

Unclassified

PUMA/ETH(99)1



Organisation de Coopération et de Développement Economiques
Organisation for Economic Co-operation and Development

OLIS : 18-Jun-1999
Dist. : 21-Jun-1999

Or. Eng.

PARIS

PUBLIC MANAGEMENT SERVICE
PUBLIC MANAGEMENT COMMITTEE

PUMA/ETH(99)1
Unclassified

SURVEY ON MANAGING ETHICS IN THE PUBLIC SERVICE

This survey questionnaire was sent to the Member countries for completion by 21st July 1999.

For further information, please contact Janos Bertok : Tel: (33-1) 45 24 93 57; Fax: (33-1) 45 24 17 06; E-mail: janos.bertok@oecd.org

79432

Document complet disponible sur OLIS dans son format d'origine
Complete document available on OLIS in its original format

Or. Eng.

Introduction to the Survey on Managing Ethics in the Public Service

Objective of the survey

The OECD Council adopted a Recommendation on Improving Ethical Conduct in the Public Service on 23 April 1998. In this Recommendation the OECD Council invited the Public Management Committee to present a report in two years' time analysing the experiences, actions and practices in Member countries that have proved effective in particular national contexts. On 27-28 April 1998, the OECD Council meeting at ministerial level welcomed the approval of the Recommendation and asked to receive the report at its meeting in 2000.

The objective of this survey is to provide comparative information to support Member country actions to maintain well-functioning institutions and systems for promoting ethics in the public service. The survey will collect information provided by all OECD countries on policies and practices promoting ethical conduct and countering corruption in their respective national contexts.

The specific purposes of the survey are: to provide a comprehensive database for analysis; to identify promising practices – what works and how, in respective national environments; and to provide a framework for assessment. The survey will employ a questionnaire that will make maximum use of comparative information indicating how OECD countries are addressing the global problem of fostering integrity and countering corruption.

Scope of the survey

The survey aims to create a common understanding to allow comparison of measures being used by countries to promote high standards of conduct in the public service. The following working definitions are provided:

Ethics:	norms that translate characteristic ideals, values into everyday practice;
Values:	collectively shared principles that guide judgement about what is good and proper;
Standards of behaviour:	required criteria for actual actions of public servants/public officials;
Corruption:	understood in a broad sense, as use of public office for private gain.

In addition, to ensure the comparability of collected data, it is requested that each country provide information on public servants -- defined by special statute(s) -- working **in the central/national/federal government administration**, including those central government functions that are managed at local level. Information on other groups, including other relevant public activities (such as the local level, elected officials, etc.), is welcome; in this case, please indicate when such additional information is provided. In some cases the questionnaire uses the term public officials in a wider sense, to include public office holders.

Structure of the survey

The survey is divided into six parts. The questions ask about the institutions and procedures defined in the OECD Principles for Managing Ethics in the Public Service in the following order:

- I. general context
- II. core values
- III. standards of ethical behaviour
- IV. prevention and detection
- V. investigation and prosecution
- VI. co-ordination and self-assessment

Output

The main output of the survey will be a report that provides comparative analysis on trends and promising practices as well as the latest information on policies and practices (institutions, procedures) used by Member countries to promote ethical conduct and prevent and counter misconduct. The comprehensive report, the first of its kind, will be presented to the OECD Council meeting at ministerial level in May 2000.

Procedure

Member countries are closely involved in the preparation of the survey as well as the report that will go to the Council. First, the draft questionnaire was sent to the members of the Ethics Reference Group⁽¹⁾ for comment and was tested by a continental European G 8 country. Then, all PUMA Committee members received the revised draft questionnaire for comment in May. **Now the finalised draft questionnaire is being sent to all PUMA Committee members, for completion.**

The collected data will be processed in July and August by the Secretariat, and the Ethics Reference Group will receive a **draft outline** of the report for discussion in September 1999. The revised draft outline of the report will be sent to the members of the Public Management Committee for their comments and discussion at the next Committee session in October 1999. The **draft report** will be sent to the country representatives for comment in December 1999. The Secretariat will hold a meeting for country representatives to discuss the draft in January 2000 and the Public Management Committee will do a final review of the proposed report at its session in March 2000. The **final report** will be submitted to the Council in April/May 2000.

Completing the survey

The proposed period for countries to respond to the questionnaire is **six weeks**. In the course of completing the survey, please provide **short descriptive answers** to all open-ended questions and try, if possible, to keep the total length of the reply within 15 pages, including the responses to Part I on the general context in 2-3 pages. If the closed-box options provided do not fit, please feel free to give a short description of the country situation. Country documents, where requested, would be welcome in either of the two official OECD languages (English or French).

Please provide the name and co-ordinates of the person(s) who completes the questionnaire:

Name:	Position:	Organisation:
Phone number:	Fax number:	Email address:

If you need assistance, further information or advice in completing the questionnaire please contact:
 Mr. Janos Bertok, tel. (33-1) 45 24 93 57 or Email: janos.bertok@oecd.org;
 Mr. Philippe Gustin, tel. (33-1) 45 24 90 64 or Email: philippe.gustin@oecd.org;
 Ms. Jeanette Schollum tel. (33-1) 45 24 16 37 or Email: jeanette.schollum@oecd.org;
 Thank you very much for contributing to the ethics survey organised by the OECD.

¹. The Reference Group consists of representatives from eight countries: Finland, France, Hungary, Italy, Japan, Norway, the United Kingdom and the United States.

Questionnaire

I. What is the general context for managing ethics in the public service in your country?

1. Please indicate:

- a) the principal ethics-related issues which have confronted the public service in your country during the past 10 years, and especially within the past 18 months (e.g. information on the types of challenges such as the increasingly close relationship between the public and private sector, the growing disparity between public and private sector wages, the pressure of political patronage, etc.);
- b) the measures that have been taken to improve ethical conduct in the public service during the same period [e.g. modification in legal regulations (penal, administrative or civil service), development of institutions to promote ethics or counter misconduct, etc.]; and
- c) plans which are currently in preparation to address ethical issues in your public service.

II. Core values for the public service

2. Are the core values for the public service stated?

Yes No

If yes:

2.1. What are the stated core values for the public service? Please list the core public service values (e.g. honesty, impartiality, legality, etc.) and attach, if available in English or French, the official statement/document of core public service values.

2.2. In what forms are the core public service values stated?

Please indicate whether the values are:

- a) in legal documents (e.g. in primary legislation, including constitutional law, other regulatory instruments, codes or court jurisdiction) and/or
- b) in other forms (such as annual reports, brochures, posters, etc. provided by the national government, departments/ministries).

3. Are core public service values communicated to public servants?

Yes No

If yes, how? Please mark all that apply

- Core values are automatically provided when someone joins the public service.
- They are provided when someone takes up a position in a different public service organisation.
- The statement of core values is part of the employment contract/document².
- Core values, after revision, are distributed to all public servants.
- Core values are communicated by instruments of new technology (such as Internet, Minitel).
- Other, please specify _____

4. Has the statement on core public service values been revised in the last decade?

Yes No

If yes:

4.1. When? Please give the date _____

². If collective or individual contracts are used in the public service.

4.2. Were public servants involved in the reformulation of the statement? Yes No
 If yes, please specify who was involved (e.g. public servants across the administration, public servants with ethics responsibilities, etc.) and how.

4.3. Was the public involved in the reformulation of the statement? Yes No
 If yes, please specify how the public was informed and consulted.

III. Standards of behaviour for the public service

5. Is there a statement(s) on the standards of behaviour expected of public servants? Yes No
 If yes, in what form is the expected behaviour stated and to whom is it made available?
 Please specify (e.g. form: code of conduct, code of ethics; information: for citizens, contractors for public services) and attach, if possible, the official statement(s) -- or its summary -- in English or French.

5.1. Do these expectations cover the following specific issues? Please mark all that apply

- receiving gifts and benefits such as fees, payments, entertainment
- use of official information
- use of official property/facilities
- official travel
- use of corporate credit cards
- work outside the public service
- restrictions on post-employment
- special conditions/permissions on movement from the public service to the for-profit sector
- involvement in political work
- other (e.g. lobbying), please specify _____

5.2. Are there specific guidelines/requirements within the public service in addition to the general standards applicable to all public servants (e.g. additional standards and/or complete professional codes of conduct for specific groups such as public procurement officials, tax officials, lawyers, etc.)? Yes No
 If yes, please specify for which public service groups _____

5.3. Are there specific guidelines for public servants and political leaders working at the political/administrative interface? Yes No
 If yes, what expected behaviour do they cover? Please specify _____

6. Are minimum standards of behaviour for the public service stated in legislation? Yes No
 If yes, in what legal documents? Please specify including the title of the legal document (e.g. Act on Public/Civil Service/ Public Administration, Administrative Procedures, special anti-corruption laws, etc.).

7. What types of conduct are considered unacceptable for public officials according to the law?

7.1. What kinds of specific misconduct are defined for public officials by **CRIMINAL LEGISLATION**?

Please mark all that apply

- corruption of public officials/corruption committed by public officials, in the following forms
 - active (*offering*)
 - passive (*accepting*)
 - direct (*immediately, without intermediary*)

- indirect (*using intermediary*)
- attempted (*intended*)
- partiality in official decision-making
- abuse of office or public trust
- other, *please specify* _____

7.2. What prohibitions and restrictions are imposed on public officials by **OTHER LEGISLATION**?

Please specify the prohibitions/restrictions and give the title of the legislation _____

IV. Institutions and procedures to promote high standards of conduct, and to prevent and detect misconduct

8. How does human resources management promote an ethical environment?

Please mark all that apply

- providing rules/guidelines/policies for recruitment and promotion procedures
- basing recruitment and promotion on merit
- ensuring the openness of selection procedures by
 - publishing the recruitment rules/guidelines/policies
 - publicising vacant positions
 - auditing/monitoring selection procedures
- ensuring that only published/appropriate selection criteria are considered in recruitment
- taking ethical considerations into account in the recruitment process, *please specify how* _____
- considering ethical behaviour in the performance appraisal, *please specify how* _____
- other, *please specify* _____

8.1. Is special attention given to officials in positions particularly susceptible to corruption? Yes No

If yes, *please give details on the areas (e.g. areas interacting with the private sector: public procurement, customs or tax administration, etc.) and the measures used (e.g. regular redeployment of officials).*

9. How are public servants trained and informed of ethics issues?

Please give details on the methods, such as induction or further training on ethics [please specify the nature (e.g. compulsory or voluntary), scope (e.g. for all public servants, for specific sectors or officials), content (e.g. curricula focuses on raising awareness, on skills improvement for ethical judgement) and organisation of the training (e.g. by a central body or individual organisations)].

10. What kind of guidance, advice, counselling or consultation is available to public servants to resolve their work-related ethical problems and dilemmas? *Please give details and indicate in what form this help is available (e.g. specific person or institution for ethics, manager's responsibility, telephone help desk, etc.).*

11. What other instruments/measures are used to promote high standards of conduct and assist prevention? *Please mark all that apply*

- identification and reporting of conflict of interest situations, especially in areas of
 - financial management
 - post public employment

- receiving gifts and benefits such as fees, payments, entertainment
- other, *please specify* _____
- requiring the release of internal information related to ethical conduct and possible transgressions
- requiring reasons for administrative decisions
- providing redress against administrative decisions
- setting standards for timeliness of responding to requests
- anti-corruption provisions⁽³⁾ in bids for public contract
- specific controls on public procurement procedures
- risk assessment of the areas susceptible to misconduct
- other, *please specify* _____

12. Is disclosure (declaration of personal assets, financial interests) required in the public service?

Yes No

If yes, from whom?

- elected officials
- senior public servants
- other, *please specify* _____
- disclosure is confined to particular sectors (e.g. customs, public procurement), *please specify the sectors* _____

12.1. Are disclosure requirements more rigorous/stringent in any sector?

Yes No

If yes, in what sector? *Please specify* _____

12.2. What information is required to be disclosed?

- assets and liabilities
- sources and level of income
- gifts
- other, *please specify* _____
- loans
- outside positions
- previous employment

12.3. What is the time interval for disclosing information?

- annually
- when joining the public service
- other, *please specify* _____
- when relevant circumstances change
- when leaving the public service

12.4. How is the disclosed information used? *Please give details [e.g. declaration is public or confidential, who has access to the disclosed information, for what purpose it is used (avoid conflicts of interests, detect illicit enrichment), etc.]* _____

13. Are there procedures and obligations for public servants to report misconduct/suspected corruption committed by public servants?

Yes No

If yes, *please mark all that apply*:

- Legal provisions define the procedure for exposing wrongdoing.
- Internal rules define the procedure within each organisation across the public service.
- Other, *please specify* _____

13.1. Is protection/safeguard available to public servants who expose wrongdoing?

Yes No

If yes, what kind of protection/safeguard?

³. E.g. companies found guilty of corruption are disqualified/suspended from future tenders/bids.

- legal
- anonymity
- other, *please specify* _____

13.2. Are there procedures and supporting institutions available and publicised for the public to expose wrongdoing committed by public servants? Yes No

If yes, what are they?

- complaint procedures
- help desk, telephone line
- ombudsman
- other, *please specify* _____

14. Is *internal*⁴ control in place to support the improvement of ethical conduct in the public service? Yes No

If yes:

14.1. What kind of internal control is used to promote ethics in the public service? *Please give details (e.g. financial control, management control, etc.).*

14.2. How does *internal* control support corruption prevention efforts? *Please give details (e.g. enable management to detect irregularities and identify procedural problems, provide specific recommendation(s) for systemic improvements, etc.).*

14.3. Is follow-up required to implement recommended measures for systemic improvements? Yes No

If yes: What is the follow-up mechanism? *Please specify* _____

14.4. Is *internal* control required:

- by law
- by general policy
- other, *please specify* _____

14.5. What is the frequency of *internal* control reviews? *Please specify* _____

14.6. Who has access to the reports of the reviews? *Please specify (e.g. supervisory bodies, parliamentarians, etc.)* _____

15. Are disciplinary procedures available in case of a breach of public service standards? Yes No

If yes, *please specify the disciplinary measures (e.g. from reprimand to dismissal or disqualification from public office), their sources (form of legislation, agency documents) and the available legal redress, including the appeal to court.*

V. Institutions and procedures to investigate and prosecute misconduct

16. What bodies are in place to investigate misconduct and corruption in the public service?

Please mark all that apply:

- An investigative body operates with jurisdiction over the whole public service.
- An investigative body operates with exclusive jurisdiction over one or a defined range of public service organisations.
- An investigative function exists inside individual public service agencies/departments.

⁴ Control used by the management of public service organisations.

Other, please specify _____

Please specify the jurisdiction of the investigative bodies, to whom they are accountable, the factors ensuring their independence in investigation and, if available, their resources (financial and staff) _____

17. What bodies are in place to **prosecute misconduct and corruption in the public service**?

Please specify the jurisdiction of the prosecuting bodies, to whom they are accountable, the factors ensuring their independence in prosecution and, if available, their resources (financial and staff) _____

17.1. Are investigative and/or prosecuting bodies empowered to bring suspected cases of corruption directly to court? Yes No

18. Are institutions in place to perform independent scrutiny of the administration? Yes No

If yes, what kind of institutions? Please mark all that apply

- Parliament/Parliamentary committee
- independent/external auditors reporting to elected bodies such as Parliament
- ombudsman
- courts for judicial review
- independent office of ethics
- other bodies having a role in scrutinising actions of the administration, please specify _____

18.1. Are there procedures/mechanisms available to bring wrongdoing to the attention of bodies exercising independent scrutiny on public service activities? Yes No

If yes, please specify _____

18.2. What areas are covered by *external audit*⁽⁵⁾? Please specify _____

18.3. What is the frequency of *external audits*? Please specify _____

18.4. Are *external audit* reports published routinely? Yes No

VI. Co-ordination and self-assessment

19. Is an institution(s) (*dedicated unit or committee*) assigned to co-ordinate and manage the implementation of the government ethics policy? Yes No

If yes, please specify, including name, status, staff resources, etc., of the institution(s) _____

19.1. Is the institution(s) defined by legislation? Yes No

19.2. Does the institution(s) provide a report on the state of ethics in the public service? Yes No

If yes, for whom?

- for Parliament
- for Government
- other, please specify _____

19.3. How often is the report required?

- annually

⁵ Audit by an independent organisation reporting to elected bodies such as Parliament

other, please specify _____

19.4. What actions are taken to ensure that the ethics and anti-corruption measures used by the government are consistent and complementary? *Please mark all that apply*

- using risk assessment to steer policy development for prioritising and sequencing ethics measures
- analysing systemic failures, trends in criminal and disciplinary cases
- providing national guidance and/or a checklist to develop prevention strategies in organisations
- assigning a central office responsible for oversight of all ethics related measures, including ensuring the consistency of legal regulations
- other, please specify _____

19.5. Has a national ethics plan/strategy been developed? Yes No
If yes, please *indicate its form (a political or administrative document) and its priority areas.*

19.6. Has a national corruption prevention plan/strategy been developed? Yes No
If yes, please *indicate its form (a political or administrative document) and its priority areas.*

19.7. What does the plan/strategy require from organisations across the public service? *Please specify* _____

19.8. Are non-governmental organisations involved in the preparation and implementation of ethics policy? Yes No
If yes, *in what form?*

20. What procedures are in place for assessing the effectiveness of measures promoting ethical conduct and preventing misconduct ?

Please specify, including information on the frequency of the assessment, who provides it and how.

20.1. How often are the prevention measures reviewed and assessed? *Please specify* _____

20.2. What measures are considered as successful instruments for corruption prevention? *Please give details, including what works well or less well* _____

20.3. What do you consider as the major impediments to further reducing corruption in the public service? *Please give details* _____