held twice a year.

The Seminar was designed and includes lectures by specialists from the Federal Chancellery, the Federal Ministry of Finance, the Federal Bureau of Anti-Corruption and the Federal Court of Audit. Through this common effort, prior sector-specific efforts in the field of integrity and corruption prevention could be utilised.

#### Target Group

The main target group of the seminar are managers, their deputies and staff in charge of integrity-management, but, depending on availability, it is open to all interested staff. As the Austrian code of conduct – also from an organisational point of view – follows a holistic approach, the seminar is open to staff from all levels of public administration (federal, regional and local level). The maximum number of participants is limited to 20 persons per seminar. Although participation in the seminar is completely voluntary, more than 200 employees from all administrative levels attended the seminar between 2008 and 2010.

The costs of the seminar, including seminar venue, and lecturers' fees, are borne by the Federal Administrative Academy; participating organisations are only required to cover the expenses for travel and accommodation of their delegates.

#### Methods

Several methods of delivery are being applied, depending on the preference of the individual lecturer:

- Lectures
- Discussions
- Case studies

- Group work

In order to ensure maximum transferability of the seminar contents, participants are asked, several days prior to the seminar, to hand in current case studies or (legal) problems from their professional environment in written (and if necessary in anonymised) form. These case studies/problems are then discussed and solved in the course of the seminar.

## Content

On the basis of the aforementioned code of conduct, the seminar is designed to provide participants with the necessary information and scientific facts enabling them to recognise unethical behaviour, corruption and organisational and individual vulnerabilities in this field as well as to correctly deal with problematic situations (especially within their capacity as senior officials). The seminar therefore focuses on the following content:

- Administrative ethics, values and principles with focus on the aims and content of the Austrian code of conduct for the prevention of corruption
- Civil service law (rules on conflict of interest, post-public employment, general and specific duties and obligations of civil service staff including topics such as transparency and access to information)
- Criminal law (corruption offences punishable under the penal code)
- Corruption and corruption prevention
- Risk assessment and risk management
- Recognising corruption – indicators for corruption and misconduct
- Side notes and future prospects (e.g. technical whistle-blower systems, regulation on lobbying, administrative sponsorship)

## Evaluation

The seminar is evaluated on the basis of a questionnaire participants receive after the seminar. The following aspects are evaluated:

- General impression of the seminar
- Usability for everyday working life
- Quality of documentation
- Degree of achievement of announced aims of the seminar
- Duration of the seminar
- Quality of the lecturers (expertise, didactical skills)

## Conclusion

Despite the fact that there is no general (legal) obligation for (federal) public service staff to attend training on ethics and anti-corruption on a regular basis, the seminar "Corruption prevention – Compliance – Integrity" can be considered as having contributed to the elimination of major shortcomings in the field of corruption prevention in the public sector as evaluation results indicate that the seminar is of a very high

professional benefit for participants. The seminar also serves as an opportunity for participants to strengthen their professional networks and commonly engage in the fight against corruption and for a cleaner administration.

## PART 2

### TRAINING PROGRAMME "PREVENTING AND COMBATING CORRUPTION" AT THE MINISTRY OF INTERIOR

#### INTRODUCTION

The 350,000 public officials in Austria can choose from a multitude of courses and training programmes dealing with, inter alia, ethics, values and integrity. In addition, a great variety of information and awareness-raising activities focusing on corruption risks is offered at federal, regional and municipal level. Examples would be the multi-day seminars of the Federal Academy of Public Administration entitled "Corruption Prevention – Compliance – Integrity", specific courses for public officials of the Länder, the online learning programme "A Question of Ethics" of the Austrian Association of Cities and Towns, as well as the full range of anti-corruption training opportunities provided by the Federal Bureau of Anti-Corruption (BAK).

Basically, there are two types of training courses: those with a focus on ethics and integrity and those with a special emphasis on corruption prevention. In the field of anti-corruption training, the BAK has established itself as a competence centre and has developed a variety of training modules. Priority is given to the public service; however, specific courses are also offered to interested parties in the private sector, and, more recently, to the target group of pupils.

At present, most of the BAK's anti-corruption training programmes are being implemented for the Federal Ministry of the Interior. Seminars on ethics, integrity and corruption prevention are mandatory elements of the training and further training for its approximately 32,000 employees. Thus, all staff members of the ministry are trained in this field in the obligatory basic training courses; all senior officials must attend these courses as part of their compulsory management training. Furthermore, the code of conduct of the Ministry of the Interior is communicated to all employees by means of personal training courses and a specially developed e-learning programme.

The present case study describes an anti-corruption training course developed and organised by the BAK, which is entitled "Preventing and Combating Corruption".

#### Preparation

#### Development of the programme

The first anti-corruption training was initiated in 2005 by the BAK's predecessor, the Federal Bureau for Internal Affairs (BIA). On the one hand, the programme was developed to respond to the growing demand of the ministry's employees for a comprehensive anti-corruption training facilitating an in-depth exploration of the issue. On the other hand, the BIA strived to strengthen its role in the field of corruption prevention, and – to complement police investigation into corruption – to increase its commitment to raising awareness and imparting knowledge on corruption and abuse of authority. In the course of their lectures and seminars, the Bureau's employees had repeatedly identified shortcomings in recognizing corruption as well as a lack of knowledge about the dangers of corruption and how to deal with grey areas. Based on these perceptions, scientific studies and international recommendations, the BIA added prevention as a new focus to its main task, the investigation of corruption and abuse of authority. In order to impart evidence-based knowledge about preventing and combating corruption to interested staff members, the Bureau, with the approval and support of the minister, set up a new course for the staff of the Ministry of the Interior.

## Legal basis

The activities in the field of corruption prevention had not been enshrined in law until the adoption of the Law on the Establishment and Organization of the Federal Bureau of Anti-Corruption (BAK-G) in the year 2010. According to section 4, paragraph 3, of the BAK-G, the Bureau shall analyse corruption phenomena, gather information on preventing and combating them and develop appropriate preventive measures. On the basis of this legal mandate, the BAK – in addition to its prevention work in the narrow sense (structural prevention) – carries out all training and awareness raising measures to promote integrity and corruption prevention.

## Costs

The Federal Ministry of the Interior bears the cost of the training; the BAK pays the lecturers' fees and the teaching materials. The accommodation costs and expenses for seminar rooms are paid by the participants themselves. The ministry covers these costs for its employees.

## Target group

The main target group are employees of the Ministry of the Interior, including persons working in fields particularly prone to corruption, or criminal investigators who are not assigned to the BAK but, due to their area of responsibility, must carry out investigations into corruption and abuse of authority. Sometimes, employees of other ministries or the Court of Audit may participate. Staff members of all hierarchical levels and from the most diverse fields of work are represented. The maximum number of participants is 25.

The heterogeneity of the participants may well facilitate the exchange between them but, at the same time, poses a major challenge to the development of the training curriculum and to the trainers. For this reason, some of the courses offered in recent years focused on a specific staff group. For example, the BAK organised a special course for senior officials and HR professionals with modules adapted to the requirements and needs of this target group.

## Selection process

Four to five months before the start of each training the exact date of the course as well as the registration formalities are notified and application forms are provided. In cooperation with the organisers of the training, the central human resources department of the Ministry of the Interior forwards this information to all departments in an official email. Immediately after the end of the application period (four to six weeks), the unit of the BAK responsible for the organisation of the training starts the selection process. One to two months before the beginning of the course, selected participants receive the formal invitation to the training.

The selection criteria for the training courses were developed in 2005 by the organisers in cooperation with psychologists of the Federal Security Academy (SIAK), the educational institution of the Federal Ministry of the Interior. Applicants are required to write a cover letter describing their field of work, their interest in preventing and combating corruption, and their reasons for participating in the course. Together with curriculum vitae, this letter must be submitted to the organisers of the course. The selection will be made on the basis of the following criteria:

- working in a field with a particularly high risk of corruption
- working in a supervisory position

- employed in a department where cooperation with the BAK is required
- there should be a certain balance between:
  - the different Austrian regions (Länder)
  - representatives of the police and administration, as well as
  - female and male participants

The original selection concept also included interviews of the candidates. The hearing committee consisted of a representative of the Psychological Service of the SIAK, the course leader and another person in a leading position of the BIA/BAK. After some years, however, as the interviews were very time and labour intensive, the hearings were abolished, and the application process was shortened.

### Lecturers

The training is organised by the Department of Prevention and Education of the Federal Bureau of Anti-Corruption. Anti-corruption experts of the BAK give lectures on the prevention of and fight against corruption. All other modules are delivered by specialists from the Federal Ministry of Interior, other institutions, or the private sector (Federal Ministry of Finance, Federal Ministry of Justice, Court of Audit, University of Vienna, auditing companies, etc.). They must be experienced lecturers with many years of professional experience. Throughout the evaluation of each training course, participants will assess lecturers for their expertise as well as their rhetorical and didactic skills.

### Delivery

### Methods

Great importance is attached to the diversity of methods and an appropriate balance between expert presentations and practice-oriented simulation games. All lecturers can choose the teaching method they deem appropriate.

The methods applied are:

- lectures
- case studies
- simulation games, role plays
- instructional films
- group work
- discussions

On the basis of specific investigation cases and simulation games, investigative knowledge as well as information related to criminal law and public service law is provided. In the modules “Psychology”, “Ethics” and “Corruption Prevention”, the learning content is presented with the help of case examples. Group work and group discussions relating to these examples round off the course.

The BAK does not carry out any tests to assess the participants’ learning progress. Preference is given to the active involvement of participants in the teaching and learning process. Upon completion of the training, all participants receive a certificate confirming their participation.

## Content

### Aim of the course

The course aims to create a multiplier effect by imparting knowledge to employees who will not only apply their expertise in practice, but will also pass on their knowledge to their colleagues or staff members in the different departments or police units. The intention is that participants are provided with scientific information on corruption phenomena as well as on legal, criminological and psychological/sociological aspects of the fight against corruption. The training should contribute to raising awareness of the problems resulting from unethical behaviour as well as to learning to recognise and appropriately handle (both as employee and as senior official) areas/situations exposed to corruption and conflicts of interest in everyday work life.

### Learning content

The training course takes place twice a year – in spring and in autumn. The original duration was 15 days spread over three weeks. In 2010, it had to be shortened to two weeks (10 days and 72 teaching units) due to a lack of human and financial resources. The course consists of eight modules, and offers legal information (modules 4 and 5) related to corruption, abuse of authority and conflicts of interest, raises awareness of values and ethical/moral aspects in the public service (modules 2, 3 and 6), and includes strongly practice-oriented content (modules 1, 6, 7 and 8). The sequence of the modules may vary.

Detailed description of the content of the modules:

<b>Module</b>	<b>Title</b>	<b>Content</b>	<b>Duration (teaching units)</b>
1	Team building	Round of introductions; participants get to know each other	4
2	Psychology	Psychological aspects of corruption, integrity, leadership behaviour and managerial responsibility	12
3	Ethics	Administrative ethics, codes of conduct, and ethical guidelines	4
4	Criminal law	Abuse of authority, corruption offences in the public and the private sector	12
5	Public service law	Provisions of public service law concerning conflicts of interest, rights and obligations of employees and superiors	12
6	Corruption and corruption prevention	Background information on corruption phenomena, risk factors regarding corruption, and preventive measures	12
7	Fight against corruption	Presentation of national and international anti-corruption organisations and instruments	8

8	Criminological aspects of the fight against corruption	Investigation measures and techniques applied in the questioning of witnesses	8
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### Evaluation

The training is evaluated on the basis of an online questionnaire that participants receive at the end of the course. The questionnaire was developed by psychologists from the BAK and the Federal Security Academy of the Ministry of the Interior.

Aspects to be evaluated:

- course content
- practical relevance
- selection of methods
- teaching materials
- lecturers

### Follow-up training

Due to the feedback received, the BAK organised a follow-up course for graduates, which takes place at irregular intervals. The objective of these three-day seminars is to provide information on recent developments in the field of preventing and combating corruption. Participants discuss their experiences with the practical application of the acquired competences. The purpose of the follow-up training is to refresh the knowledge imparted in the two-week ethics course and to reinforce the network of graduates.

### Conclusions

Over the years, the training "Preventing and Combating Corruption" has become an important measure to transfer know-how in the fields of corruption prevention and promotion of integrity. Taking into account the participants' feedback and suggestions, the course has been continuously adapted. Whereas in the first years, priority was given to specific knowledge concerning criminal investigations into corruption, the focus has shifted to aspects of prevention, ethics and morality in recent years. The organisers' endeavour to train employees to become nationwide disseminators of issues relating to the promotion of integrity and prevention of corruption can be considered very successful.

### 3.2. Estonia

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The article will focus on Estonian experience in developing and implementing training programme on public service ethics as well as lessons learned. The aim of the ethics training programme is to advance ethical behaviour and reinforce anti-corruption attitude in the public service. The programme was launched in 2005. In the course of time the structure, topics and target groups of the programme have evolved. By now, a separate programme for public sector employees has outgrown from the programme for public servants.

#### Development of Public Service and Public Service Ethics in Estonia

Public service system is decentralised - each organisation is responsible for recruitment, training and evaluation of their officials. In 2011, there were 28,340 public servants, including state and local government officials. The role of the Public Administration and Public Service Department of the Ministry of Finance is to coordinate the development of public service by providing secondary legislation, guidelines and recommendations in the area of human resources management, training, remuneration and public service ethics. The ministry is also responsible for providing central training programmes for public servants as well as certain public sector target groups according to the needs of public administration as a whole. This is organised via “Central Training Programme”, which aims at ensuring trustworthy, competent and dedicated public service. One of the goals of the programme has been the reinforcement of public service’s core values and ethics. The training courses on public service ethics have been included in the programme since 2005.

Important impetus for providing training programmes on public service ethics was the adoption of Public Service Code of Ethics in 1999. While the Code provides general principles and framework for ethical behaviour, training courses help to translate these into practical guidelines. Ethics trainings provide an opportunity to raise the awareness on the principles included in the code of ethics and support the development of ethical competence to analyse ethically problematic situations based on the values provided in the Code.

Systematic development of public service ethics began in 2005 when the position of ethics advisor was established at the Government Office. In 2010, the responsibility of developing the public service, including public service ethics, was transferred to the Ministry of Finance. The responsibilities of the ethics advisor are targeted towards awareness raising, encouraging discussion and applying other soft instruments that are common to the values-based approach of developing public service ethics.<sup>6</sup> The functions of the ethics advisor involve designing training programmes and training materials, providing advice for administrative agencies and officials on the questions related to public service ethics. The recommendations and guidelines of the ethics advisor are not legally binding nor has the ethics advisor investigative or punitive powers. The legislative framework on anti-corruption and work-related restrictions is designed by the Ministry of Justice.

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<sup>6</sup> Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation. Global Forum on Public Governance, OECD, 2009.

## Training Programmes on Public Service Ethics

Similarly to the public service system in general, the training system is decentralised. Each agency is responsible for providing training courses for their staff. In total 90% of the training funds are administered by the administrative agencies. Horizontal training needs are covered from the “Central Training Programme” that is coordinated by the Ministry of Finance. The ministry plans the objectives, volume and target groups of the “Central Training Programme”. Training courses on ethics are developed and implemented by the Centre for Public Service Training and Development – a unit of the Estonian Academy of Security Sciences that provides in-service training programmes for public servants. 85% of the training costs are covered by the European Social Fund and the rest from the state budget.

At the moment, four training programmes on ethics are provided centrally:

1. Induction training for new state and local government officials covering different topics, including public service ethics;
2. Integrity training for state and local government public servants;
3. Integrity training for public sector employees;
4. Integrity training for trainers on ethics.

In addition to the central training courses, each agency has the opportunity to provide internal programmes adapted to the needs and peculiarities of their officials. There is no detailed overview of the number and volume of internal training programmes of ethics. To provide examples, the Agricultural Registers and Information Board, Police and Border Guard Board, Tax and Customs Board represent the organisations that have designed in-house training courses on ethics or have included an ethics training module in induction programmes.

### Integrity Training Programme for State and Local Government Public Servants

Estonia has the greatest experience with integrity training programme for state and local government public servants. Therefore, the rest of the article will mainly focus on the design, implementation and lessons learned regarding that programme. An integrity advisor of the Government Office was leading the development of training programmes on public service ethics. Estonia had no prior experience with ethics training programmes and thus foreign experts were involved in the development of the programme and training materials. Howard Whitton from the OECD/SIGMA provided valuable advice in adapting the first video-studies on “The Public Sector Ethics Resource” into Estonian context and designing the training programmes. In addition the focus group was formed consisting of trainers on ethics and personnel managers of different institutions. The aim of the project was to develop a “comprehensive package of materials, which could be deployed primarily for public service capacity-building, training, self-directed learning, reference support and public information” (Pevkur, 2008, 63-71). The assumption was that the participants of the training programmes could distribute the training materials within their organisation. As central training funds are insufficient to provide training courses for all public servants and the demand for training has been high, the training materials were designed to facilitate self-learning. In the course of time, the training materials have been complemented several times and today the DVD “Eetika avalikus sektoris” [“Ethics in the Public Sector”] consists of a selection of articles and regulations as well as eleven video-cases of which five are extracted from the Estonian prime-time broadcast programme (“Pealtnägija”).

<sup>7</sup>

Pevkur, Aive. 2008. Training Public Service Ethics – Lessons Learned in Estonia. Vass, L.; Kulenkova-Orzhel, O.; Pollit, C. (Eds.). *Leadership and Management in the Public Sector: Values, Standards and Competencies in Central and Eastern Europe* (63-71). Bratislava: NISPAcee.

The training programme is targeted to all civil servants. In practice, the demand and interest in attending the training programmes have been constantly high. Therefore, the preference to attend the training programme has been given to officials who are responsible for developing measures on anti-corruption at the organisational level, or who are faced with situations involving ethical dilemmas or corruption more frequently – namely inspectors, heads of departments, accountants, personnel officials, etc. Also, the quotas on participants per one institution have been established to involve participants from different organisations and enrich discussions through their different backgrounds. As a considerable part of learning takes place through a discussion of real-life cases, the suggested group size is 20 participants.

Pilot training programme was launched in 2005 and it lasted one day - four academic hours for the theoretical approach and three academic hours for practical discussions. In 2006 the programme was extended to two days to allow more discussions of practical case studies. Since 2010, participants may choose whether they attend only the first or both days of the programme. The first day (first module) is an introductory course on ethics and the second day (second module) is specifically focused on developing the skills of ethical reasoning through discussing case studies. If the official has obtained preliminary knowledge on public service ethics earlier, he or she does not have to go through the first module.

Throughout the years the main focus of ethics training programme has not changed – the aim is to raise the competence of officials to recognise ethical problems in practical life and to make ethically reasoned decisions. The focus is not so much on requirements included in the regulations (although the laws provide an important framework concerning restraints and prohibitions in public service), but on the essence of public service values and officials' competence to recognise and analyse ethically problematic situations. Those situations are often out of the scope of laws or are only partially regulated – e.g. using frequent flyer bonus points that have been earned via work-related meetings abroad, accepting gifts etc.

Topics covered in the introductory module on public service ethics are as follows:

- Public service ethics and values; private vs. public roles of the civil servant; politics vs. public service ethics; discretion as a source of ethical dilemmas
- Ethics and corruption, including role of laws, value declarations, codes of ethics, codes of conduct, and integrity-based vs. compliance-based approach
- Development of ethical competence, including the model on ethical decision-making and discussion of the case studies
- Values in public service organisations, including the development of a value-based organisational culture

The second module of the programme covers the most frequent ethics-related cases in the Estonian public service. As participants will have obtained an overview of the model for analysing ethical situations during the first module, the second module focuses on applying this model into practice. Participants in the training may also send their cases to the trainer in advance.

Since training programmes for public servants have turned out to be successful and recognising public sector values is also important for other public sector target groups, the programme was extended to other public sector employees in 2010 – members of local government councils, employees of institutions administered by state and local government administrative agencies (e.g. libraries, schools, hospitals), employees of the state and local government enterprises and non-governmental organisations. The topics covered in the programme take into account the role of the extended target group as well as the somewhat different legislative requirements that apply for public sector employees compared to the public servants (e.g. Public Service Code of Ethics does not apply to public sector in general, Anti-Corruption Act regulates limited number of posts etc.). At the same time the main objective of the programme is still

similar – to raise the awareness of participants about their role and to develop their ethical competence regarding situations involving ethical dilemmas. Again the maximum number of participants per training is 20 and if possible, the institutional background of the participants is taken into account in forming training groups.

## Statistics

The participation in the training programmes on public service ethics is voluntary. Despite this, the demand and interest in attending the programme has constantly been very high. Also the satisfaction rate with the training programmes has exceeded 90%. Between 2005-2011, 758 state and local government officials and 129 employees of other public sector target groups have passed central training programmes on ethics. These numbers do not include the participants of the integrity trainers' programme and the officials who have passed central induction training programme of which ethics training involves only a short module.

The proportion of participation has been the highest in terms of boards and inspectorates (47% of all participants in 2010-2011) and local government agencies (28%). This distribution is very roughly in accordance with general distribution of public servants based on the types of administrative agencies – around 60% of officials are employed in administrative boards and agencies, and 18% in local government administrative agencies. Concerning the training programme for the public sector, employees from the institutions administered by local government administrative agencies and members of local government councils form the biggest proportion of the participants – 29% and 27% respectively.

Central training programmes cover a very small proportion of all public servants (758 participants who passed the programme in 2005-2011 form around 3% of the total number of officials) and an even more minor proportion from public sector employees (129 employees who passed the programme in 2010-2011 form only 0,1% of total number of public sector employees).

## Key aspects of Organising Training on Public Service Ethics

There are three main pillars which have substantially contributed to the productive training programmes: (1) political commitment, (2) focus on value-based reasoning (instead of introducing regulations) and (3) the competence of ethics trainers to actively involve participants of the courses and moderate discussions.

Political will to develop public service ethics is an important factor to support the sustainability and continuity of all anti-corruption activities. In Estonia, the Government of the Republic has approved an anti-corruption strategy<sup>8</sup> that defines eight strategic objectives, of which one is preventing conflict of interest and reinforcing ethical behaviour of public sector personnel. Central activities to develop public service ethics, including integrity training, are included in the strategy. The implementation plan of the strategy specifies the objectives, target groups and training funds of the training programme. Ministry of Justice reports annually to the Government on the implementation of the activities included in the Anti-Corruption Strategy.

It is not possible and reasonable to regulate every ethical aspect. The work-related restrictions provided in the law may have only formal impact if the officials do not understand their role and the values of public service. It is easy to read from the law that recruiting one's relative to a subordinate position of the official is prohibited. It presumes awareness of public service values to reason why certain behaviour is not appropriate in public service and not always prohibited in private sector. This is well concluded by Menzel,

<sup>8</sup>

Available in English at

<http://www.korruptsioon.ee/orb.aw/class=file/action=preview/id=35712/ANTI+CORRUPTION+STRATEGY+2008-2012.pdf>.

according to whom “rules and regulations, even laws, are helpful, but doing the right thing often means doing more than just following the rules”.<sup>9</sup> The value-based approach does not assume that all participants reach consensus regarding the cases under discussion. Ethical dilemmas often have contextual nuances and one seemingly similar situation may have several possible solutions. Instead of finding “one right” solution, the aim of the training has been to develop the competence to recognise ethically problematic situations and to systematically analyse them based on public service values. Although it is difficult to make conclusions about real impact of training programmes on values and attitudes, the survey conducted among officials in 2009 showed that the officials who had passed training courses on public service ethics are more critical towards ethically questionable activities compared to those officials who had not attended any such kind of courses.<sup>10</sup>

### **Box 3. Examples of ethical dilemmas used in the Estonian training programmes**

**DILEMMA I:** One task of an official of a ministry is to prepare subscription orders for newspapers and magazines of the ministry. A publisher of a certain newspaper organises a lot of promotional events for the subscribers of this newspaper. In one of the promotional events, a prize is offered, which includes a 7-days spa-package in a recently opened spa hotel. The official responsible for the ministry's subscriptions is offered the prize. How would you solve the situation based on an ethical decision-making model?

**DILEMMA II:** An official of the ministry who regularly attends European Commission working groups and often travels to Brussels and other European destinations, receives an invitation from the travel agency to celebrate the opening of a new flying route to Vienna. According to the invitation, the celebration is targeted to the most loyal customers of the travel agency. The programme of the celebration includes business class return tickets to Vienna, full catering, accommodation at five-star hotel and reception at the concert hall in Vienna. All expenses of the programme are covered by the travel agency. The official has used the services of the travel agency for official as well as personal travelling. How would you solve the situation based on ethical decision-making model?

The ethical decision-making model consists of six steps:

1. Identify the relevant facts;
2. Identify the relevant public sector ethics principles;
3. Identify other relevant ethics standards;
4. Decide what is important;
5. Reconsider any remaining conflicts;
6. Test your assessment widely.

The third key aspect to guarantee the success of any training programme is having competent trainers. In Estonia there is a group of ethics trainers with different educational backgrounds – involving philosophy, organisational culture and public administration. By profession, there are lecturers, public servants and

<sup>9</sup> Menzel, c. Donald. 2008. „Ethics Moment in Government. Cases and Controversies“. American Society for Public Administration, Taylor & Francis Group: Boca Raton, London, New York.

<sup>10</sup> Riigikantselei. 2009. “*Rollid ja hoiakud avalikus teenistuses*” [Roles and Attitudes in the Public Service], TNS Emor. Available in Estonian at: [http://www.avalikteenistus.ee/public/Uuringud/Rollid\\_ja\\_hoiakud\\_avalikus\\_teenistuses\\_2009.pdf](http://www.avalikteenistus.ee/public/Uuringud/Rollid_ja_hoiakud_avalikus_teenistuses_2009.pdf).

experts of non-governmental organisations represented. Thus, although the general structure of the training is the same, each trainer provides their unique approach. As discussions on ethics-related cases form a big proportion of the training programme, the trainers have to have the competencies to involve participants, to moderate discussions and to be flexible to analyse the issues brought up by participants or covered in the media. Another important competence of the trainers is to create discussion among participants, not foretelling the solutions to cases under discussion.

To sum up, although changes in attitudes and values do not appear overnight, it is encouraging to perceive a gradually improved awareness of those public servants who have passed integrity training programmes. Still, there are many challenges ahead regarding the development of public service ethics in Estonia – e.g. the awareness and systematic use of Public Service Code of Ethics has still been relatively modest. Therefore recently adopted Public Service Act foresees the establishment of Commission of Public Service Ethics, which would support the implementation of Public Service Code of Ethics through general guidelines and more specific recommendations regarding ethics-related problems in public service.

### 3.3. Turkey

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#### Introduction

The Council of Ethics for Public Service (CEPS) founded in 2004 has the legal mandate to develop a code of ethics and promote ethical culture throughout Turkish public administration<sup>11</sup>. In this framework the Council issued an ordinance called “Ethical Behaviour Principles for Public Officials”<sup>12</sup> in 2005 indicating the main public values and ethical behaviour principles such as transparency, impartiality, integrity, accountability and protection of public interest. CEPS has been both promoting and monitoring the implementation of these principles to establish ethical awareness and ethical culture among the public officials by conducting seminars, workshops, conferences and training activities.

CEPS uses ethics training as an important tool to address its purpose to build an ethical environment in Turkish public administration. CEPS applies both the “rules-based” and “values-based” approaches to integrity management issuing formal and detailed rules and procedures as means to reduce integrity violations and prevent corruption.<sup>13</sup> It also seeks to encourage the daily application of values to improve ethical decision making skills through training sessions and workshops. Its training programmes are based on an interactive dilemma-type model where the trainer-as-facilitator encourages participants to speak and think, rather than a rule-based model.<sup>14</sup>

Ethics was added to the training subjects relating to the promotion of public officials in 2010. This change has increased the demand for ethics training, and paved the way for public officials seeking a promotion to be aware of this subject.<sup>15</sup> Although public institutions are required to include ethics courses in this sort of general trainings, it is not legally obligatory to organise specifically ethics training programmes in Turkish public service. There isn't any ‘whole-of-government’ policy in this regard.

#### Ethical Leadership Programme

The Training Unit within the CEPS Secretariat is responsible for planning and organising such activities. This unit has been using a training module on ethical principles, “Ethical Leadership Programme”, which is mainly a guideline for trainers, prepared in 2009 in the framework of a mainly EU funded project<sup>16</sup>. Ethics training was introduced for the first time into the Turkish public administration during this project. In addition to the preparation of a training package to support ethics training of public officials, the project provided the following:

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<sup>11</sup> Academics, military and the judiciary personnel are exempt from this law which is a very crucial deficiency in terms of a fair and effective national integrity framework in the country. This exemption also has been criticised within the EU Progress Reports. See the following report for an example:  
[http://ec.europa.eu/enlargement/pdf/key\\_documents/2011/package/tr\\_rapport\\_2011\\_en.pdf](http://ec.europa.eu/enlargement/pdf/key_documents/2011/package/tr_rapport_2011_en.pdf), p. 19

<sup>12</sup> <http://www.etik.gov.tr/Mevzuat.aspx?id=1> (in Turkish).

<sup>13</sup> OECD (2009), “Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation”, Global Forum on Public Governance, Paris, p.12.

<sup>14</sup> OECD (2011), The Call for Innovative and Open Government: An Overview of Country Initiatives, Paris, p. 279.

<sup>15</sup> Ibid, p. 279.

<sup>16</sup> Ethics for the Prevention of Corruption in Turkey Project (2007-2009). See the details of the project from:  
[http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/TYEC/TYEC\\_en.asp](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/TYEC/TYEC_en.asp)

- The staff of the CEPS were trained to promote ethical codes and ways to prevent corruption
- 110 trainers were trained and were able to deliver ethics training
- A number of governors, deputy governors, district governors, mayors, deputy mayors, and members of ethics commissions in all 81 provinces were trained in the application of the code of ethics for public officials, through 10 training events in which a total of 388 official were trained)

CEPS has continued to provide training programmes since 2009. By 2012, the total number of public personnel having received ethics training from central or local government reached 25,564. This includes 230 public officials who have themselves become ethics trainers.

**Table 4. The total number of training programmes and participants (2009-2012)**

Year	Number of Institutions (Central)	Number of Institutions (Local)	Number of Participants
2009	32	8	7.415
2010	46	21	8.464
2011	44	10	5.944
2012 <sup>17</sup>	24	12	3.741
<b>TOTAL</b>	<b>146</b>	<b>51</b>	<b>25.564</b>

*Source:* Council of Ethics for Public Service

The Ethical Leadership Programme involves a 1 or 2-day training event exploring issues associated with applying ethical principles in practice when faced with a range of conflicting forces and pressures. Independent scholars as well as the members and permanent staff of the CEPS participate in these programmes as speakers and facilitators. In the framework of the training event, ethical principles are examined in a challenging and interactive way by focusing on a series of ethical dilemmas relevant to public service management in Turkey.

#### Ethics Commissions

Operating in cooperation with CEPS, there are Ethics Commissions within each public institution in Turkey with a mandate to advise the personnel facing potential ethical problems, evaluate ethical practices and embed an ethical culture within their institutions.

Although there are no reporting lines between these Commissions and the CEPS, these work in close collaboration. Indeed, there is an unofficial network among members of ethics commissions throughout public sector of Turkey. They meet at seminars and conferences that are being organised by the Council, giving participants an opportunity to share experiences. And, CEPS is striving to keep this network active and interconnected. Relevant private sector organisations, NGOs and academic institutions are also members of this unofficial network. CEPS has a plan to transform this network to a more formal platform in which different segments of the society collaborate to build ethics culture throughout the country and strengthen the integrity of Turkish public administration.

The ethics commissions have a legal mandate to disseminate ethical culture within their institutions and ethics training is regarded as an instrument for this purpose. There is a high propensity among the public entities to organise such events due to their increased awareness about the subject. CEPS provides technical assistance including training programmes to these commissions in order to launch the ethical

<sup>17</sup> As of 1<sup>st</sup> of July.

culture within their institutions. After receiving such technical assistance some ethics commissions are now able to organise their training programmes by using their own trainer pool.

## Training Programmes

CEPS provides the following types of training related programmes:

### *Training of trainers*

Individual public institutions request this programme to train their own employees as trainers to employ them within their own future training programmes. Based on such requests, CEPS provides a 2-day certified ethics training programme for the future trainers.

This practice is voluntary and demand-driven. There is no central policy or guidance to select certain public institutions nor any direct order for them to organise such events and appoint their trainer candidates. Individual ethics commissions strive to select the candidates, among the employees of their institution, who have leadership skills and managerial status. However, the candidates are not obliged to attend these programmes. The number of participants is limited to 24 to ensure an interactive session. CEPS has so far certified 230 ethics trainers through its programme to train trainers.

The Trainer of trainers programme is the most valuable one among the programmes mentioned below when its sustainability effect is taken account. These trainers are considered as strategic individual partners by CEPS together with the members of Ethics Commissions. Thanks to these programmes certain Ethics Commissions are now able to organise training events with their own trainers without needing help from CEPS. For example, the General Directorate for Land Registry and National Police Administration are two leading institutions with substantial vision, effort and strategy to provide training programmes to their thousands of employees based on their own capabilities.

### *General training*

This type of training programme is more common than the training of trainers programme. As with the other training programmes, this is also demand-driven and CEPS strives to respond all applications. General training programmes have 12 to 24 participants, and unlike the training of trainers programmes, these may be limited to a one day event.

Ethics Commissions generally prefer this programme for a group of newcomers to their organisations. They also organise such events specifically for medium level managers.

### *Seminars*

Seminars target bigger audiences within organisations. The Chair and other members of the Council are frequently invited to participate in these seminars as speakers.

Due to the number of attendants it is rather difficult to provide an interactive discussion environment in this kind of training event in comparison to the first two programme categories. However, these events still do provide useful opportunities for dialogue.

### *E-training*

Online training programmes have been recently started by CEPS, but are not yet fully developed. The National Police Administration has been conducting such programmes since 2010. The Ministry of Education has recently started e-learning courses on ethics in some of which the Chair of the Council

participated as a lecturer. CEPS tries to benefit from these experiences and incorporate e-learning techniques into its general ethical management framework.

Although seminars and e-training programmes have relatively limited effect on the sustainability of efforts, they do provide a powerful means to convey messages to a broader audience.

### An Ideal Training Programme and the Roles of the Facilitator in a Training Event<sup>18</sup>

The Training Programme conducted by CEPS focuses on the different viewpoints that may exist within any decision made by a public official, including the decision-maker, the recipient of the decision and the decision-maker's organisation. This multi-perspective approach is set up to directly challenge the premise that every decision is a straightforward choice between "black and white". This approach views different decisions as occupying points on a "grey scale", with no single one totally right or wrong, when judged from different perspectives. This allows participants to understand that people can view the same situation differently depending on their perspective. They thus gain a greater understanding of how others may view their actions but also how to see a situation from another's perspective. It also gives them experience in distinguishing between personal and organisational values and when each applies in decision making. This develops their skills in making ethical decisions by considering all relevant information and any existing legislation and rules.

A "*Facilitator's Guide*" gives practical recommendations to the trainers. This step-by-step guide covers background reading on ethics and decision-making, general information on the facilitation of learning and training, practical information on planning, administering, delivering and following a training event. It also contains a number of case studies or scenarios illustrating the ethical dilemmas that any Turkish public official might face, advice on how to apply the values and principles of the law and regulations on ethics when making professional decisions and speaking notes for direct use at the training event.

Deciding the minimum and maximum number of participants beforehand is crucial for a successful interactive training programme. With too few people, on the one hand, discussions and the exchange of ideas will be limited. With too many, on the other hand, discussions and exchanges will be constrained. The Council sets a minimum of 12 participants and a maximum of 24, depending on the topics/processes to be covered and the expertise of the facilitator.

With an assumption that "Adults learn most effectively in an atmosphere of openness, support and trust and when they are actively involved in the training process" the facilitator who is a specialised trainer working for the Council has the responsibility for "creating and maintaining an environment conducive to adult learning, structuring the learning process, stimulating discussion, handling questions, providing opportunities for active learning and reviewing issues raised and subjects covered."

The facilitator holds the principal responsibility for the smooth management and delivery of the training event itself. For a successful programme, the guideline helps the facilitator by giving practical tools and methods as follows:

#### Preparing for the event

According to the guideline prepared for them, facilitators are expected to apply the following checklist:

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<sup>18</sup> Summarised from "A *Facilitator's Guide* (2009), Ethical Way: The Ethical Leadership Programme <http://www.coe.int/t/DGHL/cooperation/economiccrime/corruption/projects/TYEC/1062-TYEC-Facilitators%20Guide.pdf>, and "*Implementation Guide*" (2009), Ethical Way: The Ethical Leadership Programme [http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/TYEC/1062\\_ImplementationTrainingGuide.pdf](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/TYEC/1062_ImplementationTrainingGuide.pdf).

- Meet the official organisers, including members of the Ethics Commission and other contact persons from the public institution who have requested the training, to confirm all arrangements for the venue, facilities, equipment and support services. The training venue and facilities should support active learning through informal general discussions and small group exercises. Movable chairs and tables are preferred, and the use of lecture theatres with fixed seating should be avoided except for short training events that are based entirely on information briefing incorporating only general question-and-answer sessions.
- Confirm which key representatives will be attending the event. Managers of the institution that requested the training, members and trainers of the Ethics Commission could take part to show staff the support of the senior management, and to keep good relations with CEPS.
- Agree to the allocation of roles and responsibilities, e.g. welcoming participants, providing an overview of the importance of ethics to the organisation, assisting with the management of group discussions, assisting with equipment and/or closing the event.
- Confirm that reminders and pre-reading material have been sent to all participants. It is essential to ensure that all the participants understand the purpose of the event, its intended outcomes and the benefits for their institution.
- Obtain a list of participants and their job titles.
- Prepare for the programme by re-familiarising with the event materials and researching the main responsibilities and activities of the organisation
- Arrive at the training room at least 45 minutes before the scheduled start-time for the event to check the meeting room: ensure that the room is comfortable, well laid out so that everyone can see the screen and feel part of general discussions. Check the meeting equipment: equipment that does not work and uncomfortable physical surroundings will have an immediate and detrimental effect on participants and their willingness and ability to participate in the training process.

#### Welcoming the participants and opening the event

A good start is important for the success of the event. The guideline reminds the facilitator that the participants' first impressions are likely to determine their mood and behaviour for the remainder of the event: *"You do not get a second chance to make a good first impression."* According to the guideline there are practical steps the facilitator is advised to follow for a successful start:

- Ask each participant to introduce themselves, their name, job title and department/section
- Introduce the workshop, with the following generic sample message:

*"Any of us can be challenged by changing circumstances almost on a daily basis and in the end our sense of ethics will help us make the right decision. The Turkish public sector has developed its own traditions and values over many years and is committed to serving its communities. However, as the demands of those communities change and how services are provided change, we need to confirm whether our current values are still relevant and still robust to meet these new challenges. For these reasons, our organisation has decided to help you, its employees, by equipping you with skills and knowledge that can help you when you are faced with difficult situations. In addition, we want you to become better informed about the role that ethical principles play in public service values and how they are applied to your job, your section/department and ministry and your place in public service and in the community."*

- Explain that the purpose of the training event is to help participants become more aware of the values and principles and how they might be “lived” in daily behaviour and decision-making in the workplace
- Explain that the development of a high performing public service culture is dependent upon every employee “living the values” on a daily basis
- Inform participants if the senior staff within your organisation have undergone this workshop or are planning to. This indicates top-level commitment to an ethical organisation.
- Summarise the key points raised and establish a link to the next session: the consideration of how the “Ethical Behaviour Principles for Public Officials” provides the underpinning ethical principles and guidance for the decisions and actions of Turkish public officials

### Making presentations and facilitating general and group discussions

Several presentations take place during a training programme. There is a natural tension between the time constraint and information abundance in this kind of training programme, and for presentations in particular. It is essential to make a preference and selection. The key test for the selection of information for the presentation would be “*Does it help or hinder the understanding of my main message?*” It gives a practical framework for an effective presentation:

- First tell them what you are going to tell them
- Tell them your main messages
- Tell them what you have told them

In other words a presentation should comprise an introduction to the main content and approach, the content, and a summary of the main content.

The facilitator holds the responsibility of ensuring that all participants are able to engage fully with the training process. The targeted audience is a group of adults. The guideline suggests that the facilitator should not criticise or openly judge the contributions of any participant as this is likely to create an intimidating and tense atmosphere that build resentments and tensions, all of which inhibit learning.

The guideline stresses the fact that “training is usually provided for adult learners who learn best when given the opportunity to engage with the subject, to share their own ideas and experience, to ask questions and actively participate in the learning process.”

### Managing Scenario Discussions and Analysis

As a dilemma based programme, training mainly consists of scenario discussions. The guideline gives practical advice to the facilitator for a smooth discussion environment:

- Explain to participants that ethical principles and their implications for public officials can be best understood by examining, discussing and reviewing specific examples of the decisions that have to be taken and the ethical issues associated with the choice to be made
- Explain that they will be presented with individual examples – scenarios – which illustrate a set of circumstances and a decision to be made that raises ethical issues for all concerned

*Everyone has their own viewpoint on any given situation, and that viewpoint influences how we react to the situation and what behaviours we display. One of the aims of this ethics training event is to help people consider not only other views but also the public sector values and principles when making a decision. By considering another's viewpoint we can become better decision makers. By considering values and principles we can make decisions that are consistent with the desired culture and the existing ethical framework of the Turkish public service. We are now going to consider some workplace dilemmas so that you can see what I mean.”*

- Organise participants in five groups
- Present a summary of the scenario and distribute the full texts to the groups
- Ask the groups to discuss the ethical issues and to prepare their answer to the question raised in the scenario. The ethical issues raised in the scenario will need to be considered from the individual perspectives of the different parties involved in or affected by the decision to be made.<sup>19</sup> Invite the groups to report back to the general audience and to present their answers.
- At the end of the final scenario use the pre-prepared visuals to remind participants of the ethical decision-making model and summarise the importance of viewing ethical problems from different perspectives

#### Closing the Ethics Training Event

The method used in closing an event also affects the success of it. According to the guideline the training event should be closed by thanking the speaker(s) for their contribution and the participants for their commitment and engagement with the subject and with the active process of learning. The guideline also covers the following steps for closing the event:

- Ask the participants to complete and hand in their evaluation form<sup>20</sup> before they leave
- Inform the participants that their organisation will be providing additional advice on the continuing development of ethical principles and ethical conduct
- Provide an outline for any planned activities and the name(s) of the person(s) to be contacted for further advice and information on follow-up activities
- Remind participants of the importance of seeking advice of a trusted colleague whenever facing doubts about the ethics of a decision or course of action
- Conclude the event with these key points:

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<sup>19</sup> A sample scenario is presented in Annex 1. Discussing this scenario, for instance, each group takes the role of different person, including Mr. Suleyman, Mr. Yilmaz, manager of the hotel, old couple, and police officers.

<sup>20</sup> A generic evaluation form is provided at Annex 2.

*While there are no absolute right or completely wrong answers to often complex situations, there are guiding values and principles to help us make the most appropriate decision. “Ethical Behaviour Principles for Public Officials” and the content of this training event are designed to help you in such situations. You may also wish to refer to available codes of conduct, standards and other policies and procedures for your organisations.*

*Living the values on a daily basis and encouraging others to do so is the most effective way of nurturing an ethical culture. In turn, we can expect to work for a high performing organisation that brings us personal satisfaction and promotes our workplace as an employer of choice.*

### Challenges and Latest Developments for an Effective Functioning Ethics Training in Turkey

- The demand for CEPS training programmes is increasing in parallel with growing awareness of the issue in Turkish public institutions, which represents both an opportunity and challenge for CEPS. There is a capacity problem due to insufficient budget, limited number of permanent staff and difficulty in forming ethics trainers in a short time. Furthermore, the fact that CEPS is not an independent body<sup>21</sup> constitutes a structural obstacle to act in a stronger and more flexible way.
- Successful integrity management and ethics training in particular require the individual public entities’ constant effort and sense of ownership. The empowerment of ethics commissions is crucial in this respect. Despite the fact that some public ethics commissions within individual public institutions operate effectively, most of the commissions are still far from institutionalising completely. A reform targeting the effective functioning of these entities would be a strategic step towards the decentralisation of the ethics training. This step would also bring the transformation of the CEPS towards a standard setting and certification body for ethics training and trainers, monitoring the implementation in individual public bodies.
- In order to adapt to changing needs and developments every public policy instrument should be subject to periodical evaluations and on-going feedback from the beneficiaries and main stakeholders. Being an important policy instrument for CEPS, ethics training policy is not exempt from this reality. Although after each training event written feedback is being received from the participants, there is a crucial need to evaluate the expectation of stakeholders and the quality of events being held in a more organised way. Development of a generic methodology would serve CEPS for this purpose in order to improve the existing training module and practice.
- CEPS has implemented several projects in order to achieve its organisational objectives. It especially tries to benefit from EU funds to increase its administrative capacity and works with the Council of Europe (CoE) within the implementation process. In this framework CEPS has just started a new project “Consolidating Ethics in the Public Sector in Turkey”<sup>22</sup>, with a 1.5 million EUR budget as a second phase of “Ethics for the Prevention of Corruption in Turkey Project (2007-2009)” mentioned above. Among the activities of this project, it is planned to revise and enrich the current training module and train about 200 new ethics trainers from central

<sup>21</sup> CEPS is located within the Prime Ministry and lacks budgetary and human resource independence. For a detailed analysis about its dependency problem, see [Alain DOIG and David WATT \(2008\), Review of the Council of Ethics for Public Service.](#)  
[http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/TYEC/1062\\_TYEC\\_ADDW-TP41\\_May08%20Review%20of%20the%20Council%20of%20Ethics.pdf](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/projects/TYEC/1062_TYEC_ADDW-TP41_May08%20Review%20of%20the%20Council%20of%20Ethics.pdf)

<sup>22</sup> Project activities can be followed through the website below:  
[http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/TYEC2/Default\\_tyec2%20en.asp](http://www.coe.int/t/dghl/cooperation/economiccrime/corruption/Projects/TYEC2/Default_tyec2%20en.asp)

and local government. This new project is expected to give greater momentum to the training efforts within the country.

- All in all, CEPS is functioning as a small but influential agency in Turkish public administration. However, it has limited resources and independence to fulfil its very ambitious legal obligations. Taking into account its achievements in ethics training despite the constraints, CEPS has a very promising role to consolidate the universally accepted public sector principles within Turkish public administration.

## ANNEX 1: A CASE STUDY

Mr Suleyman is a Master's degree-holding police commissioner. His thesis was about the satisfaction level of citizens about police stations which serve the public directly with whom they have face-to-face relations and methods to create a more "citizen friendly" working environment.

He has completed his master study and received appreciation for his efforts. Eager to apply these methods, Mr. Suleyman has returned to his work. He has been assigned as a commissioner to a central position in Ankara in which the Provincial Police Chief was quite eager to initiate a modernisation process.

Mr. Suleyman is now responsible for analysing a number of police stations in the capital and developing action plans for a modernization programme. He begins his work by visiting the "Konak" police station. Everybody uses this name referring to "Konak Plaza Hotel" nearby. There are many restaurants, shops, cafes, and embassies in this neighbourhood.

The building of the police station is a typical old one with faded painting, various posters on the walls, a bench on the waiting section and a counter opening to the bureaus. In the bureaus there are dossiers and equipment lockers filled with messy files as in any ordinary police station.

In the scenario, when Mr. Suleyman enters the building, an old couple is quietly waiting in the bench. A deputy commissioner and a police officer are talking behind the counter. Mr. Suleyman says "hello" and walks towards the bureaus. He notices some pictures on the walls behind the rows possibly drawn by children. On the tables there are some paper coffee cups of a famous coffee shop which is close to the police station. He jokes about the salaries of the officers as being high enough to provide good coffee for themselves and enough paper and pens for their children. One of the officers smiles and says "they are taking good care of us here."

Mr. Suleyman stops before the counter on his way. Deputy Commissioner Mr. Yilmaz is talking to a tourist who has lost his camera. He hears that the tourist stays in the Konak Plaza Hotel and the manager of the hotel has sent him to the police station with a note to see Mr. Yilmaz. The police are to prepare a report, so that the tourist can claim the amount of the lost item from the insurance company in his country. Mr. Yilmaz inquires the details and tells the tourist to come back with the necessary papers. As the tourist leaves the police station Mr. Yilmaz turns to Mr. Suleyman and asks if he wishes to talk to him. Mr. Suleyman replies "we may meet after you take care of the couple in the bench". Mr. Yilmaz shrugs his shoulder and says "they can wait; I can see them later". Mr. Süleyman replies, "You take care of them now. I will be back soon."

Mr. Suleyman thinks about Mr. Yılmaz's attitude, the general structure of the police station he has faced and the new ideas he learnt during his graduate education. Mr. Suleyman has a list of businessmen, politicians, embassies and NGOs in the area to inquire about the delivery of the policing service. Most of them speak highly positive about the attitude of the police and the reactions they receive from the police stations.

In his visit to Konak Plaza Hotel Mr. Süleyman sees that the Director General of the Hotel Mr. Enver is quite pleased with the service of the station. He states that the police officers deal with the problems of the guests and they rapidly intervene with any problem in the hotel. He also states that they are very happy to support the police station in return of this service. Mr. Suleyman asks about the type of this support. Mr. Enver states that from time to time the guests of the hotel need some

police documents and the police station provides them easily. He also states that they are happy to provide a couple boxes of paper and other bureau materials for the police station. He says that they have even given an old printer that needed to be changed. Mr. Enver says that most of the companies in the area do the same and he knows it because of the regular meetings held in his hotel. In fact, it is no longer possible to collect equipment and other materials (tea and coffee) from the shops. However, these shops have come to an unofficial agreement to provide the monthly requirements of the police stations.

Mr. Süleyman is aware of this tradition, but he is surprised to see that it has evolved into an organised fashion. He is also interested in the implications of this tradition on the culture and attitude of the police officers. He feels quite anxious when he remembers the different attitudes towards the old couple and the tourist.

Mr. Süleyman arranges a meeting with Mr. Yilmaz. Mr. Yilmaz is a little confused upon hearing the problems. He explains that the budget allocated for the centre is never enough for the services provided. He says that he sends the officers to the companies only when items such as paper, coffee and pen are lacking. He also says that Mr. Süleyman's predecessor worked to better organise it and companies close to the station now regularly provide such support. He adds that this is better for planning and it allows the establishment of better relations with the companies and in turn the police can respond to the demands more efficiently.

Mr. Süleyman is surprised to see that Mr. Yilmaz deems such arrangements as normal and logical. Mr. Süleyman says that he is more interested in providing better service to the residents of this area and reminds him of the old couple. Mr. Yilmaz says that while the tourists are always in a hurry to ask for certain documents, the residents of this area are not in a hurry; so they are using the old methods for their transactions.

Mr. Süleyman thinks that Mr. Yilmaz does not attach importance to the old couple and the latter are not aware of their rights. The old couple thinks that the police have the right to make them wait.

Mr. Süleyman also questions whether the items provided by the companies are necessary. (He wonders whether some officers take these materials home for private use or not and why the officers need to drink free coffee while performing their official duties.)

Mr. Süleyman thinks that it is possible to provide the same service at different levels. Mr. Yilmaz responds, *“OK.. If you stop receiving support from the companies, can you increase our budget? If you cannot, won't this disrupt the service we provide to the citizens as well as to the companies? To be honest why would we change these arrangements that allow us to deliver services or largely facilitate it? I asked one of the companies painting their own facilities to arrange painting the waiting section of the station to give it a more comfortable and modern look. My staff are happy to work here and they think I take good care of them. If you want to help the citizens, let the companies help us. They have the means to do that. What is wrong about responding their support with our service? Only through such arrangements can we provide quality service!”*

What can or should Mr. Süleyman do after that?

## ANNEX 2: PARTICIPANT EVALUATION FORM

EVENT :

DATE :

LOCATION :

*Help us to plan our next training event by telling your opinions of this event. Please spend a few moments completing this form and handing it in before you leave today.*

1. How would you rate the relevance of the topics covered today to your interests? Please circle the appropriate level.

a) Very High   b) High   c) Medium   d) Low

2. What are the three most important ideas you will take away from today's workshop for further discussion and action in your organisation?

a)

b)

c)

3. What other subjects do you think we should include in scenarios at training events?

4. What other forms of assistance would you like to help you follow the ethical way?

5. Do you have any comments or suggestions to make about this or future events?

*P.S. Please continue over the page if you need more space for your comments.*

Name :

Title :

Organisation :

Phone :

Email :

**THANK YOU FOR YOUR COMMENTS**

### 3.4. United States

Trish Zemple  
Associate Director, Office of Government Ethics

The United States has a system of laws and regulations governing employment in the Federal Government. At the Federal level, each branch has its own government hiring system. Under the separation of powers principles established by the United States Constitution, the legislative and judicial branches of government are generally not subject to the laws, rules, and regulations applicable to the civil service, which serves the President as part of the executive branch. However, Congress has, by legislation, expressly included certain legislative and judicial administrative personnel under components of the civil service system or under parallel systems. The legislative and judicial branch hiring laws integrate many of the principles of transparency and fair dealing found in the executive branch laws described below. Likewise, while systems at the sub-federal level (state, municipal, and other jurisdictions) will vary, most incorporate similar principles and practices.

The laws governing federal executive branch hiring are found in Title 5 of the U.S. Code (Government Organisation and Employees). The implementing regulations for Title 5 of the U.S. Code (USC) are found in Title 5 of the Code of Federal Regulations (C.F.R.). These laws and regulations provide for efficiency, transparency and objective criteria such as merit, equity and aptitude in the recruitment, hiring, retention, promotion and retirement of public officials.

In addition, because of the President's constitutional role as head of the executive branch, numerous presidential executive orders, which have the force of law, address competitive examinations, qualifications, suitability, merit hiring and ethics. One of the most significant is Executive Order 10577, which amended the Civil Service Rules and authorized a new appointment system for the competitive service (codified in 5 C.F.R. parts 1 through 10).

The executive branch accounts for approximately 97 per cent of full-time federal public officials, most of which are selected through systems leading to career appointments. In general, there are two basic categories of career public officials in the federal executive branch, both of which are hired under merit system principles: (1) competitive service employees (referred to in the hiring and ranking systems as General Service (GS) employees), who are hired through a competitive examination process and must meet government-wide suitability and qualification standards, and (2) excepted service employees, who may be hired non-competitively but must still be found fit and qualified for their positions, either under government-wide standards or agency-specific standards. A relatively small number of public officials in the executive branch are under a career senior executive personnel system, which also requires candidates to meet qualification and suitability requirements.

There are also a relatively small number of non-career public officials who are not selected on a competitive basis. These are primarily those serving in high-level positions of confidence. However, those appointments are still subject to a vetting process. For example, an individual who the President wishes to appoint as a member of his cabinet must go through a rigorous background check, a financial conflict of interest review, and Senate confirmation.

The Office of Government Ethics

The United States Office of Government Ethics was established by the Ethics in Government Act of 1978. OGE provides leadership to the executive branch of the Federal Government to prevent conflicts of interest on the part of executive branch employees and resolve those conflicts of interest that do occur. In partnership with executive branch departments and agencies, OGE fosters high ethical standards for

executive branch employees; these standards, in turn, strengthen the public's confidence that the Government's business is conducted with impartiality and integrity.

## Organisation

OGE is headed by a Director who is appointed to a five-year term by the President after confirmation by the U.S. Senate. In addition to the Office of the Director, OGE is divided into four offices that work in concert to carry out OGE's mission: Office of General Counsel and Legal Policy, Office of International Assistance and Governance Initiatives, Office of Administration, and Office of Agency Programs. In total, OGE has 76 employees, all located in Washington, DC. Of these 76 employees, 13 employees have primary responsibility for providing ethics [training courses and materials](#) for executive branch departments and agencies.<sup>23</sup> These staff members deliver training to both new and experienced agency ethics officials through workshops and seminars designed to improve their skills in performing ethics-related duties and maintaining effective ethics programmes.<sup>24</sup> In addition, the staff members develop and make available ethics training courses and materials for agency ethics officials to use in conducting ethics training for their employees. These courses and materials are available in a variety of formats such as instructor led, web-based and video, and cover a variety of ethics topics to enable agency ethics officials to best meet their training needs.

## The U.S. Code of Federal Regulations

On behalf of the United States, the U.S. Office of Government Ethics has outlined standards of conduct for employees of the Executive Branch and codified rules about ethics training. The rules that govern training as well as the standard of conduct for employees of the Executive Branch are detailed in the Code of Federal Regulations (5 CFR 2635).<sup>25</sup>

The Code of Federal Regulations states that each agency must have an ethics training programme to teach employees about ethics laws and rules and to tell employees where to go for ethics advice. The training programme must include, at a minimum, an initial agency ethics orientation for all employees and annual ethics training for employees who file public and confidential financial disclosure reports.

## The Standards of Conduct

The Standards of Ethical Conduct for Employees of the Executive Branch provide the foundation for our training efforts. The standards outline the basic obligations of public service and provide detailed rules relating to gifts, conflicting financial interests, impartiality in performing official duties, seeking other employment, misuse of position, and outside activities. In addition to the Standards of Conduct, employees must also adhere to the conflict of interest laws found at 18 USC 201-209. These laws cover bribery and illegal gratuities (18 USC 201) and criminal conflicts of interest (18 USC 202-209).<sup>26</sup>

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<sup>23</sup> Information about OGE's training courses and material is available at <http://www.oge.gov/Education/Education/>.

<sup>24</sup> Ethics officials are usually attorneys who work in the Office of General Counsel within their respective Executive Branch agency. As of 2010, agencies reported approximately 5,300 ethics officials across the Executive Branch; 10 percent are full time; 90 percent are part time (meaning they have collateral duties other than ethics). Their responsibilities as ethics officials range from providing advice and counsel to employees, to training employees who file public and confidential financial disclosure reports and reviewing public and confidential financial disclosure reports for potential or actual conflicts of interest.

<sup>25</sup> The Code of Federal Regulations (5 CFR 2635) is available at <http://www.oge.gov/Laws-and-Regulations/OGE-Regulations/5-C-F-R--Part-2635---Standards-of-ethical-conduct-for-employees-of-the-executive-branch>.

<sup>26</sup> The Standards of Ethical Conduct for Employees of the Executive Branch and the conflict of interest laws are available at <http://www.oge.gov/Laws-and-Regulations/Statutes/Statutes>.

## The U.S. Executive Branch Ethics Education Program

Each agency must have an ethics training programme to teach employees about ethics laws and rules and to tell the employees where to go for ethics advice. (There are 133 separate agencies within the executive branch.) In the U.S., all employees in the Federal Executive Branch must receive an initial ethics orientation so they learn about the standards of ethical conduct. This training must be provided not later than 90 days after an employee begins his/her federal employment. Other employees must also receive annual training on the standards if they are in higher level positions. Generally, these are employees who file confidential or public financial disclosure reports. In total, approximately 330,000 employees file confidential reports and 28,000 employees file public reports. Of the latter, approximately 1,200 are employees who serve at the highest level of the executive branch—employees who are nominated by the President and confirmed by the U.S. Senate (i.e., PAS officials).

## How the U.S. Administers the Executive Branch Ethics Education Program

The United States has a decentralised model for delivering training across the Executive Branch and uses a team approach to training the approximately 4 million government employees (both military and civilian) located throughout the 133 executive branch agencies. This model also applies to the way the ethics programme is managed in the executive branch. The U.S. Office of Government Ethics provides leadership, but each agency has an ethics programme and individuals (ethics officials) within their agency who administer that programme. The heads of each agency are responsible for maintaining and carrying out the agency's ethics programme. (5 CFR 2638.202) Part of the responsibility includes ensuring that agency personnel are counselled on ethics standards. The executive branch agencies are responsible for the day-to-day administration of their ethics programmes.

## OGE Provides Training to Agency Ethics Officials

The implications of this model apply to the way the Federal Government builds an understanding and appreciation for the Standards of Conduct. In the context of all training specified in the Code of Federal Regulation, OGE provides training to ethics officials and these ethics officials provide training to agency employees. OGE has established a comprehensive programme for training ethics officials. This program ensures that ethics officials have the information they need to train their employees.

## Training for Ethics Officials

In fiscal year 2010, OGE launched an initiative to improve the training delivered to new ethics officials: the New Ethics Official Certificate Program provided comprehensive training to over 200 new ethics officials. For the first offering, OGE delivered a 2-day course to a group of 154 new ethics officials. OGE then revised the course and extended it to 3 days and reduced the number of students per class to 21 – 30 (primarily due to resource constraints). Post-training evaluations administered to the participants showed that 97 per cent were satisfied with the training, and felt they were better equipped to do their jobs because of the training.

The New Ethics Official Certificate Program is a "boot camp" for those new to the practice of ethics. The Certificate Program is designed for new ethics practitioners. There are no pre-requisites for this programme. However, registration is limited to those who have performed ethics duties either full time or part time for no more than 3 years. The Certificate Program is designed to teach new ethics practitioners the following:

- The essential elements of the executive branch ethics programme
- The essential elements of the financial disclosure programme

- How to identify and notify financial disclosure filers
- How to certify confidential financial disclosure reports (OGE 450)
- How to identify and remediate conflicts of interest
- How to analyze gift questions and requests for outside activity approval
- How to provide advice and counselling
- How to develop and deliver effective ethics training

Through a facilitated simulation of "a day in the life of an ethics official," participants apply relevant ethics authorities to a series of critical tasks, assess and discuss the importance of effective processes in the management of an ethics programme, and use tools and resources critical to the practicing ethics official. Students are seated 7 to a table with 1 instructor per table. Typically there are 3 tables per class. During the simulation, instructors use a combination of lecture and practical, hands-on training.

The simulation focuses on the three primary functions of an ethics official: reviewing financial disclosure reports for conflicts of interest, providing advice and counsel on issues involving conflicts of interest laws and the standards of conduct, and training employees on selected topics. So, for example, in the area of financial disclosure, the participants work through a mock employee confidential financial disclosure form, simulating what it would be like if the ethics official were back at his/her agency. The participants "receive" an email from the Human Resources Department, alerting the official that a new employee who has to file a financial disclosure report has begun employment with the agency. The ethics official must then contact the new employee's supervisor to get information about the duties and responsibilities of the new employee. The ethics official will use this information for purposes of determining what would cause a potential conflict between the employee's financial interests and the employee's official duties. The ethics official then "receives" the employee's confidential financial disclosure report. The ethics official reviews the report, noting any issues that require follow up with the employee and then following up with the employee to resolve any issues. Once the information is received by the ethics official, the next step is to determine what, if any, remedial action would have to be taken by the employee to resolve the conflict of interest identified. The ethics official drafts a note to the employee letting him/her know about the recommended remedial action and what steps the employee has to take in order to implement the recommended action. One of the last steps would be to draft appropriate memoranda and then certify the report.

#### **Box 4. Simulation of reviewing financial disclosure reports for conflicts of interest**

A mock employee, “Michael Faraday,” has submitted a confidential financial disclosure report. The ethics official notes that Michael has listed the following items on his report: Dell stock; Pepco (an electric company); outside position with the City of Philadelphia; iShares fund; membership on outside board, “CIO Executive Council”, University of Maryland; and an outside organisation, “Save the Internet.” Through a discussion with the instructor, the ethics officials are prompted to write an email to Michael Faraday asking for some clarifying information in order to provide Mr. Faraday with comprehensive advice on any ethics issues identified. For example, for the Dell stock, the ethics officials inquire about the value of his shares in Dell stock because it is likely, given his official position, that he will be working on matters that could involve Dell. Therefore, the ethics official would need to know the amount in order to determine if he needs to divest some or all of the stock. For the outside position of “Save the Internet”, the ethics official asks whether Mr. Faraday is an active participant in the organisation, e.g., does he chair any committee or engage in fundraising on the organisation’s behalf. The ethics official then gets the response from Mr. Faraday, providing the clarifying information. For example, the ethics official learns that Mr. Faraday holds \$46K in Dell stock and that he is an active participant with “Save the Internet” but is not an officer with the organisation. Based on this and the other clarifying information received, the ethics official (again with assistance from the instructor) drafts a memorandum, known as an ethics agreement, for Mr. Faraday. The ethics agreement outlines what steps he must take in order to avoid any identified conflicts of interest. In that agreement, Mr. Faraday promises to sell his stock interests in Dell and states his understanding that a conflict of interest law prohibits him from representing “Save the Internet” back to the Government and that he cannot use his Government title or any authority associated with his Government position to assist or promote the organisation or its activities. In addition to the ethics agreement, the ethics official drafts a “Cautionary Memo.” The cautionary memo advises Mr. Faraday how to complete future financial disclosure reports and to caution him about potential conflicts of interest and appearance concerns he should be monitoring based on the information disclosed on his financial disclosure report.

This same approach is used for training ethics officials about how to answer questions they get from employees. In this area, the focus is on questions arising from outside activities that an employee wishes to engage in and gifts that an employee receives. These two topics are chosen because they are among the most common questions received by ethics officials. For the simulation, ethics officials are given several scenarios. They then role-play with the OGE instructors, asking questions to the “employee” until enough information is gathered to complete the analysis and determine if the activity or gift is appropriate. In the last area—training employees—ethics officials do not practice training. Instead, ethics officials are given information about different ways to provide training to employees and different strategies for marketing their ethics programme.

### **Box 5. Simulation of providing advice on gifts**

For the gift scenario, the ethics officials “receive” an email from an employee who has some gift acceptance questions. One of the questions is about accepting food being served at a regularly held meeting with an outside contractor and accepting a lunch that will be hosted by the contractor. Another question is about a laptop she received from her cousin as a birthday present; the cousin works for a prohibited source. After discussion with the OGE instructor, ethics officials determine what additional information is needed from the employee before answering the questions. They craft an email back to the employee (1) asking how much is the lunch that will be hosted and whether the employee has accepted any other gifts from this contractor before and, if so, when and (2) who paid for the laptop, how close is the employee to her cousin, how often do they exchange gifts and what was the last gift received. Based on the clarifying information received, the ethics official determines that the gifts can be accepted by the employee. Through this exercise, ethics officials learn what additional information is required before advice can be rendered and the pros and cons of delivering advice to employees in verbal vs. written form, the importance of documenting advice and what should be included in the documentation.

By the end of this programme new ethics officials will have the knowledge and skills needed to perform entry-level ethics official duties, understand what it takes to build an ethical culture within the executive branch, appreciate ways they can network and work with the ethics community, and formulate strategies to build a successful career in ethics. As take-aways, ethics officials receive copies of the pertinent regulations and conflict of interest laws as well as a “New Ethics Official Tool Key” which contains such things as a job aide on how to determine which employees should file a confidential financial disclosure form, a list of useful resources for reviewing financial disclosure reports, and templates for documenting advice.

Participants who complete the entire programme and successfully pass an examination receive a Certificate of Completion. Because effective implementation of financial disclosure requirements is a central part of ethics officials’ responsibilities, the Certificate Program focuses significantly on processes for the collection and review of financial disclosure reports.

In addition to the certificate programme, OGE offers an on-going series of training programmes for ethics officials. Every month, OGE offers approximately 10 classes; each class can accommodate about 30 ethics officials. The classes range in length from a half day to a full day and cover a range of topics such as how to review financial disclosure reports, how to determine if something is a gift, what is post-employment and what restrictions apply. The objective of the classes is to teach ethics officials about the laws and regulations and how to apply that knowledge to answering questions raised by employees. OGE also offers some limited classes on how to be an effective trainer or how to be an effective manager of the ethics programme. Regardless of the topic, most classes are instructor-led, in-person; on occasion, OGE provides training through interactive lectures and workshops transmitted over the web.

At the end of every training event, participants are asked to complete a post-programme assessment. Participants are asked several questions that allow the manager of the Program Services and Education Division to determine the usefulness of the class and the quality of the OGE staff providing the training.

**Agencies Deliver Training to Employees.** Once agency ethics officials are equipped with the knowledge they need to do their job, they provide training to a large number of employees across the Executive Branch. They do so in accordance with the regulations specified earlier, but the strength of the system lies not in the standards of conduct themselves but in the fact that the regulations provide a foundation for training efforts, and agency ethics officials – who are close to the day-to-day operations of the agencies –

are afforded the opportunity to customise the training for their specific audiences. This customisation allows employees to learn in the context of their agency or job, which helps to ensure that people actually process the information given to them and feel equipped to deal with challenges as they arise. While customisation is recommended, as noted earlier, certain aspects of training are required. These requirements follow.

**Initial Ethics Orientation.** Within 90 days from the time an employee begins work for an agency, the agency must give the employee (1) the Standards and any agency supplemental standards to keep or review or (2) summaries of the Standards, any agency supplemental standards, and (3) the Principles to keep. If the agency does not give the employee the Standards and any agency supplemental standards to keep, the complete text of both must be readily available in the employee's immediate office area. Additionally, the agency must give the employee the names, titles, office addresses and telephone numbers of the designated agency ethics official and other agency officials available to advise the employee on ethics issues. Finally, the agency must give the employee at least one hour of official duty time to review the items described above.

**Annual Training.** The annual training requirement consists of two parts: Training for public filers and training for other “covered” employees, most of whom file confidential financial disclosure reports. The regulations (as outlined below) specify what must be included in the training and how much time the training should take. The regulations do not specify, however, when during the year it must be delivered (although all required training must be completed by the end of the calendar year) nor do the regulations specify how the training is to be delivered. Therefore, agencies deliver training to their employees through a variety of mechanisms. Generally speaking, ethics officials often train their top-level officials (i.e., PAS officials) in person through one-on-one briefings; other employees are then trained via computer-based training.

Annual Training for Public Filers. Annual training is required for public financial disclosure report filers. For these individuals, agencies must give employees verbal ethics training each calendar year. Agencies are encouraged to vary the content of verbal training from year to year but the training must include, at a minimum, a review of the following items:

1. The 14 General Principles for Ethical Conduct;
2. The Standards of Conduct;
3. Any agency supplemental standards;
4. The Federal conflict of interest statutes; and
5. The names, titles, and office addresses and telephone numbers of the designated agency ethics official and other agency ethics officials available to advise the employee on ethics issues.

Employees must be given at least one hour of official duty time for verbal training. The training must be (1) presented by an agency ethics official or (2) prepared by an ethics official and presented by telecommunications, computer, audiotape, or videotape. If the training is not presented in-person by an ethics official and is instead communicated by telecommunications (computer, audiotape, or videotape), an ethics official must be available during and immediately after the training to answer questions.

Annual Training for Other Employees. Agencies must also provide training every 3 years to other “covered” employees, the majority of whom file confidential financial disclosure reports. These other employees include (1) employees appointed by the President, (2) employees of the Executive Office of the President, (3) employees defined as confidential filers in 5 CFR 2634.904, (4) employees designated by their agency to file confidential financial disclosure reports, (5) contracting officers and (6) other

employees designated by the head of the agency or his or her designee based on the employees' official duties.<sup>27</sup>

The requirements for the contents of the annual training are similar to the requirements for public filers (see above). Also similar is the requirement that one hour of official duty time must be set aside for the training and that it must be presented or prepared by an ethics official. The difference between the training for public filers and these other "covered" employees is that verbal training must only take place once every 3 years.<sup>28</sup> In the years in which these employees do not receive verbal training, employees must be given a sufficient amount of official duty time to review written materials prepared by the ethics official.

#### Agency-provided training to executive branch employees

Initial ethics training provided to the 1,200 highest ranking executive branch employees (PAS officials) is often provided through one-on-one briefings by the Designated Agency Ethics Official. These briefings are more akin to conversations about the Standards of Conduct and Conflict of Interest laws than to classroom training. Often the "training" begins with the PAS official filling out his/her public financial disclosure form as this form provides a natural start to the conversation and serves as a backdrop to exploring the conduct rules that now apply to these new government employees.

Training provided annually to public and confidential financial disclosure filers, on the other hand, is much more scripted. With the rise of the internet, the availability of computers, and the increased demands placed on ethics officials, more and more of the training is computer-based. Based on either an informal or formal needs assessment conducted by the ethics official, many ethics officials will pick a particular topic on which to train employees—for example, one year it may be post-government employment; another year it may be financial conflicts of interest or misuse of position. That being said, many ethics officials keep ethics in the forefront throughout the year, employing such devices as posters, calendars, or computer splash screens to remind employees of their responsibilities under the Standards of Conduct and the conflict of interest statutes.

#### An Example of Annual Training Provided to Federal Employees

At one agency, the ethics officials developed a computer-based baseball game, designed in PowerPoint. The game consisted of multiple-choice questions on a variety of issues taken from the Standards of Conduct. The questions were chosen from the myriad questions asked by employees or the issues that employees most frequently encounter. When a team member answers a question, he/she is told whether or not the answer is correct. If the answer is incorrect, the member is told why and given the right answer.

The game format for training works well. Employees enjoy the competition, and the game moves quickly enough to keep their interest. From a teaching perspective, the format works well because employees are told what the rule is if they answer incorrectly.

The ethics officials also developed a post-game survey. The survey was multi-purposed, gathering feedback on the training course and feedback on the services the ethics programme provides. Questions were asked about employees' overall impression of the game, their preference for delivery methods for next-year's training (game, ethics lecture, ethics skit with trainees participating/acting, or no preference),

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<sup>27</sup> Relevant OGE regulations are available at <http://www.oge.gov/Laws-and-Regulations/OGE-Regulations/OGE-Regulations>.

<sup>28</sup> Exceptions exist to the requirement that these other "covered" employees receive verbal training. For example, some employees work less than 60 days in a calendar year or are officers in the military and are on active duty for 30 or fewer consecutive days. In those cases, these employees may receive the training through review of written materials.

their knowledge of an ethics email series that had been distributed by the ethics office and the timeliness of ethics officials' response to requests for advice and counsel.

#### **Box 6. Baseball game for ethics training**

The game is played as follows: The game involves two teams — the home team and the visitor team. The visitor team bats first (i.e., batting consists of answering a question). The batter has two choices: (1) he/she may choose to answer the question or (2) he/she may assign someone to answer the question on his/her behalf. The pitcher (an ethics official) chooses a question for the batter or the batter may choose a question from one of the following categories: single, double, triple or homer (singles are the least difficult question and homers are the most difficult). The more difficult the question chosen the greater chance there is for the team to win or lose. For example, picking a question with a value of “single” allows the player to move only one base if the question is answered correctly. If the question is answered incorrectly, the visitor team would incur one out. (For anyone not familiar with baseball, after 3 outs, the team has lost its turn and the next team gets to take a turn at “batting” (i.e., answering the question).) If a team continues to answer questions correctly, the players will eventually cross home plate and they score a “run” (i.e., the equivalent of 1 point). At the end of all the questions, the team with the most runs scored wins. Unlike real baseball, in this game the ethics officials changed the rules slightly: to ensure that both teams get up to bat, if a team scores 5 runs/points (5 players cross home plate) before earning three outs, the sides change automatically. This change was made to keep the game moving more rapidly and to provide an opportunity for everyone to participate.

### Examples of questions used for the "baseball" training

**Home Single** – Bill is a Federal employee, he owns a small, incorporated company. His company is interested in an SBA loan guarantee. He:

\*A. May represent the company (sign correspondence and meet with SBA officials) on matters before SBA and also be paid for his efforts.\*

\*B. May neither represent the company on the matter before SBA, nor be compensated for work on getting SBA approval.\*

\*C. May not represent the company on the application, but may be compensated for behind-the-scenes work on getting an SBA loan guarantee.\*

Answer B. A Federal employee generally cannot (1) represent the interests of another before any official of the executive or judicial branches of the Federal Government, or (2) be paid for work done in support of such representation. However, he is not barred from sharing in future profits from the sale of the PHMSA approved item.

**Home Single #10** – Bill, a PHMSA employee, owns a small, incorporated company. His company is interested in an SBA loan guarantee. He:

\* A. May represent the company (sign correspondence and meet with SBA officials) on matters before SBA and also be paid for his efforts.\*

\* B. May neither represent the company on the matter before SBA, nor be compensated for work on getting SBA approval.\*

\*C. May not represent the company on the application, but may be compensated for behind-the-scenes work on getting an SBA loan guarantee.\*

# The Pitch!



Inning	1	2	3	4	5	6	7	8	9	Total
Visitor	□	□	□	□	□	□	□	□	□	□
Home	□	□	□	□	□	□	□	□	□	□

**Home Single** – A prohibited source takes you to lunch. You chat about work. Your portion of the bill comes to \$22. You should resolve the matter by:

- \*A. Paying the \$2 by which the tab exceeds the \$20 gift limit.\*
- \*B. Going to the restroom when the bill is paid so you don't see it being paid.\*
- \*C. Offering to take the prohibited source to lunch another time.\*
- \*D. Paying the \$22.\*

Answer D is correct. Paying the full \$22. Under 5 C.F.R. 2635.204(a), you may accept a gift from a prohibited source, or one given based on your official position, if worth \$20 or less per event and no more than \$50 per calendar year from the same prohibited source. However, for anything that is worth more than \$20, you may accept only if you pay the market price. That being said, declining to go to lunch in the first place, even if you did fully pay your way, may help to avoid a perception issue.

**Visitor Single** – You have been assigned the task of inspecting Company X. Your dependent child recently inherited \$25,000 in Company X stock. You are not due to file a financial disclosure report for several months so this has not been reported. You inform your supervisor that you:

- \*A. Can handle it up to the point of decision.\*
- \*B. Can't be involved in any way with the inspection.\*
- \*C. Can review another inspector's investigation report of the company.\*

Answer: B. No Involvement. As a general rule, under 18 U.S.C. 208(a), if you have any level of financial interest in a company or entity, you should not participate personally and substantially on matters that could directly and predictably affect that company. Your dependent child's financial interests are considered yours. No involvement is the cleanest way to avoid problems. It does not matter that you have not yet reported the financial holding.

**Double** – Rajani is giving a talk about risk management principles that could be better applied to government decision making. Her talk is completely unrelated to her Government responsibilities and undertaken in her private capacity. May she be introduced with the following?

" Dr. Rajani K, a graduate of the University of Wisconsin, worked ten years as a professor specialising in risk management, before joining the Department of Transportation as an Associate Administrator. She is a member of the nationally-renowned Scientific Advisory Board. She has written three books and has published numerous articles."

- \*A. No, there needs to be a disclaimer.\*
- \*B. Yes, this introduction simply includes biographical details. \*
- \*C. The introduction may not use her government title.\*
- \*D. Yes, she is giving the speech in her private capacity.\*

Answer: B Her current Government position is mentioned, it has no greater prominence than other significant biographical details used to identify her.

**Double** – Miguel is delighted with his new boss, Dan. Dan has brought about creative changes in the division's work product while, at the same time, improving efficiency and boosting office morale. The two

workers have also developed a friendship based on mutual respect and shared outside interests. Because of a conflicting family commitment, Miguel and his daughter will be unable to use their season tickets for the next Redskins home game, so Miguel offers the tickets to Dan. If Dan would like the tickets, what should he do?

\*A. Offer to promote Miguel.\*

\*B. Offer to exchange two of his season hockey tickets for Redskins tickets.\*

\*C. Pay the full value for the tickets.\*

Answer: C. Pay the full value for the two tickets.

**Triple** – Anna’s sister owns a private, incorporated business that wants to apply for a Federal grant from an agency that is not the agency where Anna works. Anna would like to go with her sister to meet with granting agency officials to discuss the company’s plans. What is Anna allowed to do?

\*A. She may meet with them so long as she is not paid for her efforts.\*

\*B. Because she would not be dealing with her employing agency, she may meet with them, so long as she keeps her official position out of the discussion.\*

\*C. She should not contact them, regardless of whether it is a meeting, letter, telephone call or e-mail.\*

Answer is C. Under 18 USC 205, an employee may not represent another (in this case Anna’s sister’s business) before any Federal official or agency on a matter in which the U.S. is a party or has a significant interest. Compensation is irrelevant. No can do.

**Homer** - Jenna is a career GS-15 who performs duties relating to a Government programme that is central to her agency’s mission. Jenna is asked by a university to teach its semester-long course about the programme. Jenna has no Government duties affecting the university, would not disclose non-public information, and would undertake the activity on her own time. May Jenna accept compensation from the university to teach the course?

\*A. Yes. The course would involve multiple presentations and is part of the regularly-established curriculum of an institution of higher education.\*

\*B. Yes. Since Jenna is a career employee, she may accept compensation for any teaching, speaking, or writing that she undertakes in her personal capacity.\*

\*C. No. The subject of the course relates to Jenna’s Government duties.\*

Correct answer is A: Yes. The course would involve multiple presentations and is part of the regularly-established curriculum of an institution of higher education. True, every employee is generally prohibited by 5 CFR 2635.807 from accepting compensation for teaching, speaking, or writing that relates to the employee’s Government duties. However, an exception permits an employee to accept compensation for teaching a course in his or her personal capacity if the course (1) requires multiple presentations and (2) is part of the regularly established curriculum of an institution of higher education, an elementary school or training sponsored or funded by the Federal, State, or local government. Note: —Covered non-career employees must separately comply with outside income limitations. Also, apart from ethics law requirements, an agency may require review of course materials prior to use or publication (e.g., to ensure that no classified material is being disclosed).

## 4. CHECK LIST

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The check list provided below will guide institutions and individuals involved in the ethics training through main steps to be taken when planning an ethics training programme. It does not provide a readymade training programme as such programmes have to be developed for individual countries and institutions and blue-prints are not recommended. The check list provides guidance on the process of developing and delivering the training, but does not provide the substance for the training. The main body of this report may be referred to for insights concerning the substance of effective ethics training programmes.

### 1. Clarify the objective of the training

- *Is ethics training for public officials mandatory or voluntary, is it requested by a public institution, proposed by a training or other institution* → mandatory and voluntary training will require different amount of resources as they involve different number of public officials, target groups and training expertise;
- *Does the ethics training aim to support public administration reforms and improve the quality of public services* → if so, the programme should focus on rules and norms of administrative behaviour and should be delivered to all public servants;
- *Is the main aim of the ethics training to support the fight against corruption* → if so, the programme should focus on corruption risks and should be, foremost, delivered to selected risk groups of public officials;

**Notes:** Whether the ethics training is mandatory or voluntary is determined by the national legislation, needs of specific organisations or traditions. If the training is mandatory, it may become dominated by a compliance approach in the form of lectures on legislative requirements: an effort is needed to ensure that mandatory training is practical. For instance, laws often require that new public officials receive ethics training – this group should be provided with not only lectures on established norms, but practical training to help them develop ethical decision-making skills at the beginning of their career. Voluntary training, especially when requested by or provided to a specific public institution, will depend on needs of particular public service organisation or changes aimed to achieve, and should be tailor made. In the cases of conducting public administration reforms, new principles should be introduced across the public sector and ethics trainings should be provided to all public officials. When the primary goal of the training is reducing

corruption, target group should include the most vulnerable groups such as political officials, officials with control functions, police officers, inspectors, public procurement officials, and other risk groups.

## 2. Clarify which institutions are involved

- ***Which institution controls the programme*** → it is important to clarify who has the overall control over the programme, for instance the anti-corruption institution, civil service agency or the institution providing financing for the training, and how the responsibilities are allocated to and coordinated with other institutions;
- ***Which institution delivers the training*** → the training can be delivered by various institutions, including the anti-corruption institution, civil service agency or civil service training institution such as civil service academy or other academic institutions; private and foreign consultants can also be involved; it is important to involve the public institution for which the training is provided, including at stages of programme development, delivery and assessment;

**Notes:** It is often the case that many institutions are involved in ethics training. Controlling, coordinating, financing, and delivering institutions might be different. It is therefore important to involve in the preparation and implementation of ethics trainings agencies responsible for the anti-corruption activities (central anti-corruption agencies if they exist, corruption investigation agencies, corruption prevention agencies or ministries), agencies responsible for the public service development and agencies responsible for the general training system. Cooperation with academic institutions or universities can promote using most recent studies or applying contemporary training methods. If foreign experts and consultants are involved and the training is provided by a donor agency or an international organisation, it is useful to explore how such ad-hoc trainings can be incorporated into the domestic training programmes.

## 3. Clarify the target group

- ***What is the target group for training*** → is training provided for all public officials, for officials from various public institutions/with different job profiles, or for one public institution/for public officials with similar job profiles; what is the size of the training group.

**Notes:** In the cases of mandatory ethics trainings, the best result can be achieved by carefully assembling the training groups according to their needs, previous experiences, and taking into account their field of responsibility. Responsibilities of public officials differ largely, even in the same public institution, e.g. problems of the ministry officials responsible for policy development differ from the problems in administrative agencies dealing with control functions. It is more effective to deliver ethics training to a training group that has similar responsibilities and common ethics problems. Because of the importance of the interaction of trainees between themselves and with the trainer, smaller training groups are preferred. For an interactive participatory training a group of max 25 persons is the best size. If there is a demand to training larger groups of officials, training could be organised in a way that introduction of the material in the form of the lecture is delivered for the bigger audience and practical part of the training like role games and case studies is organised in a smaller groups.

## 4. Assess training needs

- ***What are the training needs of the target group*** → are there any general assessments of corruption/ethics risks in public administration; are there any surveys on the level of corruption and public trust in public institutions; are there any other sources of information about corruption and ethics risks, e.g. media reports, report by non-governmental sector; are there any training

needs identified by the institution that requested the training; are there resources to carry out assessment of needs for the training for the selected target group.

**Notes:** Ethics and anti-corruption training programmes are most useful if they target real problems of the target group. Participation in ethics trainings should not only build knowledge about various legal requirements, but develop practical skills to resolve ethics problems in the workplace. Lectures about being a good public official or repeating the provisions of laws do not add practical value. It is therefore important to identify the ethics risks among the target training group in order to develop a training programme that would specifically address real problems of this group. There may be various surveys and studies of integrity risks already available in the country or in the specific institution. It may also be possible to prepare a questionnaire in advance of the training and in cooperation with the management of the institution to which the training is provided, in order to collect views of the target group about the ethics problems they face in their work. Testing participants' knowledge and attitudes before the training might be a valuable input for the trainer to prepare the course that will address the participants' needs.

## 5. Select trainers

- ***Who is the best trainer for ethics training*** → trainers should combine personal credibility, for instance experience in public administration and in ethics, as well as training skills including good command of modern training methods.

**Notes:** Ethics trainings are not only about delivering knowledge, but also about shaping attitudes and teaching skills for resolving ethical dilemmas. This is why it is important to ensure the personal credibility of ethics trainers. On the one hand, trainers should possess in-depth knowledge about good governance, ethics norms and rules, preventing corruption and building national integrity system. On the other hand, trainers should have an experience of working in public service to avoid the situation of teaching theory without linkage to the real life and in order to find common language with trainees. Besides, since ethics training programmes are most effective when interactive methods are used, trainers should also have skills in modern training methods. It is important to build a pool of ethics trainers that can be invited to develop and deliver training programmes. It may be possible to train-the-trainers inside various public and academic institutions, for instance by using foreign expertise provided by various international organisations and donor funded programmes.

### Box 7. How to develop a pool of ethics trainers

Ethics training is a relatively new specialisation. It is useful to develop a pool of ethics trainers that can be based in public institutions, academic establishments or in private consultants. It is important to promote exchange of experience between them to ensure good quality standards. For this purpose, trainers should meet from time to time to discuss problems they face, to exchange training case studies and to agree on the common approaches to ethical dilemmas. Trainers should also be encouraged to participate in each other trainings. It is useful if the public agency responsible for ethics training for public officials takes on a duty for the development and maintenance of such a pool of trainers, as it was demonstrated by the US and Turkish case studies presented in this report.

## 6. Prepare training materials

- ***Prepare materials for theoretical lectures*** → theoretical materials, which can be used by the trainer for introductory lectures and also can be provided to the participants for preparatory

reading or as reference materials, could include civil service and anti-corruption legislation, codes of ethics and other normative documents applicable to the target group;

- **Prepare ethics dilemmas for practical training** → materials for practical training should include dilemmas and cases studies; sometimes generic readymade dilemmas could be used, however ideally they should be tailor made for a specific target group.

**Notes:** Ethics skills include the following components: 1) the ability to identify and formulate moral problems; 2) the ability to reason about moral issues; 3) the ability to clarify one's own moral aspirations. To achieve those goals two training approaches could be used. One is the theoretical – normative approach. Its aim is to give knowledge about ethical theories, principles and norms and to teach participants to apply those norms. Another approach puts the emphasis on influencing behavior through teaching participants to think logically and critically about ethical issues by resolving ethics dilemmas. A combination of these approaches should be used in ethics training programmes according to the needs of the training group. Dilemmas and case studies are the most effective training methods for development of practical ethical decision-making skills. Dilemmas can be developed by trainers, in consultation with the institution for which the training is provided, and using the needs assessment questionnaires.

#### **Box 8. How to prepare an ethical dilemma**

Ethical dilemmas should be developed individually for various target groups and for various training events. In some cases it is possible to use existing dilemmas for similar target groups. There are many ways in which dilemmas can be developed. Below are few suggestions:

If there is no time to prepare the dilemmas before the training, they can be developed during the training. At the beginning of the training, the trainer may invite all participants to name 1 or 2 problems that they face in their daily work in a public institution. The trainer may record all the suggested problems on a flipchart, or invite participants to write their ideas on stickers and then stick them on the board. When all suggestions are on the board, the trainer may analyse them in order to identify which problems are ethical problems, and which ones are related to bad management or other reasons. The trainer should explain this analysis to the participants. For instance, the below list of public service problems was generated in such a brainstorming recently in one of the Central Asian countries; problems related to ethics are marked with \*:

Selection of candidates for the public service is based on personal connections, belonging to a particular group, or personal loyalty to the management \*

1. Weak incentives for moral behaviour\*
2. Low level of salaries of public officials
3. Lack of trust in public officials and state bodies by the citizens
4. Low professional competence of public officials\*
5. Poor communication skills of the management and of the public officials
6. Poor knowledge of state and official languages in countries where two languages are introduced in parallel
7. High turnover among public officials
8. Insufficient use of information technologies
9. Lack of attention to the key principles of public service in state bodies

10. Different management styles and different levels of discipline among different state bodies \*
11. Lack of clear comprehensive (centralised) human resource policy in state institutions \*
12. Lack of a system for assessing ethics of public officials\*
13. Weak incentives for effective work of public officials\*
14. Bad image of public officials due to poor uniforms and clothing
15. Inefficient, wasteful use of public resources\*

Following the identification of the ethical problems, the trainer can invite the participants to discuss one problem in detail. For instance, the first issue on the list can be selected – corruption in entry to civil service. The trainer may ask the participants to provide a typical example of this problem from their experience. For instance, a middle ranked public official discovers that there is a vacancy in his agency, and that a relative is promised this job through rigged competition because he is going to marry the daughter of the boss. Based on this specific example, the trainer may invite participants to assess the situation from the point of view of ‘compliance’ logic: which laws, rules and regulations should be applied in this situation, what sanctions can be applied for the violation of the rules. The trainer can further invite the participants to discuss the situation from the point of view of ‘values’: which public service values are violated in this situation and what damage this causes to the public service and the society. Based on this discussion, the trainer may invite the participants to propose ethical decisions for the situation for various involved parties, as well as to discuss the obstacles which may prevent these various parties from taking the ethical decision.

If there is sufficient time to prepare ethical dilemmas before the training, the trainers can use various sources of information to learn about typical problems in the target group. For instance, participants of the training can be asked to fill out questionnaires about their typical problems and views on ethical problems. Trainers can also use various media stories and articles debated in the society at the time of the training to develop case studies and ethical dilemmas. There are often some ethical problems debated in the media, e.g. in one country in Eastern Europe the draft law on judiciary was hotly debated because it proposed to forbid judges to undertake teaching work during working hours. Media also reported that judges did a lot of teaching work in commercial universities for very high fees during their working time. This media story can be used as a basis for an ethical dilemma for ethics training for judges. The dilemmas can be prepared in a form of paper copy hand-outs and can be distributed to the participants during the training. For further inspiration for such dilemmas, please look up the Estonian and the Turkish cases presented in this report.

When time and resources allow, the trainers may develop videos or computer based dilemmas for ethics training. For examples of such case studies, please look up at the US case study presented on pages 51-61 of this report. Creative trainers may also use various videos available in internet, e.g. [www.ethicslearn.org](http://www.ethicslearn.org), search for ethics dilemmas on [www.youtube.com](http://www.youtube.com), or commission such videos to their local broadcasting companies

## 7. Prepare logistics

- **Prepare the training venue** → make sure that the meeting venue is well adapted for the needs of interactive training methods;
- **Prepare the budget** → if necessary prepare and control the budget and ensure that all necessary expenditures are covered;

- **Remind all participants about the training** → make sure that participants are informed about the timing, location and objectives of the training;

**Notes:** Training can be delivered in the workplace or in the training centers; while training in the workplace case save travel time, it might be better to use training centers to focus only on training and not to be disrupted by other responsibilities. It is also good to go to the regions, closer to the public officials and to show importance of those trainings. Classrooms with hard-to-move tables are not the best option. It is preferable to organise smaller discussion groups with enough space for group discussion.

The costs of ethics trainings may include the costs of developing training materials, marketing expenses, and expenses for running the course, including travel and meals for participants, use of meeting rooms and equipment. It is also important to think of the costs of the services of the trainers. The financial resources for the ethics trainings might come from a) the state training budget; b) the organisation's training budget; c) the projects of international donor organisations, or other non-governmental funds etc. In all cases, attention should be paid to the terms and conditions of financing. Financing of ethics trainings should be fair and transparent not to discredit the subject matter of the training.

## 8. Deliver the training

- **Introduce the training** → at the opening of the training it is important to ensure that participants and trainers have a clear understanding of the objective of the training and about the training methods and rules:
  - prepare and introduce the agenda to ensure effective time management and to allow for flexibility in order to respond to any real life questions that can be raised in the course of the training;
  - invite all participants to present themselves and to clarify their expectations from the training, provide feedback as to how the expectations can be achieved to clarify the objective;
  - it might be useful to invite a senior manager or an ethics official of the institution for which the training is provided at the beginning of the training to demonstrate commitment of the organisation to the subject;
- **Deliver the training** → it is important to ensure good quality and balance between theoretical and practical elements of the training, with priority given to the practical training:
  - *Theoretical part:* present an overview of public service principles, requirements of civil service and anti-corruption legislation, requirements of conflict of interest legislation and codes of ethics, other special laws, rules and norms in the public institution.;
  - *Practical part:* organise practical training based on ethical dilemmas where participants are given a hypothetical case study or a situation involving integrity and corruption risks, and where they need to provide ethical solutions and determine correct behavior for public officials; discussions of ethical dilemmas are best organised in small break-out sessions which allow everybody to participate in the identification of the problem, its assessment and search of solutions;
  - *Open discussion:* open discussion and exchange of views among the participants are useful to make links between theory and practice; trainers should ask participants to offer their own solutions, reasoning and argumentation, and to make links back to theoretical standpoints in

explaining best solutions; trainers should also give their own feedback and validate correct ethical decision-making::

- **Conclude the training** → wrap up session is equally important to ensure sustainable impact of the training:
  - consider organising tests and issuing certificates, especially in the continuous training programmes for risk groups to assess change in attitudes over time, and for programmes that aim to train the ethics trainers;
  - organise evaluation of the training course by participants;
  - consider follow-up measures if the training is a part of a continuous anti-corruption programme in a specific institution; follow-up measures which can be used by the participants and the management of this institution after the training and may include individual action plans or recommendations to the ethics officials of the institution on specific follow-up measures.

**Notes:** It is not necessary to divide trainings into lectures and workshops. When lecturing or providing information, it is necessary to involve the participants in the discussion. It is possible to ask about reasons of certain norms in a law or to ask about the implementation obstacles. Lectures without interactive reflection of comprehension are not efficient. Practical training using ethical dilemmas is the core of the training programme as it is the main method that allows developing skills of ethical decision making. This training method should be given the priority in terms of time allocation. Ideally ethical dilemmas should be developed for each specific target group based on the assessment of training needs. Evaluations of the ethics training is extremely important, but is often overlooked. Evaluation of the course has twofold tasks. Participants can evaluate the course in general – its novelty, practicability, correspondence to the aims and expectations. Feedback allows refining the course structure and content. They can also evaluate the trainer’s professional skills. These evaluations can be organised in a form of a questionnaire to be collected right after the course or at the closing round of discussion, or both.

## 9. Evaluate the training

- **Prepare a report with evaluation and recommendations** → the trainers and co-organisers of the training could prepare a report to evaluate main elements of the training and to recommend how to continue ethics training in a more effective manner if necessary; such a report could be prepared for not only one event, but for a series of related training activities to provide a broader policy impact.

**Notes:** Evaluation of the impact of the training events or programmes is very valuable for strategic planning. Such evaluation can be carried out after a certain period of time in order to examine if the public officials who followed the training have changed their behavior towards a more ethical decision-making. It could involve questionnaires similar to the assessment of training needs to find out if public officials apply skills and knowledge taught during the training in their workplace. However, such evaluations are complicated and possibly costly.



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