

Ethics Questionnaire

including possible indicators

I. Public service has shared values with the society

public knows and supports the stated mission of the public service

Better/mutual understanding of core public service values within the public service and in the society

1. increased public/citizen *participation in the formulation and update* of public service values

- **public servants involvement in the drafting process and debates**
 - if yes what were the *forms* of dialogue with the representatives of employees
 - opinion survey for written suggestions
 - open forum for debate
 - *who* represented the employees:
 - professional associations,
 - trade unions
 - **public involvement in the debates**
 - if yes what were the *forms of public consultation*
 - opinion survey,
 - public hearing,
 - public opinion was considered in the drafting process,
 - draft was published for public comments,
 - ;
2. increased *dissemination* of re/defined shared core values
- **general availability for the public in concise publicised document**
 - if yes in what forms are the declared core public service values available
 - in traditional paper forms:
 - codes
 - legal regulations
 - leaflet
 - new forms: Web site.
 - **specific distribution of documents on core public service values for public servants**
 - as guiding document: for information public servants are automatically provided by the document when they join the service
 - as binding document: core values are part of the public service contract document.
3. updated set of core public service values which better reflects to the current social-economic environment
- **indication when these core values were formulated or redefined**
 - in the last 5 years
 - between 5 and 10 years
 - over 10 years

4. collection of core PS values (this data allows a comparison to find out the actual list of accepted core values in OECD countries) data would be presented in the following chart:

- same values

- similar
- same/similar groups/sources of values (societal/democratic/professional)

(Note: In the country studies there are possibilities to use other sources in order to check the functionality/real impact of these indicators, e.g. perception index derived from interviews (such as the opinion based on the responses to the question: Are the core PS values clear and communicated? -- control question: please name few of the core PS values)

II. Clear and understandable legal framework (substantive and procedural legal provisions) provides unambiguous limits for unacceptable conduct in the Public Service

1. better understanding of minimum obligatory standards for the PS

- prohibited/intolerable/illegal forms of conduct are regulated by primary legislation
- comprehensive criminal and administrative *legal framework*
 - substantive criminal law provisions cover all forms of serious misconduct (e.g. active/passive/direct/indirect and attempted bribery/corruption)
 - what other prohibitions and restrictions are imposed by law?
 - procedural criminal/legal provision provides adequate mechanisms for detection and investigation of wrongdoing (does it ensure independent investigation of suspected misconduct?);
- administrative and/or disciplinary mechanisms are provided (how are suspected breaches of rules monitored, reported and investigated?);
- sanctions are commensurate with the breaches of rules (objective-perception).
 - the penalty inflicted could be appealed in the court

Unambiguous application of these rules and adequate institutions to guarantee the appropriate application of the PS standards/values

III. enhanced mechanisms for detection, investigation and prosecution

1. effective *internal reporting* system
(does the internal reporting system encourage staff to come forward when they suspect corrupt conduct, maladministration or substantial waste?)
2. effective *external reporting* system
(clear for staff to understand and use?)
3. effective whistle blower protection
 - ◆ legal provisions define when and how (Are the procedures for exposing wrongdoing described by legal/internal rules?)
 - ◆ actual protection/guarantee
4. competent investigation
 - capacities
 - specialised investigative bodies
 - procedures to handle suspected cases
 - independence in practice
 - competent?
5. disciplinary action (including dismissal in serious cases) HRM?

6. Judiciary (independence/impartiality?)

- Access to legal remedies
- Sufficient resources to the judiciary

IV. professional socialisation, effective guidance and inculcation of standards

1. concise document (such as code of conduct) providing the ethical framework for public servants

- national framework of expected standards for the whole PS
 - does it identify the most common ethical problems relevant to all public service organisations?
 - (what are) the expected standards of behaviour in *general* and
 - in *specific* (?):
 - gifts and benefits
 - use of official information
 - use of official property/facilities
 - work outside the PS
 - post-employment restrictions
 - political work or interest
 - other conflicts of interests (e.g. lobbying)
- organisational specificities
- other requirements raised by professional codes of conduct (for lawyers, public procurement specialist for example)
- documents were developed through a consultative process

2. advice (internal and external)

- general advice
 - impartial advice available at the workplace (Is a person or institution available to advise on problem cases or conflict of interest?)
 - in what form
- specific advice available in a conflicting situation
 - independent and immediate advice
 - in what form

3. training

- induction training for raising awareness
- ongoing/further training for skill improvement, including ethical analysis and moral reasoning

V. increased transparency

(passive) transparency mechanisms (at national level)

1. *access to public information*

freedom of information provisions: well defined and published criteria for information what is publicly not available (private or internal/ confidential/ classified information) by regulations (are the limits of information disclosure clearly defined by national regulation? Are these limits declared in the organisational policy/document?)

- legal right of access by the public to information held by the public bodies (official records are available) (Is a legal right of access by the public to information held by public bodies?)
- right of the public to seek reasons for decisions
- who can exercise it? This right can be exercised by a person who is affected by an act of a public body and who has a material interest in the matter

- standards for speed of response to inquiries (what is the normal duration for answering requests)
- appeal mechanism
 - within the organisation/administration
 - to another independent body (for example ombudsman, mediateur, citizen's defender or commissioner)
- policy on charging/cost recovery for information provided (Is a policy on charges stated?)
 - generally free and max. reasonable charges may be made to recoup the cost of certain publications which does not prevent the public from obtaining this information

2. disclosure systems

- for the whole PS (are all public servants required to declare their financial interests?)
- for specific groups
 - high level post (for decision-makers, ministers, elected officials: MPs and local councillors)
 - commercially sensitive posts (working at the public-private interface: public procurement officials, tax officials)
- required declaration (e.g. annual statement/ statement from outgoings) in the areas of
 - assets
 - incomes
 - other interests (e.g. political)

(What are the systems for declaring or reporting potential conflicting interests or corrupt activity?)

all high level posts, and any commercially sensitive posts at a lower level, ensures systematic reporting of potentially conflicting interests to the head of department.

(active) transparency mechanisms at organisational/agency level

1. disclosure policy
 - statement of the organisation's strategic aim and policies
 - report on the activities
 2. media policy to provide information on a daily basis, especially
 - release of information on organisation's ethics and corruption prevention policy
 - meetings with /seminar for the media
 - press release
 3. public hearings
 - regular public consultations are required in major policy formulation (media is informed in due time)
- opening meeting to the public (e.g. annual meeting)

indirect public scrutiny

1. oversight by the *elected officials*, parliamentary inquiries (both legislature and local council)
2. *audit* (professionals report back to elected officials and the public)
 - independence: longer term and elected by the supreme body (Parliament) in a special process (election requires specific consensus/majority)
 - depth/scope of audit: carries out organisational analysis to check the risk areas
 - frequency of audits (same at central and local level)(Is it compulsory?/ How frequently?)
 - audit reports are considered by the audited organisation and the annual report discussed by the Parliament
 - all audit reports published/publicly available
3. *ombudsman*

- independence: longer term and elected by the supreme body (Parliament) in a special process (election requires specific consensus/ majority)

direct public scrutiny

- make the information directly available for the public (in the following written forms):
 - in (annual/periodic) reports
 - Web site

increased transparency in sensitive areas

- clear procedures in case of public private interface ensuring openness and
 - privatisation
 - anti-corruption provisions in procurement guidelines (blacklisting: *Are companies, found guilty of corruption.. , suspended from future public contract bids?* a corruption register is to prevent firms which have become suspicious for corrupt practices from unhindered participation in the competition for public contracts; the circumstances of the individual case should be taken into account when excluding a firm from competition.) public invitation to tender before any awarding of contracts is mandatory/ in the event of other types of awarding of contracts, e.g. limited invitation to tender or discretionary award of contracts, substantive reasons should be stated and checks should be carried out on whether inadmissible factors have influenced a decision/ the right to effective legal protection-appeal
- political funding
 - party financing (regulated? limitations –amount, anonymous - , donations/declaration/state support/ Are electoral expenditure and political party accounts subject to audit?) for the payment of state funds to political parties and reimbursement of expenses of candidates at elections; the disclosure of substantial donations received by political parties, members of both Houses of Parliament and the European Parliament and candidates at elections and limits on election expenditure by candidates and by political parties on behalf of candidates

VI. organisations policy on corruption prevention (mechanisms managing the formulation and implementation of policies) Unambiguous application of these rules

Institutions to guarantee the appropriate work of the application of these principles/standards/values

organisational general preventative measures

1. sound management framework

- which fosters information-sharing and co-operation in decision-making (avoiding excessive concentration of power which could increase risk of mismanagement or corruption)
- identify and signal/report situations of conflict of interest

2. internal control/audit

- detect management irregularities, identify procedural problems (does it enable management?)
- suggest improvements

3. HRM policies

- standardise recruitment procedure based on merit
- merit-based standardised promotion process
- regularly deploy officials in positions susceptible to corruption

special preventative measures

1. Has an organisational corruption prevention strategy developed?
2. assess the risks of corruption within the organisation
(how current is the assessment?)
3. organisation's policy and strategy to reduce and control the identified risks
(has the organisation implemented an awareness and cultural change programme?)
4. regular review and evaluation of policies/strategies
(how often are these policies reviewed and assessed?)
5. update of policy
(are the necessary improvements made?)

National policies (system maintenance)

What policies have been established to.. ?

What are the priorities?

Are the regulations/incentives (e.g. HRM policy) reviewed/checked to provide a consistent overall system correspond to the declared/stated core values?

What initiatives have been taken to ?

Assessment?

- Is the effectiveness of these mechanisms formally evaluated? If so, what kind of techniques has been used for the evaluation?

Political leadership?

- Demonstrated political commitment
 - expressed in policy statement
 - by example, especially in conflicting situation
- Institutionalised supportive mechanisms e.g. dedicated unit/committee which has the leading role in co-ordinating and managing the implementation of government ethics policies
 - provide a central co-ordination of policy to ensure the consistency of the different measures (HOW is this consistency maintained to balance accurately the different impacts)
 - involving both PS – including managers and employees – and the public into the processes
 - analytical capacity in place (for providing policy analyses, neutral feedback)
 - building it into the “normal” machinery
- ◆ Co-operation with other political partners

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