

Country case: Staff rotation in the German civil service

Description

The basis for the civil service rotation practice in Germany can be found in No. 4.2 of the Federal Government Directive concerning the Prevention of Corruption in the Federal Administration, which reads:

“The length of staff assignments in areas especially vulnerable to corruption shall in principle be limited; as a rule, it should not exceed a period of five years. If an assignment must be extended beyond this period, the reasons shall be recorded for the file.”

The (formal) determination of areas especially vulnerable to corruption in that given sense has to regularly take place according to No. 2 of that directive, and is conducted according to a risk assessment system in place on the federal level (the states - Länder - maintain their own systems). According to the Directive concerning the Prevention of Corruption, and as further explained in the recommendations for its application (No. 3 in the brochure “Rules on Integrity”), each agency has to assess the areas of activity within the agency which are especially vulnerable to corruption, and to apply certain measures for staff entrusted with them. The rotation principle is one of them.

According to the Recommendation on Preventing Corruption, in areas of activity especially vulnerable to corruption:

- after identifying special vulnerability to corruption for the first time,
- after organisational or procedural changes,
- after changes to assigned tasks, or
- after no more than five years,
- the need for conducting a risk analysis should be examined.

This analysis involves a brief examination of the effectiveness of existing safeguards for each area of activity especially vulnerable to corruption; if the brief examination points to a need for action, a risk analysis is to be conducted. If action is needed, then the organisation and processes and/or personnel assignments are examined to see how they can be changed. In this case, the risk analysis will include recommendations and/or order additional measures.

In the case of exceptions authorised by the Federal Government Directive, the most typical reasons why members of staff posted in areas especially vulnerable to corruption had been remaining on the same post for more than five years are (in that order):

- specialists who cannot rotate,

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Principle: **Integrity, Capacity,
Risk Management**

Procurement Stage:
All phases

Audience: **Policy Maker,
Procuring Entity**

- other members of staff with specific knowledge which cannot be replaced, having due regard to continuity,
- members of staff who will very soon leave active service,
- members of staff who will soon change over to another position,
- members of staff for whom an appropriate other position on the same remuneration level cannot be provided.

In such cases, the Recommendation on Preventing Corruption in the Federal Administration indicates:

“[i]f in exceptional cases rotation is not possible due to the nature of operations or to (personnel) management considerations (e.g. lack of expert staff), then other appropriate and effective measures to prevent corruption should be used instead (e.g. extending the application of the principle of greater scrutiny, working in teams and exchanging tasks within organisational units, transferring responsibilities, intensifying administrative and task-related supervision).”

Such other appropriate and effective measures to prevent corruption can include the application of the “principle of greater scrutiny” (co-signature requiring a second staff member to check work results) or intensifying administrative and task-related supervision.

In Germany, most corruption cases in the past had been committed by members of staff who were on the same post for more than five years. As “situational corruption” is very rare in Germany, and corruption cases rather concern “structural corruption”, third parties first have to “invest” in the relationship with the member of staff who is to be corrupted. Such “investment” does not pay once it is clear that the relevant member of staff will be rotating to another position in some years. If third parties try to build up good relations with administrative staff, the purpose is rather not to gain sympathy from a specific member of staff, but rather to maintain a good working relationship with the agency as such.

The purpose of the introduction of the rotation principle is not only to prevent corruption. Many agencies, in particular ministries, it also allows to regularly allow a person who is new to a position to have a “fresh view” on the matters that he or she is now responsible for. It is encouraged that, in particular on specific higher positions, members of staff are generalists who gain experience in many fields of work, and who are used to getting acquainted with new tasks quickly. The experience gained in former positions allows them to identify crosslinks between specific subjects. For this reason, according to many staff development plans, promotion to a higher position (and remuneration level) requires a specified number of different positions held on the former level; in many cases, this forms a mandatory prerequisite for such promotion.

Source: OECD (2016), [The Korean Public Procurement Service: Innovating for Effectiveness](#), OECD Publishing, Paris.