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ELEMENTS FOR AN UPDATED FRAMEWORK FOR INTEGRITY
AND CORRUPTION PREVENTION IN THE PUBLIC SERVICE

Expert Group on Conflict of Interest with a Special Session on Lobbying:
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This document provides background to support discussion under Item 3 of the Agenda (morning session).

For further information, please contact:
Elodie Beth; E-mail: elodie.beth@oecd.org; Tel: +33 1 45 24 96 29 or
János Bertók; E-mail: janos.bertok@oecd.org; Tel: +33 1 45 24 93 57.

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ELEMENTS FOR AN UPDATED FRAMEWORK FOR INTEGRITY AND CORRUPTION PREVENTION IN THE PUBLIC SERVICE

What are the elements of a modern integrity policy and practice in OECD countries? Over a decade ago, OECD governments agreed upon the elements of a sound "Ethics Infrastructure", the combination of laws, institutions and mechanisms that help prevent corruption and promote integrity in the public service. With the 1998 OECD *Recommendation on Improving Ethical Conduct in the Public Service,* countries committed to use a set of ethics management principles to review and modernise their integrity efforts.

Today it is widely recognised that corruption in the public service is more than a question of individual criminal actions and is also the result of systemic failure of public management and governance mechanisms. Control, guidance and management have been identified as building blocks that sustain the Ethics Infrastructure in a mutually reinforcing way in order to enhance integrity and corruption prevention in the public service (see elements and functions of the Ethics Infrastructure below).

Elements and functions of the
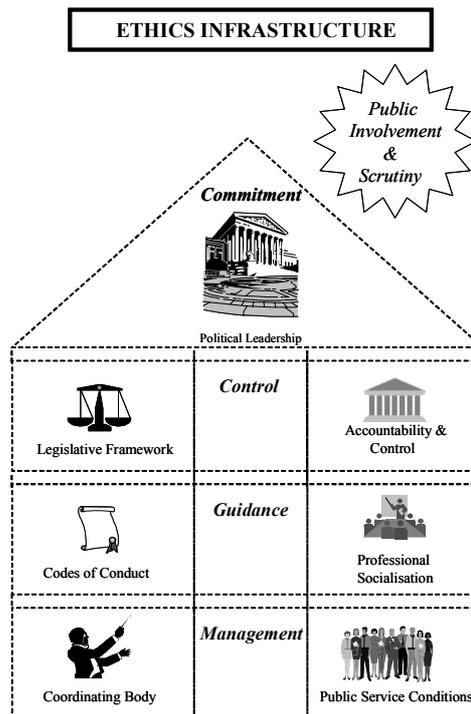
Source: OECD (1996), Public Management Occasional Papers no 14,
Ethics in the Public Service: Current Issues and Practices, page 26.
See: http://www.oecd.org/dataoecd/59/24/1898992.pdf

However, the elements of the Ethics Infrastructure must be adapted to encompass developments in recent years, both at the organisational level and in the wider public management and governance

environment. This is reflected below by the concept of a Framework for integrity and corruption prevention in the public service.

A pro-active approach to prevent risks to integrity and build corruption resistance

The public sector environment has evolved considerably in the last decade. In order to increase the responsiveness of the public service, new public management reforms have led to the devolution of responsibilities and the increased commercialisation of the public sector. However, reforms to make governments more efficient and effective have often fallen short of enhancing public trust.

One particular concern is that public management reforms have opened grey zones and opportunities in the absence of adjustments to control discretionary power. With the breaking down of barriers between public and private sectors - e.g. through the privatisation of services - governments recognised that conflict of interest has become a key concern in public debate worldwide. In order to prevent corruption and strengthen public trust in government, they committed to modernise their conflict-of-interest policies with the 2003 OECD *Recommendation on Guidelines for Managing Conflict of Interest in the Public Service*.

This pro-active approach has progressively become a cornerstone for a modern government that looks ahead and addresses growing citizens' expectations. In particular, an emerging concern is to map out risks to integrity in order to strengthen corruption resistance in the public service. Governments have started developing additional measures for categories of officials that are particularly vulnerable to corruption. These include officials working at interfaces: with the private sector (e.g. public procurement and contract management, sponsoring, public officials leaving the public sector to work for the private sector); with politicians, because of their high-level position (e.g. public office holders); and with citizens (e.g. law enforcement, tax administration, customs, etc).

Ensuring supportive conditions for public integrity

Preventing corruption in the public service requires more than designing and implementing core integrity and anti-corruption standards. A culture of integrity in the public service is the visible result of efforts at organisational, public management and governance levels.

As part of a "whole-of-government approach" to modernise governments, there is growing recognition that success of anti-corruption strategies also depends on the creation of a supportive environment in the public administration in which transparency and accountability play an essential role. For instance, control in public finance, administrative simplification and e-government are essential components of a long-term strategy for preventing corruption.

Furthermore, at the governance level, elements such as political leadership and the involvement of stakeholders in the fight against corruption (i.e. elected officials, private sector actors, civil society, media and the wider public) are essential conditions for the successful development and implementation of pro-integrity and anti-corruption reforms in the public service.

Public servants may not have the capacity to act on these public governance conditions, but this assessment helps facilitates the understanding of the room for reform in the public service, and evaluate the likely impact of integrity measures. It also recognises what steps can be taken by the administration to foster a partnership with key stakeholders for driving cultural change outside of the administration (e.g. through information, consultation and participation in the development of pro-integrity and anti-corruption policies, education, etc.).

Providing an instrument targeted at public officials

The proposed Framework for integrity and corruption prevention in the public service aims at verifying that all the building bocks are in place in public organisations to enhance integrity and corruption prevention and assessing whether these efforts lead to expected results. It describes in particular:

- What specific objectives public officials may follow to enhance integrity and corruption prevention;

- What mechanisms/building blocks they have in hand; and

- Examples of qualitative assessments that illustrate dimensions that governments could integrate when measuring results achieved.

These examples of qualitative assessment comprise the verification of the existence of standards/mechanisms as well as their effectiveness and impact on the culture of public organisations (e.g. whether public officials are aware of standards, understand them, and are committed to act accordingly; whether mechanisms to prevent corruption are available and are actually used, etc.).

The approach taken is an inside-out vision of how to enhance integrity and corruption prevention from the perspective of the administration. It starts with measures that specifically aim at promoting integrity in the public service, and for which public officials have a direct capacity and responsibility to act. Public officials are considered as the primary actors for "sowing the seeds" of integrity in the public service and for partnering with other stakeholders.

Integrity Circles: Reflecting interactions

The proposed Framework takes a fresh look at the classic public administration theory which makes a clear separation between politicians who make policy decisions, public servants who execute, and citizens who are the beneficiaries. It refers instead to Integrity Circles to highlight the interactions between stakeholders within the broader public management and governance environment. For instance, stakeholders play a role in influencing the development of pro-integrity and corruption prevention measures.

The Integrity Circles reflect the evolution of pro-integrity and anti-corruption measures in the last decade to adapt to changes in the public sector environment and growing expectations in the wider society:
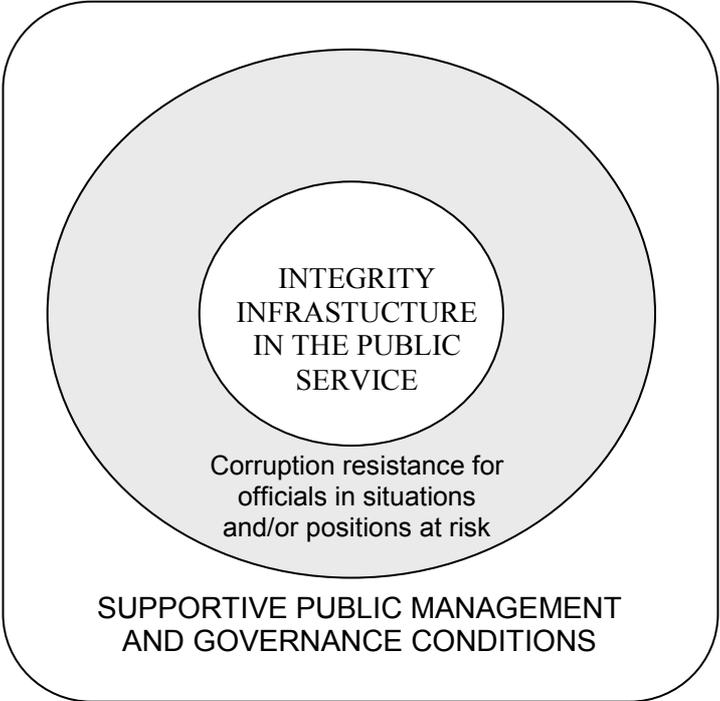
- The **first circle** identifies core legal, institutional and procedural frameworks to enhance integrity and corruption prevention across the whole public service, building on the elements and functions of the *Ethics Infrastructure*.

- The **second circle** refers to specific measures that have been developed to *anticipate emerging risks to integrity* in the public service, for instance as the result of the growing interactions between the public and private sectors, and to *build corruption resistance* for officials that are particularly vulnerable to corruption.

- The **third circle** highlights *supportive public management and governance conditions for integrity*[1]. These are the necessary foundations for the successful implementation of integrity reforms in the public service (see graph below).

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1. The third circle could be further explored, in particular if the Framework for integrity and corruption prevention in the public service is to be applied in non-OECD countries where progress in reforms in the public service is often dependent on the existence of public management and governance foundations.

An inside-out view of government pro-integrity and anti-corruption efforts

Integrity Circles

INTEGRITY
INFRASTUCTURE
IN THE PUBLIC
SERVICE

Corruption resistance for
officials in situations
and/or positions at risk

SUPPORTIVE PUBLIC MANAGEMENT
AND GOVERNANCE CONDITIONS

Suggested elements for an updated

Framework for integrity and corruption prevention in the public service

CIRCLES	OBJECTIVES	BUILDING BLOCKS/MECHANISMS	EXAMPLES OF QUALITATIVE ASSESSMENTS
CIRCLE I. **INTEGRITY INFRASTRUCTURE**	Embedding a culture of integrity in the public service and preventing corruption through a combination of legal, institutional and procedural frameworks in the public service		
1.1 Setting standards	- Setting core values, principles and standards for integrity and corruption resistance in the public service, to clarify what is expected from public officials	- Statement of core values, principles and standards (e.g. in the form of mission statement, code of conduct, anti-corruption and conflict-of-interest legislation) - Involvement of stakeholders in the definition of core values, principles and standards in the public service (e.g. through consultation)	- Whether core values, principles and standards are up-to-date to reflect expectations and cover emerging issues
1.2. Providing guidance	- Providing guidance through role model, communication, training, and counselling, to embed a culture of integrity	- Demonstration of personal example by senior officials (e.g. avoiding the exploitation of rules, taking pro-active steps to avoid apparent conflict of interest) - Communication of expectations of ethical conduct (e.g. communicating values, providing induction training and briefing, identifying vulnerable areas in organisations, punishing misconduct)	- Whether the behaviour of senior officials is consistent with integrity policies and reflects stakeholders' expectations - Whether officials are aware of integrity standards, understand them, and are committed to follow them

		- Provision of counselling for resolving work-related integrity dilemmas (e.g. coaching and support, ensuring follow-up on reports of integrity concerns)	- Whether public officials know where to seek advice, actually seek advice when needed and follow it
		- Capacity-building for resolving work-related integrity dilemmas (e.g. organising on-going training on integrity on a regular basis, promoting open discussions on integrity issues)	
1.3. Monitoring	- Monitoring compliance through control mechanisms to detect deficiencies and improve overall management	- Organisation of internal controls (financial, management control, and internal audit) on a regular basis that are supported by follow-up mechanism to implement and monitor recommended measures for improvement	- Whether controls reduce opportunities for corruption and provide sufficient disincentives for misconduct
	- Facilitating the reporting of misconduct while protecting against retaliation to detect deficiencies and promote accountability	- Availability and publicity of procedure(s) and obligations for public servants to report misconduct - Availability and publicity of procedures and supporting institutions for the public to expose misconduct of public servants - Availability of mechanisms to protect whistleblowers against retaliation	- Whether public servants are aware of the procedures to report misconduct, feel safe reporting, and actually report misconduct when witnessed
	- Facilitating independent scrutiny over public sector operations to detect deficiencies and promote accountability	- Organisation and publication of external audits on a regular basis that bring misconduct to the attention of bodies exercising independent scrutiny on public service activities (e.g. court of audit, ombudsman, parliamentary committee)	

1.4. Enforcing standards	- Ensuring enforcement through disciplinary procedures and sanctions that are dissuasive while ensuring fair treatment	- Description of disciplinary rules and sanctions (e.g. in legislation, agency documents)	- Whether disciplinary sanctions are applied in a consistent and proportionate manner - Whether officials in the public service perceive that the sanctions applied are timely and dissuasive
		- Existence of guarantees for equal treatment, in particular availability of legal redress	- How often officials use legal redress
	- Ensuring the independence of investigative and prosecution bodies	- Provision of adequate legal and financial means to investigation and prosecution (e.g. status and accountability of bodies, power to bring suspected cases of corruption directly to court, co-operation between bodies, and resources available)	
1.5. Fostering integrity in daily management	- Providing adequate incentives for integrity in daily management through merit-based selection, promotion and remuneration	- Design of open selection, promotion and performance appraisal procedures - Definition of criteria for selection and promotion - Introduction of safeguards for senior public officials to ensure consideration of merit for appointment - Provision of sufficient and fair remuneration - Integration of ethics in recruitment and performance assessment - Use of performance targets and evaluation in relation to career management	- Whether officials in the public service are selected and promoted in a transparent manner - Whether criteria for the selection, promotion and performance appraisal are clear and used in a consistent manner

CIRCLES	OBJECTIVES	BUILDING BLOCKS	EXAMPLES OF QUALITATIVE ASSESSMENTS
CIRCLE II. **CORRUPTION RESISTANCE IN THE PUBLIC SERVICE**	Anticipating risks to integrity and building corruption resistance of officials who are vulnerable to corruption in order to improve public trust		
2.1. Assessing the main risks to integrity	- Assessing risks through the identification of situations and/or positions that are particularly vulnerable to corruption (risk areas)	Mapping out of situations and/or positions where officials are vulnerable to corruption, in particular: - at the interface with private sector (e.g. involved in public procurement, contract management, sponsorship; leaving the public sector to work in the private sector) - at the political/administrative interface because of their level (e.g. public office holders) - at the interface with citizens (e.g. working in law enforcement, tax administration, customs, etc.)	- Whether existing and emerging risks to integrity have been mapped out in the public service - Whether public officials are aware of the main risks to integrity, in relation to a situation and/or position in the administration
2.2. Building corruption resistance	- Developing corruption resistance measures (e.g. specific guidelines and requirements) for officials working in risk areas	- Use of background check for certain positions and/or security-vetting - Rotation of personnel on a regular basis - Separation of duties and authorisation (e.g. 4-eyes principle) - Development of specific standards (e.g. specific conflict-of-interest legislation, specific code of conduct for ministers and public office holders)	- Whether officials are carefully selected for positions that are vulnerable to corruption - Whether officials in positions vulnerable to corruption are aware of corruption resistance measures and understand what is required of them

		- Declaration of assets/financial interests to prevent conflict of interest or detect illicit enrichment - Stricter internal control or verification measures - Specific training and briefing - Direct social control to ensure public scrutiny on government process (e.g. in public procurement and contract management)	- Whether specific/tightened controls reduce opportunities for corruption and provide sufficient disincentives for misconduct

CIRCLES	OBJECTIVES	BUILDING BLOCKS	EXAMPLES OF QUALITATIVE ASSESSMENTS
CIRCLE III. **SUPPORTIVE PUBLIC MANAGEMENT AND GOVERNANCE CONDITIONS**	Ensuring the coherence of pro-integrity and anti-corruption measures in the administration and fostering a supporting public management and governance environment		
3.1. Ensuring overall co-ordination of pro-integrity and anti-corruption efforts in the government	- Articulating policy measures to ensure consistency of pro-integrity and anti-corruption efforts	- Development of articulated pro-integrity and anti-corruption measures (e.g. in the form of a strategy and action plan, risk assessment) together with key stakeholders - Co-ordination and management of the implementation of pro-integrity and anti-corruption measures (e.g. by a central agency) - Provision of adequate powers and capacity for co-ordination (e.g. status and resources for a pro-integrity/anti-corruption agency)	- Whether pro-integrity and anti-corruption measures form a coherent and up-to-date framework that reflects stakeholders' expectations - Whether pro-integrity and anti-corruption measures are implemented consistently across the administration
3.2. Ensuring that public management conditions support integrity and overall performance	- Enhancing transparency and accountability in critical phases of the budget through the disclosure of relevant fiscal information in a timely and systematic manner	- Statement of accounting policies accompanying all reports on the budget - Organisation of a dynamic system of internal financial controls on the budget, with reports containing a statement of responsibility - Regular audit of the report by the Supreme Audit Institution - Fiscal report subject to parliamentary and public scrutiny	- Whether internal controls, auditing and legislative oversight are well co-ordinated to fill-in gaps and maximise the information produced on the budget

	- Supporting a transparent and predictable decision-making process through simplified administrative procedures	- Use of government procedures to reduce administrative burdens (e.g. setting time limits for administrative decisions, simplification/reduction of licensing) - Measurement of administrative burdens on investors - Use of new technologies, for instance one-stop shops, to enhance transparency and effectiveness in administrative procedures	- Whether administrative procedures are simple, user-friendly and minimise opportunities for misconduct
3.3. Assessing the wider governance context for pro-integrity and anti-corruption reforms	- Identifying the main political, economic and social drivers for corruption in the country to understand context of reform - Demonstrating commitment for reform by political leaders	- Assessment of risks through public trust surveys, anti-corruption assessments, feedback from stakeholders (e.g. public service users) - Development of anti-corruption legal and institutional arrangements and provision of adequate powers and resources - Development of legal and institutional arrangements for enhancing transparency and accountability in lobbying (e.g. registration) - Enhancement of transparency and integrity in the election financing framework (e.g. disclosure requirements, restrictions for donations) - Development of legal and institutional arrangements to limit the degree of media concentration and encourage diversity of ownership - Limitations on investigations and prosecutions of public office holders (e.g. through immunity)	- Whether main drivers of corruption have been mapped out in the country - Whether anti-corruption legal and institutional arrangements cover emerging risks and are properly functioning - Whether investigations and prosecutions of public office holders are excessively constrained by immunities

	- Ensuring that media, civil society, the private sector and the wider public are drivers for cultural change	- Information, consultation, and active participation of citizens (e.g. legislative and administrative framework on access to government information)	- Whether there is a freedom of information legislation guaranteeing access to government information
		- Direct and indirect public scrutiny over government processes (e.g. role of parliament, involvement of NGOs and other watchdogs)	
		- Education on ethics to the private sector and the wider public (e.g. specific curricula)	