PUBLIC MANAGEMENT SERVICE
PUBLIC MANAGEMENT COMMITTEE

PROPOSED DRAFT OUTLINE OF REPORT TO OECD COUNCIL ON PROGRESS IN IMPROVING ETHICAL CONDUCT IN THE PUBLIC SERVICE IN OECD COUNTRIES

Meeting of the Reference Group on Public Service Ethics
OECD Headquarters, 23-24 September 1999

The 1998 OECD Recommendation on Improving Ethical Conduct in the Public Service asked the Secretariat to present a report in year 2000 analysing the experiences, actions and practices of Member countries that have proved effective in promoting integrity and countering corruption in their particular national context. The Reference Group on Public Service Ethics will discuss this proposal and will send the agreed draft to the Public Management Committee.

81615

DRAFT OUTLINE

PART I.

1. **Forward** (by the Secretary General?)

2. **Introduction**

The report will start to explain why the OECD has become a leading player in this field (it describes OECD's effort to target both the demand side and the supply side of corruption). It will also give a short description of the Recommendation (its main purposes, comprehensive approach and the summary of the ethics management principles) and the steps and methodology used in the preparation of the report (survey questionnaire).

3. **Challenges**

This section will group the major types of ethical challenges Member countries are currently facing. It will, especially, focus on the challenges caused by the following:

-   Public management reforms (downsizing, wage freeze, unintended impacts of reforms led to fragmentation of the core public service).

-   Interaction of the public and private sector (conflicts of interests between public duties/private interests, especially in privatisation, outsourcing, contracting out or public procurement).

-   Political/administrative interface (pressure, patronage, etc.).

-   Changing social environment (change in expectations regarding behaviour and performance, demand for transparency, access to public information).

-   In some countries, managing the transition process (low wages and prestige in the public service increase the temptation of corruption).

Finally, the section will explain why (and how) the above mentioned challenges have led to the competition between "traditional" and "new public management" values.

4. Mechanisms ensuring the functions of a sound Ethics Infrastructure

This part will summarise the frameworks/mechanisms (e.g. legal, institutional) in place to define, communicate, inculcate, monitor and reward ethical behaviour, high standards of conduct in the public service and to detect, investigate and prosecute misconduct of public officials.

Values based public service

This section will take stock of the core values that the public service is based on in Member countries and discuss in what forms they are available and communicated. Likely issues would include recent trends in legislating values, and the consultation processes that have been used in the course of formulation or redefinition of core values.

Putting Values into Action

The section will begin with an overview of the standards of behaviour expected of public servants in general, and will specify the additional requirements applicable to specific groups or professions in the public service. Moreover, it will outline the sources of the standards of behaviour (both legal and not legislated sources) and, especially, it will take stock of the criminal regulations covering misconduct.

From Provisions to Compliance

The section will delineate the institutions and procedures in place to promote high standards of conduct and prevent and detect misconduct. It will discuss, in particular, the following:

- Measures used by human resources management to promote an ethical environment.

- Informing and training public servants on ethics issues.

- Disclosure policies.

- Procedures to report misconduct/suspected corruption.

- Internal control to support the improvement of ethical conduct in the public service.

- Other management techniques/measures to promote high standards of conduct and assist prevention.

Scrutinising misconduct in the public service

The section will summarise the institutions and procedures that are in place to scrutinise the misconduct of public servants in the Member countries. It will discuss, in particular, the following:

- Disciplinary procedures in case of a breach of public service standards.

- Investigation and prosecution of misconduct committed by public servants.

- Performing independent scrutiny over the administration, especially by the audit office and ombudsman.

5. Co-ordination and management

This section will discuss the experiences of Member countries in managing, co-ordinating government ethics and/or anti-corruption measures/policy. Likely examples range from the independent specialised ethics office to general central management bodies, such as the public service commissions, Cabinet Offices, ministries.

6. Assessment

This section will focus on the mechanisms, procedures and techniques used in Member countries for assessing the effectiveness of the measures used for promoting ethics and corruption prevention. Likely issues to include are institutional framework, frequency of the assessment, who provides it and how it is used.

Moreover the section will give information on the following issues:

Driving forces

This section will identify the key factors instigating/encouraging and backing/assisting ethics initiatives/measures, for example the role played by increasing demand for transparent mechanisms, the impact of pressures (economic, social and political; domestic and international).

Emerging issues

- Special requirements for senior civil servants.

- New techniques used to defend the public interest at the public/private sector interface.

- Political/administrative interface, likely issue would include the employment of political advisors.

- Standards in public life: increased expectations have encouraged the political sphere to take steps forward in political life and provide leadership by example. It would take account of recent initiatives, such as the codes for ministers, or standards of political financing. ,

Best/promising practices/good examples/original and successful experiences

- History and social background matters: practices and policies to build a supportive environment, civic trust, civic capital..

- Focusing on awareness raising, good examples, such as induction training.

- From the phase of sleeping with the enemy to learning from each other: sharing ethical experiences between the public and private sectors.

- Prevention measures to avoid conflict of interest situations, likely issues would include recent trends in disclosure policy.

From Compliance to Integrity

The last section of the analytical part will provide an overview of overall trends (directions, the most commonly used measures, and approaches) in ethics management. It will discuss the steps necessary to develop the functions of a national Ethics Infrastructure from control through management to guidance. Moreover, the section will summarise the experiences of OECD countries, ensuring the comprehensiveness and coherence of measures promoting integrity and preventing misconduct in both the design and implementation procedures.

Finally, the section will check the adequacy of the ethics management principles and may update them in the light of the outcome of the survey.

7. Annexes

- OECD Recommendation on Improving Ethical Conduct in the Public Service.

- Questionnaire used in the survey.

PART II.

Country chapters

The country chapters will provide concrete data on the regulations, institutions and procedures used by the OECD Member countries in their respective administrative, social, and political environments. The information will be based on the responses to the survey on managing ethics in the public service.