

## **PRACTICAL TOOLS FOR PROMOTING INTEGRITY AND PREVENTING CORRUPTION IN THE PUBLIC SERVICE**

Prepared for supporting discussions in Workshop 2 on Procurement and Anti-corruption  
Policies

### ***Introduction***

Expectations of citizens, businesses and civil society drive governments to ensure appropriate standards of integrity in the civil service, public authorities, public services, government-controlled corporations, and government itself. Enhancing integrity and preventing corruption is a key consideration in the day to day work of public officials to maintain trust in government and public decision making.

This document present a set of draft tools to help public officials make the expectations of integrity a practical reality. The draft tools provide essential practical solutions for public officials and organisation who want to better understand measures for enhancing integrity and how to put them into practice. These draft tools include:

- Key principles and provisions for code of conduct:
- Gifts checklist
- Checklist for identifying risk areas for conflict of interest
- Training materials with case studies

### ***Aim***

The tools are developed on the basis of acknowledged good practice and intended to provide examples of practical ideas and solutions for policy makers and managers to develop, adapt, and apply them as suitable in their own administrative context.

### ***Focus***

The focus of the tools is principally on the actions of *individuals* which can either compromise or reinforce the integrity of public institutions.

When the focus is on *systems*, the users are encouraged to consider specific tools as part of an “integrity framework” which strengthens reliable government, public management to maintain public confidence in the integrity of public institutions.

Some tools may be used for more than one purpose, supporting *both* individual and systemic integrity.

## TOOL NO. 1. CODE OF CONDUCT: KEY PRINCIPLES AND PROVISIONS

### *Aim*

This tool outlines a set of key principles and provision for a modern code of conduct in the public sector. These principles can support -- after adaptation or redrafting as appropriate to suit local laws, policies and practices -- the design of codes of conduct and guiding documents on integrity in line with international instruments, including:

- The *United Nations Convention against Corruption* and its Legislative Guide for Implementation (see at <http://www.unodc.org/unodc/en/treaties/CAC/index.html> ).
- The *International Code of Conduct for Public Officials* of the United Nations (see at <http://www.un.org/documents/ga/res/51/a51r059.htm> )
- The *Model Code of Conduct for Public Officials* of the Council of Europe (see at [http://www.coe.int/t/dg1/greco/documents/Rec\(2000\)10\\_EN.pdf](http://www.coe.int/t/dg1/greco/documents/Rec(2000)10_EN.pdf) )
- The *Seven Principles of Public Life* of the Committee on Standards of Public Life (see at [http://www.public-standards.gov.uk/about\\_us/the\\_seven\\_principles\\_of\\_life.aspx](http://www.public-standards.gov.uk/about_us/the_seven_principles_of_life.aspx) )

### *Scope*

The term “public official” is generic that includes civil servants, public servants and elected officials.

## ***Principles***

### **Serving the public interest**

Public officials are expected to maintain and strengthen the public's trust and confidence in public institutions and decision making, by demonstrating the highest standards of professional competence, efficiency and effectiveness, upholding the constitution and the laws, and seeking to advance the public good at all times.

### **Lawfulness**

Public officials are expected to use powers and resources for the public good, in accordance with the law, lawful instructions and government policy.

### **Integrity**

Public officials are expected to make decisions and act without consideration of their private interests. Public service being a public trust, the improper use of a public service position for private advantage is regarded as a serious breach of professional integrity.

### **Honesty**

Public officials have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflict of interest situations in order to protect the public interest.

### **Impartiality and fairness**

Public officials should make official decisions and take action in an impartial, fair and equitable manner, without being affected by bias or personal prejudice, taking into account only the merits of the matter, and respecting the rights of affected citizens.

### **Transparency**

Public officials are expected to be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Accountability**

Public officials are accountable for their decisions and actions. They need to justify their actions to a relevant authority, or publicly, when appropriate.

### **Legitimacy**

Public officials are required to administer the laws and government policy, and to exercise legitimate administrative authority under delegation. That power and authority should be exercised impartially and without fear or favour, for its proper public purpose as determined by the Parliament or the official's organisation as appropriate in the circumstances.

### **Responsiveness**

As employees of the elected government, public officials are required to serve the legitimate interests and needs of the government, public organisations, other public officials, and citizens, in a timely manner, with appropriate care, respect and courtesy.

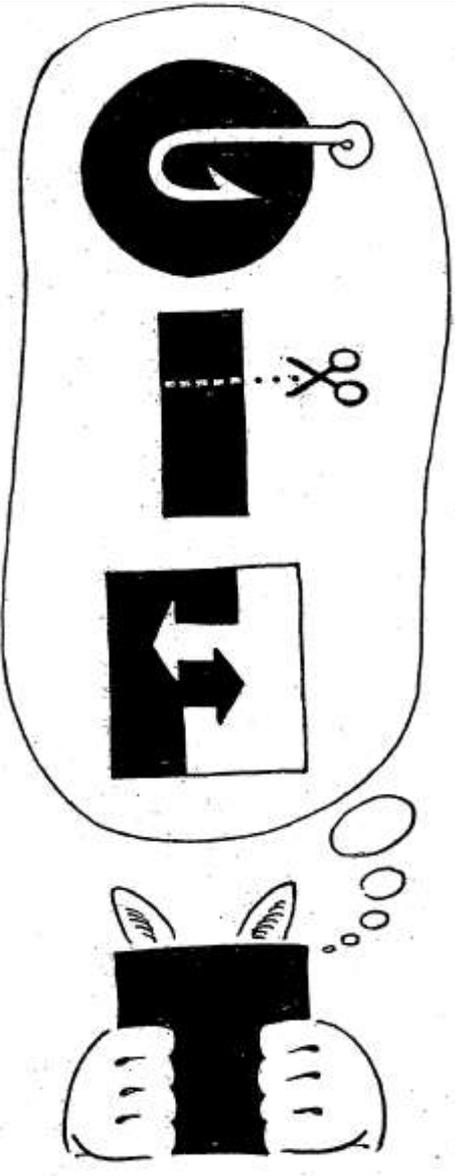
### **Efficiency and effectiveness**

Public officials are required to obtain best value in expenditure of public funds, and efficient use of assets deployed in public management, and to avoid waste in the use of resources in public programmes and official activities.

## TOOL NO. 2. GIFTS CHECKLIST

Codes of conduct should provide clear standards on what gifts can be accepted by public officials under what conditions and what is prohibited.

The following checklist provides a practical tool for public officials to reduce potential confusion by asking 4 simple questions. Each question reminds officials the application of a principle, rather than a set of complex administrative definitions and criteria or processes. The 4 questions are arranged under a mnemonic - **GIFT** - to make this test easy to remember.

	<b>Genuine</b>	Is this gift <b>genuine</b> , in appreciation for something I have done in my role as a public official, and not requested or encouraged by me?
	<b>Independent</b>	If I accept this gift, would a reasonable person have any doubt that I could be <b>independent</b> in doing my job in the future, especially if the person responsible for this gift is involved or affected by a decision I might make?
	<b>Free</b>	If I accept this gift, would I feel <b>free</b> of any obligation to do something in return for the person responsible for the gift, or for his/her family or friends/associates?
	<b>Transparent</b>	Am I prepared to declare this gift and its source, <b>transparently</b> , to my organisation and its clients, to my professional colleagues, and to the media and the public generally?

### **TOOL NO. 3. CHECKLIST FOR IDENTIFYING RISK AREAS FOR CONFLICT OF INTEREST**

#### *Aim*

The following checklist is designed to help managers identify areas of their responsibility where the organisation is at risk of conflict-of-interest situations.

For most questions, an effective administrative procedure is necessary to:

- Identify and prevent conflict-of-interest situations; as well as
- Resolve and manage conflict-of-interest situations effectively.

#### *Using the checklist*

In each case a “**YES**” answer is desirable. If the answer is yes, the users should ask themselves:

*What is the relevant administrative procedure, and is it effective?*

In case of a “**NO**” answer, the users should go on to ask themselves:

*Why is there no relevant administrative procedure, and what could be done to establish an effective process?*

## **Checklist for identifying "at-risk" areas for potential conflict of interest.**

### ***1 Additional ancillary employment***

- Has the organisation defined a policy and related administrative procedure for approval of additional/ancillary employment?
- Is all the staff made aware of the existence of the policy and procedure?
- Does the policy identify potential conflict of interest arising from the proposed ancillary employment as an issue for managers to assess when considering applications for approval?
- Is there a formal authorisation procedure, under which staff may apply in advance for approval to engage in additional employment while retaining their official position?
- Is the policy applied consistently and responsibly, so as not to discourage staff from applying for approval?
- Are approvals reviewed from time to time to ensure that they are still appropriate?

### ***2 Inside information***

- Has the organisation defined a policy and administrative procedure for ensuring that inside information, especially privileged information which is obtained in confidence from other officials or private citizens in the course of official duties, is kept secure and is not misused by staff of the organisation? In particular:
  - Commercially sensitive business information.
  - Taxation and regulatory information.
  - Confidential information related to national security
  - Government economic policy and financial management information.
  - Personally sensitive information.
  - Law enforcement and prosecution information.
- Is all staff made aware of the existence of the policy and procedure?
- Are all managers made aware of their various responsibilities to enforce the policy?

### ***3 Contracts***

- Does the organisation ensure that any staff/employed official who is or may be involved in the preparation, negotiation, management, or enforcement of a contract involving the organisation has notified the organisation of any private interest relevant to the contract?
- Does the organisation prohibit staff, etc. from participating in the preparation, negotiation, management or enforcement of a contract if they have a relevant interest, or require that they dispose or otherwise manage the relevant interest before participating in such a function?
- Does the organisation have the power to cancel or modify a contract for its benefit if it is proved that the contracting process was significantly compromised by a conflict of interest or corrupt conduct on the part of either an official or a contractor?

- Where a contract has been identified as compromised by a conflict of interest involving an official or former official of the organisation, does the organisation retrospectively assess other significant decisions made by the official in his/her official capacity to ensure that they were not also similarly compromised?

#### ***4. Official decision making***

- Does the organisation ensure that any staff/employed official who makes official decisions of a significant kind involving the organisation, its resources, strategies, staff, functions, administrative or statutory responsibilities, (for example, a decision concerning a draft law, expenditure, purchase, budgetary allocation, implementation of a law or policy, granting or refusing a licence or permission to a citizen, appointment to a position, recruitment, promotion, discipline, performance assessment, etc) has notified the organisation of any private interest relevant to a decision which could constitute a conflict of interest on the part of the person making the decision?
- Does the organisation prohibit staff, etc. from participating in the preparation, negotiation, management or enforcement of an official decision if they have a relevant interest, or require that they dispose or otherwise manage the relevant interest before participating in such a decision?
- Does the organisation have the power, either by law or by other means, to review and modify or cancel an official decision if it is proved that the decision-making process was significantly compromised by a conflict of interest or corrupt conduct on the part of a member of its staff/an official?

#### ***5 Policy advising***

- Does the organisation ensure that any staff/employed official who provides advice to the government or to other public officials on any official matter concerning any kind of policy measure, strategy, law, expenditure, purchase, the implementation of a policy or law, contract, privatisation, budget measure, appointment to a position, or administrative strategy, etc, has notified the organisation of any private interest relevant to that advice which could constitute a conflict of interest on the part of the person providing the advice?
- Does the organisation prohibit staff, etc. from participating in the preparation, negotiation, or advocacy of an official policy advice if they have a relevant interest, or require that they dispose or otherwise manage the relevant interest before participating in preparing or giving such policy advice?
- Does the organisation have the ability and processes to review and withdraw an official policy advice if it is proved that the advice-giving process was significantly compromised by a conflict of interest or corrupt conduct on the part of a member of its staff/an official?

#### ***6. Gifts and other forms of benefit***

- Does the organisation's current policy deal with conflicts of interest arising from both traditional and new forms of gifts or benefits?
- Does the organisation have an established administrative process for controlling gifts, for example by defining acceptable and unacceptable gifts, for accepting specified types

of gifts on behalf of the organisation, for disposing or returning unacceptable gifts, for advising recipients on how to decline gifts, and for declaring significant gifts offered to or received by officials?

**7. *Personal, family and community expectations and opportunities***

- Does the organisation recognise the potential for conflict of interest to arise from expectations placed on individual public officials by their immediate family, or by their community, including religious or ethnic communities, especially in a multicultural context?
- Does the organisation recognise the potential for conflict of interest to arise from the employment or business activities of other members of an employed official's immediate family?

**8. *Outside concurrent appointments***

- Does the organisation define the circumstances under which a public official may undertake a concurrent appointment on the board or controlling body of an *outside* organisation or body, especially where the body is or may be involved in a contractual, regulatory, partnership or sponsorship arrangement with their employing organisation?  
For example:
  - A community group or an NGO.
  - A professional or political organisation.
  - Another government organisation or body.
  - A government-owned corporation or a commercial public organisation?
- Does the organisation, and/or a law, define specific conditions under which a public official may engage concurrently in the activities of, an *outside* organisation, including a privatised body, while still employed by the organisation?

**9. *Business or NGO activity after leaving public office***

- Does the organisation, and/or a law, define specific conditions under which a former public official may, and may not, become employed by, or engage in the activities of, an *outside* organisation?
- Does the organisation actively maintain procedures which identify potential conflicts of interest where a public official who is about to leave public employment is negotiating a future appointment or employment, or other relevant activity, with an *outside* body?
- Where an official has left the organisation for employment in a non-government body or activity, does the organisation retrospectively assess the decisions made by the official in his/her official capacity to ensure that those decisions were not compromised by undeclared conflicts of interest

## TOOL NO. 4. TRAINING MATERIALS

### *Aims*

This tool provides a set of **short case studies** that assist public officials to develop practical skills in recognising and solving integrity issues in daily practice.

The case studies could be incorporated -- after adaptation or redrafting as appropriate -- in training program and used in training courses to develop:

- Understanding of integrity issues; and
- Skills for applying public service principles and standards through sound decision-making.

### *Organising trainings*

As a guide for the training courses, officials should take not less than 10 minutes each case to read then discuss the cases, if superficial answers are to be avoided.

To help trainers and officials, in each case study the appropriate responses and explanations are suggested in the text in block capitals which follows each case study question.

### *Background*

Integrity is a fundamental value for serving the public interest. The term “integrity” comes from an ancient Latin word originally meaning "whole", “undamaged”, "undivided".

Integrity in the public service means the proper use of powers, funds, resources and assets for the official purposes for which they are intended to be used.

In this sense the opposite of ”integrity” is “corruption” and “abuse” official power and position.

## CASE STUDY 1

You discover that a close friend at work has been stealing small amounts of cash and altering official financial records to disguise the thefts, and taking office supplies from your ministry in the past year.

You also learned that this friend at work has been selling the supplies stolen at the market in the next town.

In the ministry no-one suspects that anything is wrong because the ministry's accounting systems has been falsified. Your friend has a sick spouse and a young family to support and the salary as civil servant is low for the family to live on comfortably.

***QUESTION: Is there an integrity issue in this case?***

***ANSWER: YES***

- ***YOUR FRIEND BREACHED THE DUTY OF NOT TO STEAL GOODS FROM THE EMPLOYER. [Please note that the case says only that the family cannot live "comfortably" on the civil service salary.] THIS CASE COULD BE REGARDED AS A FORM OF CORRUPTION "ABUSE OF A PUBLIC OFFICIAL'S POSITION FOR PRIVATE GAIN".***
- ***YOU HAVE A DUTY TO REPORT THE THEFTS, ALTHOUGH YOU MAY WANT TO AVOID THIS PROBLEM IN ORDER TO HAVE A QUIET LIFE.***

## CASE STUDY 2

Your ministry contracts for the supply of a lot of printed material every month. The four printing firms which have always done all of the ministry's printing work in the past are well respected for the quality and cost-effectiveness of their work.

Your father has just purchased a local printing business. Your job as contracts officer is to process all tenders for small to medium printing contracts.

You have access to the details of the other companies' tenders for printing contracts, and your father has asked if you can tell him the information in their bids so that he can submit quotes at a lower rate. Your ministry has just launched a major programme to cut costs.

You know that the ministry could save many thousands of dollars on printing costs over the year if you do as suggested by your father.

***QUESTION: Is this an integrity issue, if the Ministry will benefit through substantial savings? Does the saving make the practice OK?***

***ANSWER: YES***

- ***IT IS A CONFLICT OF INTEREST SITUATION.***
- ***YOU CANNOT DECIDE THAT THE SAVINGS JUSTIFY CORRUPT PRACTICES. YOU WOULD GAIN PERSONALLY THROUGH YOUR FAMILY INTEREST.***

***QUESTION: Are appearances important in this case? Why?***

***ANSWER: YES***

- ***BECAUSE OF THE NEED FOR PUBLIC TRUST IN THE INTEGRITY OF PUBLIC INSTITUTIONS AND DECISION MAKING PROCESS.***
- ***FAVORITISM AND ABUSE OF OFFICIAL POSITION -- IN THE FORM OF STEALING, COMMERCIALLY SENSITIVE INFORMATION, AND GIVING IT TO A BUSINESS COMPETITOR, FOR PRIVATE ADVANTAGE -- WOULD CONSTITUTE CORRUPTION IN THIS CASE, EVEN IF THE MINISTRY WOULD SAVE MONEY IN THE PROCESS.***

### CASE STUDY 3

You overhear -- in the wash-room -- a conversation between two staff members from another section in your organisation, in which one employee claims, laughing, how she had recently got her supervisor to give her a promotion. The employee claims that she had told her supervisor that she would not report him for taking bribes from citizens, who would otherwise have been investigated for various criminal offences.

As a senior official, you know that bribe-taking by officials is a serious criminal offence. Your ministry has recently introduced a strict policy to reduce bribe-taking by employees, which includes requiring its supervisors to set an example to other staff. You are also aware that the supervisor concerned is very popular among his staff and the senior management of the organisation.

***Question: Is there an integrity issue in this situation?***

***ANSWER: YES***

- ***YOUR DUTY AS A SUPERVISOR IS TO ENSURE THAT THE MATTER IS PROPERLY INVESTIGATED BECAUSE IT SEEM THAT BOTH BRIBERY IS A PROBLEM AND THE PROMOTION PROCESS -- WHICH SHOULD BE BASED ON MERIT -- APPEARS TO BE CORRUPTED.***
- ***HOWEVER, YOU MAY HAVE A PERSONAL INTEREST IN "NOT HEARING" THE STORY, WHICH WOULD AVOID A DIFFICULT SITUATION FOR YOU PERSONALLY.***
- ***IF THE STORY YOU HAVE OVERHEARD IS NOT TRUE, THE REPUTATION OF THE SUPERVISOR IS AT SERIOUS RISK, AND CONFIDENCE IN THE HUMAN RESOURCE MANAGEMENT SYSTEM COULD BE COMPROMISED, AS STORIES OF THIS KIND USUALLY SPREAD, AND ARE DIFFICULT OR IMPOSSIBLE TO CORRECT.***

***THE FACT THAT YOU ARE NOT THE SUPERVISOR OF THE SECTION CONCERNED IS NOT RELEVANT; AS A SENIOR OFFICIAL, YOUR DUTY IS TO ACT RESPONSIBLY TO ENSURE THAT THE STORY IS INVESTIGATED IN YOUR AGENCY.***

#### CASE STUDY 4

Senior officials of a government agency occasionally attend lunches or dinners with a wide range of business people, including representatives of property developers, consultants, manufacturers, construction companies as well as local newspapers and TV. This has been an understood part of senior officials' activities in this agency, and as there is no fee or money involved. The activity has never been seen as a problem for the agency.

On one recent occasion, three of these officials attended what was reported in a newspaper the next day as a "lavish" lunch hosted by a prominent local construction company. This occurred a week before the agency decided finally on awarding a major construction contract. It was reported that the company which had hosted the lunch, won the contract.

***Question: What are the integrity issues here?***

***ANSWER:***

- ***WHILE SOME SOCIAL CONTACT BETWEEN OFFICIALS AND REPRESENTATIVES OF THE PRIVATE SECTOR IS INEVITABLE, AND MAY OFTEN BE DESIRABLE, THE PROVISION AND TIMING OF THE – REPORTEDLY -- “LAVISH” LUNCH IS LIKELY TO RAISE SUSPICIONS ABOUT THE INTEGRITY OF THE OFFICIALS INVOLVED IN THE DECISION, AND THE INTEGRITY OF THE CONTRACT AWARDING PROCESS OF THE AGENCY.***
- ***THE LUNCH ALSO CREATES, AT MINIMUM, AN APPARENT CONFLICT OF INTEREST FOR THE OFFICIALS. IN THIS EXAMPLE, IT IS IRRELEVANT THAT THE LUNCH OCCURRED DURING THE OFFICIALS' FREE TIME (I.E. THEY CAN CLAIM TO BE PRESENT IN A “PRIVATE CAPACITY”).***

***THE AGENCY MUST BE ABLE TO DEMONSTRATE THAT THE CONTRACTING PROCESS WAS APPROPRIATELY FREE OF IMPROPER OR CORRUPT INFLUENCES. IF IT CANNOT, THIS SITUATION MAY BE AN EXAMPLE OF A FORM OF “STATE CAPTURE” – OBTAINING A FAVORABLE OFFICIAL DECISION BY COVERT INFLUENCE OF OFFICIALS THROUGH CORRUPT METHODS, AND SHOULD BE INVESTIGATED.***