



**Towards a Public Culture of the Highest Standards:  
Mainstreaming Public Ethics**

**The Benchmark Toolkit for  
Public Ethics**

*Council of Europe Centre of Expertise  
for Good Governance:  
Delivering Good Governance*



Centre of  
Expertise for Good  
Governance  
© 2020

*The opinions expressed in this work are the responsibility of the authors and do not necessarily reflect the official policy of the Council of Europe.*

All rights reserved. No part of this publication may be translated, reproduced or transmitted, in any form or by any means, electronic (CD-Rom, internet, etc.) or mechanical, including photocopying, recording or any information storage or retrieval system, without prior permission in writing from the Centre of Expertise for Good Governance.

Council of Europe  
Centre of Expertise for Good Governance

<https://www.coe.int/en/web/good-governance/centre-of-expertise>

© Centre of Expertise for Good Governance  
2020

## CONTENTS

### INTRODUCTION: THE GUIDELINES and THE COMMITTEE OF MINISTERS, THE CENTRE AND USING THE BENCHMARK TOOLKIT

#### 1. THE GUIDELINES ON PUBLIC ETHICS and THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

- 1.1 The Objective: the Guidelines and its Principles
- 1.2 The Purpose of the Guidelines: Towards Mainstreaming Public Ethics
- 1.3 Implementing the Guidelines: the Public Ethics Framework

#### 2. THE CENTRE OF EXPERTISE FOR GOOD GOVERNANCE

- 2.1 Support for Implementation
- 2.2 The Role of the Centre of Expertise for Good Governance
- 2.3 The Purpose of the Benchmark Toolkit

#### 3. USING THE BENCHMARK TOOLKIT

- 3.1 Using the 4 Tools

### THE BENCHMARK TOOLKIT

#### TOOL 1: EMPHASISING THE IMPORTANCE OF THE 8 Principles of Public Ethics

- 1.1 Why Mainstream the Principles?
- 1.2 Why Are Principles of Public Ethics Important?
- 1.3 Promoting the Message: Using the 8 Principles of Public Ethics in a Member State Context

#### TOOL 2: IMPLEMENTING THE PUBLIC ETHICS FRAMEWORK

- 2.1 The Purpose of the Public Ethics Framework
- 2.2 The Conditions for the Public Ethics Framework
- 2.3 The Standards of Conduct
  - 2.3.1 *Conflict-of-interest: policies and procedures*
  - 2.3.2 *Professionalism and Good Practice in Office*
  - 2.3.3 *Information, Access and Transparency*
  - 2.3.4 *Financial Regulations and Procurement*
  - 2.3.5 *Lobbying and the Revolving Door*
  - 2.3.6 *Redress, Reporting and Whistleblowing Arrangements*
- 2.4 The Principles and the Standards of Conduct: the Emphasis for Categories of Public Officials
- 2.5 The Public Ethics Framework: the Components
  - 2.5.1 *The Strategy*
    - 2.5.1.1 *Why Risk-Based?*
    - 2.5.1.2 *The Strategy Structure*
  - 2.5.2 *Institutions and Ownership*
  - 2.5.3 *Laws and Regulations*
    - 2.5.3.1 *Reviews*
    - 2.5.3.2 *Entering Appointed Public Life*
    - 2.5.3.3 *Entering Elected Public Life*
  - 2.5.4 *The Code of Conduct*
  - 2.5.5 *Guidance*

2.6 Shortcomings

**TOOL 3: TRANSLATING THE PUBLIC ETHICS FRAMEWORK INTO ORGANISATIONAL PRACTICE**

- 3.1 Implementation Choices
  - 3.1.1 *A Public Ethics National Action Plan*
  - 3.1.2 *A Public Ethics Framework at Organisational Level*
- 3.2 Practice on the Ground: the Organisational Context
  - 3.2.1 *Audit, Inspection or Control*
  - 3.2.2 *Human Resources/Personnel*
- 3.3 Supporting the Public Ethics Framework at Organisational Level
- 3.4 Reinforcement and Transparency

**THE BENCHMARK TOOLKIT: THE BENCHMARK**

**TOOL 4: THE BENCHMARK**

- 4.1 Overview
- 4.2 What is Benchmarking?
- 4.3 Using the Benchmark
  - 4.3.1 *In-country Use*
  - 4.3.2 *External Benchmarking*
  - 4.3.3 *Score Cards and Scoreboards*
- 4.4 Benchmarking Tool Outcomes: Benchmark Reports
  - 4.4.1 *National Self Assessments*
  - 4.4.2 *External or Peer Review Benchmark Reports*
  - 4.4.3 *Good Practice Reports*

**ANNEX 1: THE BENCHMARK**

**BOXES**

- Box 1.** The Guidelines - What is Public Ethics
- Box 2.** The 8 Principles of Public Ethics
- Box 3.** The 5<sup>th</sup> Evaluation Round
- Box 4.** The Guidelines
- Box 5.** The 12 Principles of Good Governance
- Box 6.** The Democratic Good Governance Portfolio
- Box 7.** Good Practice Frameworks
- Box 8.** The Guide's Approach to Disclosure – What Should be Done, How and By Whom
- Box 9.** Professionalism Principles enhanced from the Council of Europe's 12 Principles of Good Governance
- Box 10.** Recommendation CM/Rec(2019)1 on addressing Sexism in the Public Sector
- Box 11.** OECD (2016): Preventing Corruption in Public Procurement – Risk-managing Part of the Process
- Box 12:** CoE and Lobbying - Recommendation Cm/Rec(2017)2 5 Explanatory Memorandum
- Box 13:** Internalising the Norms of Professional Standards
- Box 14.** Key Challenges in Developing Strategies
- Box 15.** Strategy Contents

- Box 16:** Addressing the Risk of the Spectrum of Unethical Conduct
- Box 17:** Drawn From Recommendation Rec(2003)4 of the Committee of Ministers to Member States and 2011 GRECO Thematic Review of GRECO's Third Evaluation Round on Political Funding
- Box 18:** Model Code of Conduct Contents
- Box 19:** Code of Conduct for Integrity in the Central Public Administration, 2016: The Netherlands
- Box 20:** Two Side of the Focus of a Code
- Box 21:** Excerpts from Scottish Government Guidance on Personal Use of Social Media
- Box 22:** Public Ethics Organisational Roles and Functions
- Box 23:** Public Audit Forum and Complementary Approaches
- Box 24:** Developing an Ethics Audit for 'Tone at the Top'
- Box 25:** Report Contents

**INTRODUCTION:  
THE GUIDELINES and THE COMMITTEE OF MINISTERS, THE CENTRE AND USING THE  
BENCHMARK TOOLKIT**

# 1. THE GUIDELINES ON PUBLIC ETHICS and THE COMMITTEE OF MINISTERS OF THE COUNCIL OF EUROPE

## 1.1 The Objective: the Guidelines and its Principles

The Committee of Ministers recognises that the goal of the Council of Europe is to achieve greater unity between its members for the purpose of safeguarding and realising the ideals and principles

### Box 1. The Guidelines - What is Public Ethics

Public ethics refers to the practical implementation of ethical standards by public officials whereby the public good is placed before private interests in accordance with the law so that confidence and the trust of citizens in the action and decisions of public officials and public organisations are maintained and strengthened

which are their common heritage. As part of this goal the Committee of Ministers considers public ethics – see **Box 1** – is a fundamental element of a properly functioning and effective democracy. This is an objective that is common to all Council of Europe member States, an effective means of building and restoring citizens' trust in public institutions and decisive in guaranteeing good governance and respect for the rule of law.

To this end, in 2020, the Committee of Ministers of the Council of Europe approved **Guidelines on Public Ethics** (the 'Guidelines') which:

*aim to help Council of Europe member States to establish a comprehensive and effective public ethics framework. A public ethics framework should be founded on the principles of public ethics and should comprise, as appropriate, strategies, legislation, regulations, codes of conduct and guidance which work together to enable and embed ethical practice throughout the activities of public organisations and in the decision making and actions of public officials.*

The Committee of Ministers is recommending the **Guidelines** to all member States to achieve this aim through a comprehensive and effective **Public Ethics Framework** based on the **Guidelines' 8 Principles of Public Ethics** for elected and appointed public officials<sup>1</sup>: **Box 2**.

### Box 2. The 8 Principles of Public Ethics

<b>LEGALITY.</b>	Public officials must act and take decisions in accordance with the law.
<b>INTEGRITY.</b>	Public officials must put the obligations of public service above private interests when carrying out their mandates or functions.
<b>OBJECTIVITY.</b>	Public officials must, in carrying out their mandates or functions, act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b>ACCOUNTABILITY.</b>	Public officials are, in carrying out their mandates or functions, accountable for their actions and must submit themselves to the scrutiny necessary for this.
<b>TRANSPARENCY.</b>	Public officials should, in carrying out their mandates or functions, act and take decisions in an open and transparent manner, ensure access to information and facilitate understanding of how public affairs are conducted.

<sup>1</sup> The **Guidelines** define public officials in the broadest sense, encompasses persons who: (i) are elected or appointed to a public mandate or function, such as members of national and regional governments, members of national and regional legislatures, local executives and local elected representatives, and holders of a judicial office; (ii) are employed by a public organisation as defined below; and (iii) act on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation.

<b>HONESTY.</b>	Public officials should be truthful.
<b>RESPECT.</b>	Public officials should behave with courtesy and consideration toward others.
<b>LEADERSHIP.</b>	Public officials should demonstrate the principles of public ethics in their own behaviour, while supporting and promoting those principles, and challenging poor ethical behaviour.

In adopting the **Guidelines**, the Committee of Ministers invites member States to make the widest possible use of the **Guidelines**, and to ensure their translation into the official languages and dissemination to public organisations<sup>2</sup> in their respective countries, and/or to entrust these tasks to the competent public authorities, in compliance with the applicable constitutional and other legislative provisions.

## 1.2 The Purpose of the Guidelines: Towards Mainstreaming Public Ethics

The Council of Europe has a longstanding commitment to the Principles of Good Democratic Governance, including ethical conduct. However, a number of the relevant Council of Europe Conventions, guidelines and Recommendations on ethical conduct often relate to specific issues, from the funding of political parties and electoral campaigns to recognition of cultural diversity and the protection of whistleblowers. At the same time the Council of Europe is also aware that the approach in each member state will, as expected, vary as different ethical issues/gaps arise due to differences in cultures, historic practices, institutional memory etc. Further, GRECO evaluations suggest there is not always a holistic approach across all public services by member States; see **Box 3**. The Council of Europe therefore proposes a coherent and coordinated strategic approach to mainstreaming public ethics through the **Guidelines**.

### Box 3. The 5<sup>th</sup> Evaluation Round

GRECO has now also carried out a number of evaluations in its 5th Evaluation Round...While it is too early to detect clear trends, a number of important gaps have already been highlighted and need to be addressed. As regards central governments, these include, but are not limited to, strengthening ethics and integrity standards...

Source: GRECO 2019

## 1.3 Implementing the Guidelines: the Public Ethics Framework

The **Guidelines** is a soft-standard setting out the **8 Principles of Public Ethics** of public ethics and guiding Council of Europe member States to establish on the basis of the **8 Principles of Public Ethics** a comprehensive **Public Ethics Framework**. This will address the comprehensive standards and obligations for public officials and public organisations, as well as ensuring mechanisms and procedures to promote ethical standards and investigate and address possible breaches or other issues of concern relating to public ethics.

The **Guidelines** set out:

- The conditions for an effective **Public Ethics Framework**;
- The standards and obligations for public officials and public organisations and the standards of conduct citizens (termed '**Standards of Conduct**') expect of all public officials and public organisations, to be provided by the **Public Ethics Framework**;
- The components of a **Public Ethics Framework** comprising a strategy, institutions, legislation and regulations, codes of conduct and guidance.

<sup>2</sup> The **Guidelines** defines a public organisation in its broadest sense, encompassing (i) national, regional or local institution or administration; (ii) a company or similar entity managed or financed by such an institution or administration, or by the State; and (iii) a private-sector entity, including non-profit entities, providing public services.



These should be implemented coherently, collectively and consistently through a **Public Ethics Framework** to enable and embed ethical practice throughout the activities of public organisations and in the decision making and actions of public officials.

Once established by member States, the **Public Ethics Framework** should be used to actively maintain and sustain a culture of the highest ethical standards by public officials and/or to entrust these tasks to the competent public authorities to promote an ethical culture in public organisations. This will promote the confidence and trust of citizens in the public officials and institutions which represent them, take decisions affecting their lives or are responsible for delivery of public functions and services.

## 2. THE COMMITTEE ON DEMOCRACY AND GOVERNANCE and THE CENTRE OF EXPERTISE FOR GOOD GOVERNANCE

### 2.1 Support for Implementation

The Democratic Governance Division is responsible for overseeing the work of the Council of Europe's intergovernmental European Committee on Democracy and Governance (CDDG) which sets the standards to be developed into practical tools, along with assistance and

cooperation activities, implemented by the Division's **Centre of Expertise for Good Governance**. To fulfil the Committee of Ministers' approval of the **Guidelines** the CDDG has recognised its importance in providing a common resource - see **Box 4**. Within the context laid down by the **Guidelines**, the CDDG has approved support for implementation prepared by the Centre. These are: the **Guide on Public Ethics: Steps to Implementing Public Ethics in Public Organisations** (the '**Guide**') in 2019 and the **Benchmark Toolkit** for the **Public Ethics Framework** (the '**Benchmark Toolkit**') in 2020. Together these provide information, a roadmap and a Benchmark for member States within the approach proposed by the **Guidelines**.

#### Box 4. The Guidelines

The **Guidelines** are innovative and ambitious, bringing together in one, single, consolidated text standards and recommendations previously set out in a wide range of Council of Europe documents

Source: CDDG

#### Box 5. The 12 Principles of Good Governance

1. Participation, Representation, Fair Conduct of Elections
2. Responsiveness
3. Efficiency and Effectiveness
4. Openness and Transparency
5. Rule of Law
6. Ethical Conduct
7. Competence and Capacity
8. Innovation and Openness to Change
9. Sustainability and Long-term Orientation
10. Sound Financial Management
11. Human Rights, Cultural Diversity and Social Cohesion
12. Accountability

### 2.2 The Role of the Centre of Expertise for Good Governance

The Centre's mission is to help European countries deliver good governance and to promote European standards and best practice in the field through the provision of capacity-building programmes and policy and legal advice to local, regional and national authorities. The Centre's connection to the CDDG also offers ready access to high-level government officials from the 47 Member States with a reservoir of knowledge and expertise in governance reforms.

To facilitate implementation of the 12 Principles of Good Democratic Governance - see **Box 5** - the Centre has a repertoire of capacity-building toolkits under a number

of categories which represent the practical crystallisation of the Council of Europe standards and good European practice, enabling the evaluation and reinforcement of the capacities of member States to deliver the 12 Principles; see **Box 6**. These offer further specialist guidance to support the **Guide** and

the **Benchmark Toolkit**. Together they provide the necessary resources for implementing the **Public Ethics Framework**.

### 2.3 The Purpose of the Benchmark Toolkit

The **Benchmark Toolkit**<sup>3</sup> is a practical toolkit comprising 4 Tools. 3 of the Tools provide information on how to implement the **Public Ethics Framework** in practice, based on the **Guidelines** and the **Guide**. The 4<sup>th</sup> Tool - the **Benchmark** - is an assessment and measurement Tool based on the **Guidelines**. Together the **Guidelines**, the **Guide** and the **Benchmark Toolkit** are intended for public officials and public organisations, and particularly important for the legislature as well as oversight, audit, regulatory, ombudsman and inspection bodies responsible for assessing and encouraging uniform and continuing mainstreaming of public ethics. Together with support from the **Centre of Expertise for Good Governance**'s portfolio their collective purpose is to:

- ⊙ **Encourage** Member States no longer to focus solely on public ethics as a means solely for the prevention of corruption but to mainstream public ethics and embed citizens' trust in public institutions, good governance and the respect for the rule of law;
- ⊙ **Provide** guidance for practitioners involved in devising and implementing a **Public Ethics Framework** to encourage or incentivise or support the development of an ethical culture or environment in public organisations;
- ⊙ **Support** Member States and public officials in working toward an effective and functioning **Public Ethics Framework**;
- ⊙ **Encourage** all public organisations to see the **Public Ethics Framework** and components as a coordinated package of baseline good practices intended to be the platform for organisational ethical environments or cultures as well as evidence of - and commitment to – the **Guidelines' 8 Principles of Public Ethics** and to the Council of Europe's 12 Principles of Good Democratic Governance;
- ⊙ Use the **Benchmark** to assess implementation of the **Public Ethics Framework** and provide the basis for internal or external benchmarking, measure performance and progress, and identify areas for improvement and support.

## 3. USING THE BENCHMARK TOOLKIT

### 3.1 Using the 4 Tools

Three Tools provide more information and detail on implementing the **Public Ethics Framework** in practice as follows:

- ⊙ **Tool 1.** Emphasising the importance of the **8 Principles of Public Ethics**;
- ⊙ **Tool 2.** Implementing the **Public Ethics Framework**;
- ⊙ **Tool 3.** Translating the **Public Ethics Framework** into organisational contexts.

The fourth Tool in the Toolkit – the **Benchmark** – is based in the contents of the **Guidelines**. It provides Member States with 3 purposes:

- ⊙ internally, assess what is or is not already in place to prepare for the implementation of the **Public Ethics Framework**;
- ⊙ measure strengths of, and progress on implementation of, the **Public Ethics Framework**; and,

<sup>3</sup> There is an existing Public Ethics Benchmark Toolkit for local level: see <https://rm.coe.int/1680746d52>.

- ⦿ undergo a benchmarking exercise by a member State, or between Member States, to assess and improve the implementation of the **Public Ethics Framework** by themselves or from inputs from other member States or the Centre.

The **Benchmark Tool** provides the basis for assessing performance and progress, sharing European good practice, mutual support for transfer of expertise and experience and improvement, and a progress-driven public ethics score card. This helps identify the **Public Ethics Framework** in practice, thus enabling Member States to identify their strengths and weaknesses in delivering the **Guidelines**. Strengths should be shared as examples of good practice, while weaknesses should be addressed by the preparation and implementation of effective improvement programmes, procedures and practices.

Benchmarking will seek to encourage Member States to bring together a range of policies, procedures and practices into a uniform, coherent and coordinated **Public Ethics Framework** so that they will be streamlined and mainstreamed into policies, procedures, guidance, controls and incentives and thus integrated into everyday public business. Benchmarking measures the presence and performance of the **Public Ethics Framework**. There are no 'good' or 'bad' benchmarking or scores when using the score card. Rather, they will be a guide to progress and improvement. The insights provided by an assessment will provide a means for shared experience, and an indicator to Member States and to the Council of Europe of where help may best be provided, to whom, and by whom. The aim will be to encourage member States to create the right environment so that the **8 Principles of Public Ethics** are the standard and norm for all public officials.

\*\*\*\*\*

**THE TOOLS of THE BENCHMARK TOOLKIT**

## **TOOL 1: EMPHASISING THE IMPORTANCE OF THE 8 Principles of Public Ethics**

### **1.1 Why Mainstream the Principles?**

**Tool 1** recommends that member States' commitment to the **Guidelines' 8 Principles of Public Ethics** signals that they lie at the core of member States' commitment to public ethics, and the standards and values that will be promoted. The commitment signals the intention to mainstream public ethics through the implementation of the **Public Ethics Framework**. This will actively emphasize the centrality of public ethics to the roles undertaken by elected and appointed officials and promote ethical cultures or environments as the context for public life.

### **1.2 Why Are Principles of Public Ethics Important?**

Through commitment to the **8 Principles of Public Ethics**, member States will ensure that public officials and citizens are aware that public ethics underpins every aspect of public life, and is central to functioning democratic governance. They should emphasise to public officials that public ethics is more than compliance; it is about personally reflecting values of integrity, legality, objectivity, transparency, honesty, leadership and accountability when performing the roles and responsibilities of a public official. In seeking to implement ethical cultures and environments in public organisations, the **8 Principles of Public Ethics** provide shared understanding of the expectations and requirements of the **Guidelines' Standards of Conduct** for each category of public official.

### **1.3 Promoting the Message: Using the 8 Principles of Public Ethics in a Member State Context**

To implement the core of the **Guidelines**, the **8 Principles of Public Ethics**, each Member State should promote and publicise the **8 Principles of Public Ethics** and ensure they are adopted, publicised and reinforced by all organisations with public officials, both among public officials and their terms and conditions of service, and among citizens.

In so doing they should use a strategic approach to translate the **8 Principles of Public Ethics** into practice through the **Guidelines'** components - strategies, legislation, regulations, codes of conduct and guidance – to implement their **Public Ethics Framework**. The **Public Ethics Framework** will comprise of policies, procedures and other arrangements that, implemented in public organisations, set the context for the implementation of the **Public Ethics Framework** and thus the delivery of ethical cultures and environments in public organisations. This mainstreaming of public ethics will ensure there is a shared understanding of the expectations and requirements of **Guidelines' Standards of Conduct** for every category of public official.

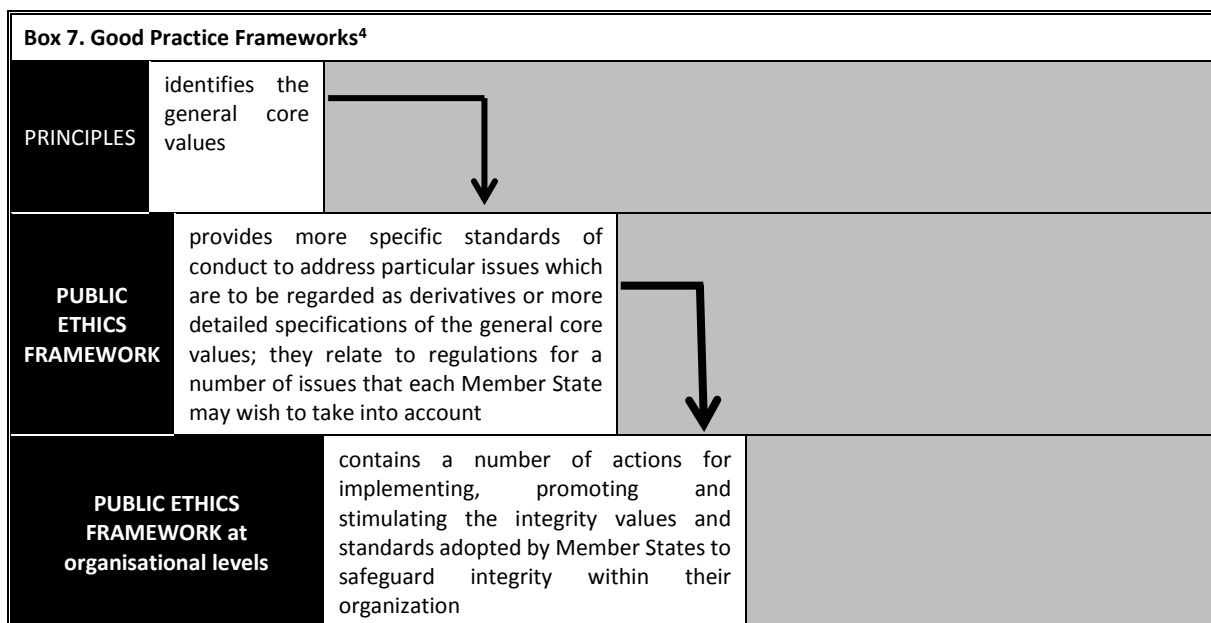
## TOOL 2: IMPLEMENTING THE PUBLIC ETHICS FRAMEWORK

### 2.1 The Purpose of the Public Ethics Framework

The **Guidelines** define the **Principles**, conditions and **Standards of Conduct** for, and the components of, the **Public Ethics Framework**. The **Guide** provides more detail and information based on the **Guidelines**.

The purpose of a **Public Ethics Framework** is to enable and embed ethical practice throughout the activities of public organisations and in the decision making and actions of public officials. A **Public Ethics Framework** will develop and maintain a culture of the highest **Standards of Conduct** by public officials and/or to entrust these tasks to the competent public authorities in compliance with their applicable constitutional or other legislative provisions. A **Public Ethics Framework** will promote an ethical culture in public organisations and sustain the confidence and trust of citizens in the public officials and institutions which represent them, take decisions affecting their lives or are responsible for delivery of public functions and services.

Once member States publicly announce their commitment to the **8 Principles of Public Ethics**, they should then undertake a risk-based assessment reviews to identify what risks and threats they face, as well as what is already available to facilitate, embedding the **8 Principles of Public Ethics** in practice through the **Public Ethics Framework**. A coherent and coordinated approach requires a risk-based strategy to develop the **Public Ethics Framework**. The **Public Ethics Framework** provides the baseline national framework on which other levels of government or public organisations will base and expand or adapt their own frameworks. Implementing the **Public Ethics Framework** will reflect established good practice in its approach: see **Box 7**.



<sup>4</sup> Dutch Presidency of the EU. (2004). *Main features of an Ethics Framework for the Public sector as proposed by the Dutch Presidency and adopted by the Directors General responsible for Public Administration in the members states and the institutions of the European Union in their 43<sup>rd</sup> Meeting in Maastricht (NL)*. Brussels: European Union.

The **Public Ethics Framework** should integrate:

- the integrity-based approach relying on the voluntary adherence to and internalisation of shared ethical values and principles through training, codes of ethics and counselling; and,
- the compliance-based approach derived from legislation, codes of conduct, administrative rules and procedures intended to prevent unethical behaviour and take action against breaches.

**Tool 2** provides a practical guide to draw together a summary of the **Guidelines'** conditions, **Standards of Conduct** and components - and the more detailed information provided by the **Guide** - to devise and implement the **Public Ethics Framework**.

## 2.2 The Conditions for the Public Ethics Framework

The Committee of Ministers emphasise that public ethics goes beyond compliance with the law and legal standards to personal behaviour based on legality, integrity, objectivity, accountability, transparency, honesty, respect and leadership of persons exercising public responsibilities; see **Box 1**. The Committee of Ministers therefore invite member States to review and refresh the necessary conditions for an effective **Public Ethics Framework**, including:

- respect for human rights and fundamental freedoms;
- respect for the rule of law;
- respect for democratic norms, including adherence to the Council of Europe's 12 Principles of Good Democratic Governance, whereby effective political democracy is guaranteed;
- the creation and maintenance by the member States of a political, legal and practical enabling environment to promote, facilitate and sustain the **Public Ethics Framework**.

## 2.3 The Standards of Conduct

The **Guidelines** lay down the standards and obligations for all public officials and public organisations and the **Standards of Conduct** citizens should be able to expect of all public officials and public organisations. These will be addressed by and through by the **Public Ethics Framework**. Drawing on the further guidance in the **Guide**, the main standards to be addressed through the **Public Ethics Framework** are grouped as follows:

### 2.3.1 Conflict-of-interest: policies and procedures

The **Public Ethics Framework** will identify and address country-specific and organisation-specific areas where public duty, private interests, private benefits or other public duties could conflict, or be open to allegations of a conflict or may be seen to compromise an official's adherence to the **8 Principles of Public Ethics of Public Ethics**. The Guidelines define a conflict of interest as:

*a situation in which the public official has a private interest, which is such as to influence, or appear to influence, the impartial and objective performance of their duties. The public official's private interests include any actual, potential or perceived advantage to themselves, or to any connected persons, including advantages arising from assets, income and liabilities whether financial or civil. Connected persons include a spouse or civil partner, any other person with whom the public official lives in a family relationship – children, step-children or parents – as well as friends and persons or organisations and institutions with whom they have or have had business, political or social connections.*

The approach would suggest that policies and procedures – see **Box 8** – should be identified and proposed to address within member States' laws and constitutions, the following:

- Public officials' individual interests and those of connected persons – the declaration of such interests and the handling of conflicts of interests;
- Public officials' activities which are outside their function or mandate – the declaration of these outside activities; the classification of permissible and prohibited outside activities for different categories of public officials; the arrangements and conditions for their undertaking outside activities;
- Gifts, favours and hospitality, offered or received by public officials and public organisations;
- Financial conflicts of interest (e.g., working on matters in her/his official capacity that would affect her/his personal financial interest or the financial interests of those close to her/him);
- Conflicts of interest based on non-financial concerns (e.g., working on matters that affect persons, ethnic, family, social, recreational, faith and other groups or entities with whom he/she has close ties);
- Acceptance of gifts, hospitality, and other benefits (e.g., addressing restrictions on acceptance of gifts from persons or entities that have business before the organisation);
- Outside employment (e.g., ensuring that outside work or activities does not conflict with official work);
- Incompatibility of mandates (e.g., holding more than one public position where there may be a conflict between the responsibilities and duties);
- Political activities (e.g., placing within legal and constitutional contexts restrictions on engagement in political activity, such as, for example, holding a post in a political party or elected office or ensuring that such political activity and appointed public service are completely separated);
- Misuse of public resources and facilities (e.g., using public resources only for official purposes, protecting non-public information, etc.);
- Post public service restrictions (e.g., restrictions on former public officials representing others before their former agency or taking confidential information to new employers or time limits on taking up post-public service employment).

**Box 8. The Guide's Approach to Disclosure – What Should be Done, How and By Whom**

- A definition of what kind of personal interests, depending on the legal or constitutional framework, should be declared (for example relating to personal interests) and who should declare what information, who should have access to that information, and with whom responsibility lies to determine the existence of an interest, by whom, to whom and how often;
- Establishment of a declaration system which is both proportionate in what is required for disclosure, as well as the level of detail to be provided and the ease of provision of that information, the process of and timetable for registration of interests, variations in requirements for both appointed and elected officials, including enhanced disclosure in vulnerable posts and guidance on disclosure in relation to meetings, and is easily accessible by those having to report, by supervisory organisations and the public;
- Decision which body keeps, makes available, verifies and scrutinises data collected with declarations with due regard to limitations concerning personal data protection;
- Arrangements for resolving conflicts of interest include first of all the removal of the public official from involvement in an affected decision-making process but also measures such as restriction of access to particular information, the re-arrangement of duties and responsibilities or transfer to duty in a non-conflicting function, divestment or liquidation of the interest by the public official, etc.;
- Clear guidelines on what interests are prohibited or when permission should be sought, for what and from whom;
- Resolution of any conflict of interest declared by the candidate or applicant for an elected or appointed post during the application, candidature, election or recruitment processes.



### 2.3.2 Professionalism and Good Practice in Office

Ensuring the routinisation, uniformity, accessibility, consistency, clarity and certainty of any decision-making, functions and services has been set out in Recommendation CM/Rec(2007)7 of the Committee of Ministers to Member States. This calls for good administration in order to guard against maladministration, and promote good governance. This ensures that good administration is an aspect of democratic good governance and goes beyond legal arrangements to encourage the quality of organisation and management in terms of effectiveness, efficiency and relevance to the needs of society, safeguarding public property and other public interests, and protecting public officials from unethical or unprofessional behaviour. The main issues to be addressed are:

- The use of public resources, equipment and property by public officials and public organisations;
- Adherence to the requirements of professional bodies which are relevant to categories of public officials;
- Public officials' handling of information and confidentiality;
- Public officials' use of the internet including social media;
- Bullying and harassment;

**Box 9. Professionalism Principles enhanced from the Council of Europe's 12 Principles of Good Governance**

- The professional skills of those who deliver governance are continuously maintained and strengthened in order to improve their output and impact;
- Public officials are motivated to continuously improve their performance;
- Practical methods and procedures are created and used in order to transform skills into capacity and to produce better results;
- Human rights are respected, protected and implemented, and discrimination on any grounds is combated;
- Cultural diversity is treated as an asset, and continuous efforts are made to ensure that all have a stake in the local community, identify with it and do not feel excluded;
- Social cohesion and the integration of disadvantaged areas are promoted;
- Access to essential services is preserved, in particular for the most disadvantaged sections of the population.
- All decision-makers, collective and individual, take responsibility for their decisions, actions and conduct;
- Decisions and actions are reported on, explained and can be sanctioned;
- There are effective remedies against maladministration and against actions of organisations which infringe civil rights.

- The promotion of equality and diversity along with the prohibition of discrimination and hate speech.

The shift from compliance to the internalisation of the organisations' values and standards are neither easy nor quickly achieved. Staff need to know that standards are valued and will be supported. Thus it is essential that the **Public Ethics Framework** acknowledges Principles 7, 11 and 12 of Good Governance and the centrality of professional standards – see **Box 9**.

The **Public Ethics Framework** would expect organisations to ensure that within the mainstream work of an organisation the policies and procedures to promote ethical conduct should acknowledge the importance of such conduct being an integral part of that work. In particular the **Public Ethics Framework** should include guidance on:

- aspects of use and misuse of information, including that that related to the processing of the public official's personnel data and the confidentiality of private online correspondence and communications; and that relating to official documents, confidentiality and the rights of access;
- where political and administrative functions

interact, the potential for the abuse of public resources and public officials should be addressed and proscribed to maintain a clear distinction. Elected public officials and political parties must not use public funds or resources (i.e. materials, work contracts, transportation, employees) for partisan advantage;

- what is considered abuse of public office and public resources, as well as ensuring that appointed public officials are not subject to undue influence, intimidation or obedience in relation to political demands (for example, governments should not require public officials to attend a pro-government rally and nor should they be required by a political party to make payments to the party);
- paid political appointments or advisers given administrative positions. Member States for any level of government should require clear guidance on the appointment roles and remuneration of political appointments or advisers, including access to official information, responsibilities to elected representatives, authority over the careers of and work of public officials and budgets, publication of personal, political and financial interests, as well as explicit acceptance of the **8 Principles of Public Ethics**.

It is also essential that, in reflecting the laws of member States, all organisations have policies, procedures and guidance that seek to achieve the Council of Europe’s advocacy of strong cultural policies and governance – aimed

**Box 10: Recommendation CM/Rec(2019)1 on Addressing Sexism in the Public Sector**

- Include provisions against sexism and sexist behaviour and language in internal codes of conduct and regulations, with appropriate sanctions for those working in the public sector, including elected assemblies.
- Support initiatives and investigations undertaken by parliamentarians, civil society organisations, trade unions or activists to address sexism in the public sphere.
- Promote the inclusion of gender equality provisions within the applicable legal framework as good public tender/procurement practice.
- Ensure training of public sector employees on the importance of non-sexist behaviour in working with the public, as well as with workplace colleagues. Such training should include the definition of sexism, its different manifestations, ways to deconstruct gender stereotypes and biases, and how to respond to them.
- Inform recipients of public services about their rights as regards non-sexist behaviour through, for example, awareness-raising campaigns and specific reporting schemes to identify and mediate possible problems.
- Promote the strengthening and implementation of internal disciplinary measures for sexism in the public sector and in all decision-making and political bodies, for instance through cutting or suspending responsibilities and funds, or through financial penalties.

at transparency; access; participation and creativity; respect for identity and diversity; intercultural dialogue and cultural rights – as the basis for respect and tolerance in an ever-more complex workplace environment; see **Box 10** on the Council of Europe’s approach to sexism in the public sector workspace.

**2.3.3 Information, Access and Transparency**

**The Guide** states that public officials should, in carrying out their mandate or functions, act and take decisions in an open and transparent manner, ensure access to information, and facilitate understanding of how public affairs are conducted. The main issues to be addressed are:

- Transparent delegated decision-making and clear reporting requirements;
- Citizens' access to information, including a presumption in favour of disclosure;
- Access to documents and the re-use of documents by public officials;

The **Public Ethics Framework** will also incorporate Principle 4 of the 12 Principles of Democratic Good Governance which states that:

- Decisions are taken and enforced in accordance with rules and regulations;
- There is public access to all information which is not otherwise classified for well-specified reasons provided for by law (such as the protection of privacy or ensuring the fairness of procurement procedures);
- Information on decisions, implementation of policies and results is made available to the public in such a way as to enable it to effectively follow and contribute to the work of public organisations.

The **Public Ethics Framework** should therefore give guidance on:

- Handling of information:
  - Information management ensures respect for privacy of all citizens, public officials and civil servants;
  - All information and documents acquired in the performance of duties, or in connection with the performance of the duties are handled with proper regard for confidentiality;
- Use of public resources, equipment and property as well as email, intranet and internet systems:
  - The prohibition to use work time for private gain;
  - Limits on use of equipment and facilities for private purposes;
- Transparency:
  - All decisions include a statement on the reasons for them, criteria used to make the choice and information on the officials responsible;
  - Information on administrative procedures, how inquiries should be handled, is published and easily accessible;
  - Budgets are published and mechanisms for reporting and scrutiny of use of public resources are in place;
  - Advice should be sought, in confidence, from designated personnel, when a public official may be uncertain about how to apply the above rules or having difficulty in handling an ethical dilemma;
  - A clear distinction between the duties as public official and interests as private person;
- Access:
  - Ensuring the provision of information on accessing public decisions, functions and services;
  - Ensuring public officials have, where relevant, customer service training, simplifying procedures and stating timetables for decisions or actions to be delivered;
  - Providing ease of access, whether in terms of physical accessibility, use of e-government, opening times, location and integration of offices or services, etc.

#### **2.3.4 Financial Regulations and Procurement**

All public organisations should have clear and published risk-based policies and procedures that govern decision-making, functions and services. These may range from stated procedures for the conduct of

public meetings or the involvement of civic society<sup>5</sup>, to rules of protocol and procedure and financial regulations on the expenditure of public monies. The main issues to be addressed by the **Public Ethics Framework** are:

- public organisations’ internal control and accountability measures in public procurement, contracts, and the payment of grants.

While there is extensive guidance on procurement policies and procedures<sup>6</sup> (and see **Box 11**), the **Public Ethics Framework** would provide guidance to ensure that reviews are undertaken of the policies and procedures for contracts, procurement and outsourcing to assess if they reflect stated good practice, including:

- Transparency, information, publicity and publication requirements for procedures and conditions governing the contract process;
- The use of electronic procurement processes;
- Risk-based and due diligence oversight of the contract process;
- Risk-based, due diligence procedures and equality of treatment for all contractors and suppliers;
- Prohibition of elected representatives’ and public officials’ involvement in any way with the public procurement process in which they have a direct or indirect interest;
- Public organisations awarding the contract raising awareness of contractors on ethical conduct and due diligence requirements;
- All outsourcing and delegation of public service functions reflect criteria similar to those that apply to procurement policies and procedures of public organisations.

<b>Box 11. OECD (2016): Preventing Corruption in Public Procurement – Risk-managing Part of the Process</b>		
<b>Procurement process risk area</b>		<b>Risk Areas Requiring Specific Preventative Actions</b>
<b>Pre-tendering phase</b>	Needs assessment and market analysis	<ul style="list-style-type: none"> <li>• Lack of adequate needs assessment</li> <li>• Influence of external actors on officials decisions</li> <li>• Informal agreement on contract</li> </ul>
	Planning and budgeting	<ul style="list-style-type: none"> <li>• Poor procurement planning</li> <li>• Procurement not aligned with overall investment decision-making process</li> <li>• Failure to budget realistically or deficiency in the budget</li> </ul>
	Development of specifications/ requirements	<ul style="list-style-type: none"> <li>• Technical specifications are tailored for a specific company</li> <li>• Selection criteria is not objectively defined and not established in advance</li> <li>• Requesting unnecessary samples of goods and services</li> </ul>

<sup>5</sup> For Council of Europe guidance on civil society participation, see <https://www.coe.int/en/web/good-governance/civil-participation-in-decision-making-processes>.

<sup>6</sup> See, for example, Council of Europe (2018). *Making public procurement transparent at local and regional levels*. Strasbourg: Council of Europe; Council of Europe (2017). *Corruption risk assessment of the public procurement: (PECK II)*. Strasbourg: Council of Europe.

While government levels will have appropriate arrangements for contracting, including outsourcing of public services and functions, they will also need to have in place appropriate contractual arrangements with outsourced suppliers and contractors to ensure that services and functions are

		<ul style="list-style-type: none"> <li>• Buying information on the project specifications.</li> </ul>
	Choice of procurement procedure	<ul style="list-style-type: none"> <li>• Lack of proper justification for the use of non-competitive procedures</li> <li>• Abuse of non-competitive procedures on the basis of legal exceptions: contract splitting, abuse of extreme urgency, non-supported modifications</li> </ul>

subject to the same frameworks as would a public organisation, including services levels, good administrative practice, professionalism, complaints and redress procedures, governance arrangements, conflicts of interests procedures, sub-outsourcing, security of data and systems, access, reporting arrangements, information and audit rights, termination rights, oversight of outsourced functions, and exit strategies<sup>7</sup>.

### 2.3.5 Lobbying and the Revolving Door

From the perspective from outside government and the public sector, lobbying and advocacy are seen as part of democratic dialogue, promoting specific interests through communication with public officials aimed at influencing public decision making and actions. There are, however, concerns over the sophisticated and organized activities of commercial lobbying and lobbyists, as well as the role of former elected public officials or former public officials performing lobbyist or other roles interacting with public organisations, which can have a disproportionate impact on public decision-making at all levels. The main issues to be addressed by the **Public Ethics Framework** are:

- Activities undertaken by public officials on leaving or retiring from employment or the end of their mandate;
- Lobbying activities, in line with Recommendation (2017)2 of the Committee of Ministers to Member States on the legal regulation of lobbying activities in the context of public decision making.

The **Public Ethics Framework** would provide guidance on how to balance the wider context of access and cooperation with the need to avoid conflict-of-interest and ensure transparency. The Council of Europe has developed guidance – see **Box 12** – to promote accountability and transparency. These include revising the relevant codes of conduct for public officials to include appropriate standards and advice on how to respond to contact or communications from a lobbyist. These also address putting in place mechanisms or procedures to which public officials can resort in complex situations, and addressing issues over potential post-resignation or post-retirement appointments.

<sup>7</sup> See, for example, European Banking Authority. (2019). *Final Report: EBA Guidelines on outsourcing arrangements*. Paris: EBA.

There are two related areas of particular risk which should be addressed in any **Public Ethics Framework** at organisational level. First, the issue of public officials moving to the private or voluntary sectors, post-retirement or post-resignation, continues to be a major risk. Second, there are the in-post risks, ranging from the potential conflict of interest (such as acting while in office in ways that may attract a job offer or otherwise benefit a future employer) to misuse of inside information and contacts, particularly where elected public officials work for lobby firms or public relations departments of corporate entities.

While many of the issues may be addressed within conflict-of-interest policies and procedures, the issues may require specific (but proportionate) responses, including prohibitions, restrictions, 'cooling off' periods, time constraints on contacting former departments, publication of all material concerning applications and approval for movements, and an effective law-based sanctions and supervisory body with executive authority.

### 2.3.6 Redress, Reporting and Whistleblowing Arrangements

The **Public Ethics Framework** should provide guidance on the role of publicised, accessible, timely and – depending on the size of the public organisation, proportionate - procedures to provide consideration and redress of complaints by both public officials, where these are not covered by existing human resources management procedures, and by citizens. The main issues to be addressed are:

#### Box 12: CoE and Lobbying - Recommendation Cm/Rec(2017)2 5 Explanatory Memorandum

- Introduction
- Definitions
- Objective of legal regulation
- Activities subject to legal regulation
- Freedom of expression, political activities and participation in public life
- Transparency
- Public registers of lobbyists
- Standards of ethical behaviour for lobbyists
- Sanctions
- Public sector integrity
- Oversight, advice and awareness
- Review

- The protection of lobbying, in line with Recommendation (2014)7 of the Committee of Ministers to Member States on the protection of whistle blowers;
- Reporting breaches of a code of conduct applicable to public officials.

Further the guidance should reflect the following management and organisational initiatives:

- Management formally commit to good complaint management policies and procedures and promote a culture and environment that values complaints;
- Include lessons from complaints to inform any **Public Ethics Framework** review process;
- Ensure complaint management is 'owned' by an internal unit of a public organisation;
- Ensure that staff are equipped and empowered to act decisively to resolve complaints;
- Signpost the stages of the complaints procedure, in the right way and at the right time;
- Ensure clear and simple procedures;
- Ensure that complainants can easily access the person or unit dealing with complaints, and informing them about advice and advocacy services where appropriate;
- Deal with complainants promptly and sensitively, bearing in mind their individual circumstances;
- Listen to complainants to understand the complaint and the outcome they are seeking;
- Ensure appropriate response and redress measures;
- Provide information on escalating a complaint to other organisations, including an Ombudsman;



- Ensuring cooperation with such organisations in terms of timely and accurate provision of information and in terms of willingness to act positively to recommendations.

The **Public Ethics Framework** will also address an area where there are a significant number of GRECO recommendations; often termed 'whistleblowing'. This should be addressed in terms that is more about reporting unprofessional or unethical conduct and thus more appropriately termed 'speaking up', 'speaking out' or 'professional standards reporting'; see **Box 13**.

#### Box 13: Internalising the Norms of Professional Standards<sup>8</sup>

PERCEPTIONS OF ETHICAL CONDUCT: what is right and wrong, at what level, involving whom;



FOCUSING THE RESPONSE: common perceptions, awareness of harm, common responsibility, ease of reporting, etc.



BUILDING THE PERSONAL DECISION TREE:

- knowing the conduct is wrong, and should not become involved
  - knowing the conduct is wrong that it should be reported and that this is the responsibility of all so long as it is clearly understood that:
    - ✓ effective action will be taken;
    - ✓ those actions will be appropriate;
    - ✓ the gains will outweigh the cost of reporting and;
- the organisation is positive about reporting and taking action.**

The intention is to introduce clear rules/guidelines and training for public officials to report suspicions and to enhance the system of protection for those who report such misconduct. All public officials, in addition to the existing system of reporting suspicions within an organisation to the hierarchical superior, personnel or HR, internal audit, inspectorate or financial control or to the designated ethical focus or other contact persons, should have the possibility to report suspicions externally to competent authorities such as law enforcement or state audit.

Procedures for reporting and submitting formal complaints on serious unethical or potentially criminal behaviour – public interest disclosure or 'whistleblowing' - within the constitutional or legal framework of the Member State would be expected to include:

- Overall legal provisions and procedures for reporting;
- Appropriate legal provisions and procedures for reporting in good faith and not in good faith;
- Guidance on what to report, to whom, when and how;
- The obligation to treat the report as confidential, if so requested by the reporting person;
- An anti-retaliation policy by the public organisation;
- An obligation of the competent persons or bodies to investigate allegations of misconduct and to report the results to the informant and an appropriate public organisation;
- The definition of the circumstances under which to report the breach to an external and independent body;
- Procedures for internal and external reporting which provide confidence to officials to use this system in terms of confidentiality, career protection and value to the organisation;
- Due process and legal protection for those subject to the allegations;
- Promotion of the concepts of *Public Interest Disclosure*, *Speaking Up* or *Professional Standards* reporting among public officials as an important means to report to the competent organisations any evidence, allegation or suspicion of unethical or unprofessional activity relating to ethics principles or codes of conduct coming to the knowledge in the course of, or arising from, the public employment;
- Legal protection in appropriate circumstances of employment rights, career prospects and social security benefits, etc.;

<sup>8</sup> Enhanced from: Gorta, A. and Forell, S. (1995). 'Layers of Decision: Linking Social Definitions of Corruption and Willingness to Take Action'. *Crime, Law and Social Change*.

- Protective measures for whistle-blowers to prevent direct or indirect retaliation by the public organisation to which they belong or belonged and by public officials of that public organisation. Such forms of retaliation might include dismissal, suspension, demotion, loss of promotion opportunities, punitive transfers, reductions in or deductions from wages, harassment or any other punitive or discriminatory treatment.

## 2.4 The Principles and the Standards of Conduct: the Emphasis for Categories of Public Officials

In addition to establishing standards and obligations for all public officials and all public organisations through the **Principles** and **Standards of Conduct** above, the **Guidelines** also additionally emphasise specific **Principles** and **Standards of Conduct** for certain categories of public official in performance of their duties as follows:

Public Official	Emphasis
<p>public officials who are members of national governments or members of government of regions with legislative powers;</p> <p>public officials who are executives and/or elected representatives at the local level, or executives and/or elected representatives of regions without legislative powers.</p>	<ul style="list-style-type: none"> <li>• make themselves accountable to their respective legislature for their actions and decisions, and for the actions and decisions taken by the ministries and entities for which they are responsible;</li> <li>• give accurate and truthful information to their legislature, and be open and transparent to that legislature and to the general public, subject to any limitations that are necessary in accordance with the law;</li> <li>• attach importance to complying with the rules and obligations relating to contact with lobbyists and other third parties that promote issues or support particular interests;</li> <li>• after their term in office, only take positions which are consistent with the law on taking up employment after having held a position as a member of a national or regional government.</li> </ul>
<p>public officials who are members of national parliaments or members of regional assemblies with legislative powers;</p> <p>public officials who are executives and/or elected representatives at the local level, or executives and/or elected representatives of regions without legislative powers.</p>	<ul style="list-style-type: none"> <li>• ensure their actions and decisions are open, transparent and accountable to their electorate;</li> <li>• attach importance to acting in conformity with the rules and obligations on their declarations of assets, income, liabilities and other interests;</li> <li>• attach importance to complying with the rules and obligations relating to contact with lobbyists and other third parties promoting issues or supporting particular interests;</li> <li>• after their mandate, only take positions which are consistent with the law on taking up employment after having held a position as a member of a national or regional legislature.</li> </ul>
<p>Public officials who are holders of a judicial office.</p>	<ul style="list-style-type: none"> <li>• administer justice impartially in accordance with the law, with competence, diligence and propriety, thereby preserving and strengthening public confidence in the integrity, impartiality and independence of the judiciary;</li> <li>• act at all times, including in their private life, in a manner that upholds and is consistent with the independence of their judicial function;</li> <li>• respect the confidentiality of their deliberations and act in a way consistent with the role and status of their office, including in relation to exercising discretion in public statements, by whatever means these might be made, and limit their participation in public debates and their engagement with the media.</li> </ul>



<p>public officials who are either employed by a public organisation or who are acting on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation.</p>	<ul style="list-style-type: none"> <li>• act in a manner that is neutral as regards political parties, and take care not to allow their activities to be used for partisan purposes;</li> <li>• demonstrate professionalism in serving citizens with competence and act in a manner which shows respect and courtesy towards everyone;</li> <li>• exercise discretion, as appropriate, in the public communication of their private views, by whatever means such communication might be made;</li> <li>• ensure that public resources are not used for a political party, or other political activity or campaigning, other than for what is provided for in legislation;</li> <li>• refrain from any political or other activities which could hinder the discharge of their function or impair the confidence of the public and their employers in their ability to undertake their duties impartially and loyally;</li> <li>• comply with rules, regulations and legislation in connection with their political activities and views, membership or activity in a political party, and/or when taking up political activity.</li> </ul>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**2.5 The Public Ethics Framework: the Components**

The **Guidelines** lay down the standards and obligations for public officials and public organisations and the **Standards of Conduct** citizens should expect of all public officials and public organisations. These will be addressed by and through by the **Public Ethics Framework** which will (i) provide standards and obligations for public officials and public organisations and (ii) provide clarity as to the **Standards of Conduct** citizens should be able to expect of all public officials and public organisations.

The components of a **Public Ethics Framework** comprise a strategy, institutions, legislation and regulations, codes of conduct and guidance.

**2.5.1 The Strategy**

The **Guidelines** propose that:

- there should be a national strategy for public ethics which can be enhanced as appropriate to the regional and local level;
- there are robust risk management processes in place to assess and identify current and emerging ethical risks.

To ensure effective implementation of the **Public Ethics Framework** and provide guidance on ensuring the **Standards of Conduct** are addressed through laws, policies, regulations and procedures, the **Guidelines** calls for a public ethics strategy and the dissemination of a culture of public ethics in public organisations at all levels. Member States should therefore take a proactive and comprehensive strategic approach to the development of public ethics as an integral aspect of democratic good governance with an awareness of the issues involved for effective strategic approaches: see **Box 14**.

<p><b>Box 14. Key Challenges in Developing Strategies<sup>9</sup></b></p> <ul style="list-style-type: none"> <li>• <b>responsible, credible political leadership.</b> Serious public ethics activities require the involvement of the highest public authorities</li> </ul>
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

<sup>9</sup> Enhanced from *Anticorruption in Transition: A Contribution to the Policy Debate*, Washington, D.C.: The World Bank, 2000, pp. 74–77.

A public ethics strategy provides structure, focus and direction to a member State for mainstreaming public ethics and providing a solid foundation for a **Public Ethics Framework** by addressing core requirements: see examples from other Council of Europe strategies in **Box 15**. Such a strategy can be enhanced at sub-national levels, and should also provide the context for action plans, codes and guidance prepared for specific categories of public organisations (although the judiciary and the legislature will wish, in order to maintain the necessary independence, ensure that **Public Ethics Frameworks** are enhanced to recognise and reflect that independence).

and an unambiguously formulated message about the importance of the promotion of public ethics.

- **a well-defined starting point** for the promotion of public ethics. For a long-term sustainable success one needs to identify such actions which will bring measurable and relevant outcomes in a relatively short period of time. This will build social trust and engagement in activities that require greater investment and longer implementation prospects.
- **diagnosis** of the causes of unethical conduct, its scale and barriers to its containment. It will allow us to properly define the social and cultural frameworks of strategic activities and to identify their priority directions. When developing the diagnosis, social research and existing hard data should be used.
- **Understanding** of the societal and political culture prevailing in the country concerned. Its results will help to identify the factors which facilitate or obstruct the reforms, identify appropriate change-making instruments, and justify the sequence of planned actions.

**choosing** means to maximise influence: identification of motivators relevant to main stakeholder groups. This also means that the planned reforms need to be adequately contextualised so that they are presented in terms of potential benefits to relevant social, institutional and political actors

The elaboration of such strategies, and the action plans to implement them, should be transparent and inclusive. They should address relevant and emerging ethical risks. Strategies should reflect the specific requirements of different categories of public officials, specific characteristics of sectors and public organisations, and levels of administration or government. There should be procedures to monitor, evaluate and report on progress, including recommendations for revision, reform and adaptation by public organisations within a stated schedule or timetable.

Box 15: Strategy Contents	
Internet Governance – Council of Europe Strategy 2016-2019	Council of Europe Gender Equality Strategy 2018-2023
A Continuum of Core Values	Goal and Strategic Objectives
Aims and Objectives	Institutional Setting, Resources and Working Methods
Strategic Objectives	Partnerships
Partnerships and Synergies	Communication
Working Methods and Budgetary Implications	Appendix I – Risk Management And National Implementation
Planning, Implementation and Evaluation of the Strategy	

### 2.5.1.1 Why Risk-Based?

Knowing the standards and values – see Tool 1 - is the first part of this process. Understanding the risk and threats – and the sources of the risks and threats - is the necessary second part of this process. At the same time, this will also require an understanding of any variations in expectations or requirements of anyone elected to, appointed to or involved in public functions and services as well as different sectors or levels of government.

Risk assessment provides the basis for a strategic approach. The Council of Europe uses this approach to: identify risks; assess risks (their likelihood and potential impact - not just the financial impact, but operational, reputational and regulatory effects); address risks (mitigating the occurrence or impact of adverse events); and review and report on risks. It assesses external and internal aspects and uses various management and other techniques to ask the right questions for developing the strategy.

Questions about risks may be specific to services or functions – the **Guide** points to the importance of a risk assessment relating to the development of new models for the delivery of public services – or they may concern societal attitudes and behaviour. Risk assessments should also include horizon-scanning in terms of emerging risks or threats, to identify patterns, types, sectors and trends. In so doing it should be remembered that the purpose of the **Public Ethics Framework** is to implement ethical cultures and environments in public organisations, where there is a shared understanding of the expectations and requirements of standards of conduct for each category of public official. Risks to mainstreaming public ethics thus include much more than the prevention of corruption. They cover a spectrum of unethical conduct, ranging from illegal and unlawful to unacceptable behaviour; see **Box 16**.

**Box 16. Addressing the Risk of the Spectrum of Unethical Conduct**

- **Corruption:** Bribery, abuse or misuse of office, breaching confidentiality for financial gain, nepotism, patronage, influence-peddling, post-employment offers and lobbying;
- **Rule-breaking:** non-compliance with public law, actions or procedures non-compliant with laws that cover, for example, discrimination or mishandling of official information or data;
- **Unacceptable conduct:** intimidation and bullying, harassment, arrogance, misuse of social media, favouritism, engendering blame or fear.

The risk assessment provides for the development of a strategy that addresses:

<b>Context:</b>	assessing the impact that the legal, organisational, political and social environment may have on the effective implementation of the <b>Public Ethics Framework</b> ;
<b>Assessing the Risk:</b>	considering the risk, nature and types of unethical conduct, in terms of public life, democratic trust and social capital;
<b>Confirming the Current Implementation Landscape:</b>	reviewing the actual and potential issues in delivering the strategy in terms of existing relevant institutions, laws, policies and procedures;
<b>Reviewing Effectiveness:</b>	considering the facilitators or inhibitors to effective strategy implementation, and how this may be addressed;
<b>Ownership:</b>	considering measures and procedures that could ensure that organisations and stakeholders are fully engaged in implementing the strategy;
<b>Change:</b>	proposing the parameters – structural, cultural, strategic and operational – and processes for the review and revision to the strategy.

### 2.5.1.2 The Strategy Structure

The strategy should review, bring together or draw upon relevant domestic legislation, legally-binding regional and international Conventions and associated material, and Council of Europe standards and monitoring, co-operation and capacity-building activities. The strategy is a multi-disciplinary tool which covers all issues concerning the mainstreaming of public ethics, identifies challenges and opportunities, and provides governments and other stakeholders, including civil society, the private sector and technical and academic communities, with means to provide input.

The elaboration of strategies should address relevant and emerging ethical risks, reflect the specific requirements of different categories of public officials, specific characteristics of sectors and public organisations, and levels of administration or government. There should be guidance on indicators and procedures to monitor and report on progress, including recommendations for revision, reform and adaptation by public organisations within a stated schedule or timetable.

The strategy's overall aim is to ensure that the necessary conditions for the **Public Ethics Framework** are present, that the legislative, organisational, policy and procedural aspects are addressed, and that there is a balance of the compliance-based and integrity-based approaches. To achieve this, its objective is the development of an effective **Public Ethics Framework** that mainstreams public ethics based on the **Guidelines' 8 Principles of Public Ethics**, and embeds citizens' trust in public institutions, good governance and the respect for the rule of law. To this end, the strategy should propose a series of objectives, themes and priorities, specific actions **and a political roadmap** for implementation that may cover:

- the **8 Principles of Public Ethics**;
- the **Standards of Conduct**;
- the components of the **Public Ethics Framework**;
- Ownership of the strategy and **Public Ethics Framework**;
- Codes of conduct;
- Guidance on cascading the **Public Ethics Framework** to other levels of government or public organisations;
- guidance to reinforce the requirements of compliance approach;
- guidance to encourage the integrity approach;
- guidance on monitoring, reviewing and benchmarking the **Public Ethics Framework** in practice; mechanisms and procedures to investigate and address possible breaches of ethical standards or other issues of concern about public ethics.

### **2.5.2 Institutions and Ownership**

The **Guidelines** state that there should be:

- an independent authority or authorities to provide independent scrutiny and promote transparency in public life.

The **8 Principles of Public Ethics** and the development of a **Public Ethics Framework** should not amount to mere declarations of intent. In order to be credible and sustainable, and to have direction, focus and progress, the approach requires institutional ownership. At the same time, undertaking risk assessments, drafting a strategy, having responsibility for key standards, engaging with stakeholders, and having oversight over, or scrutiny of, a **Public Ethics Framework** requires roles and responsibilities vested in or 'owned' by an appropriate body or bodies. These will need independence, authority, the appropriate level of resources and an effective and continuing means of developing a strategy, directing progress, monitoring performance and review, including the use of the **Benchmark Toolkit**, as well as reacting to non-performance and deficiencies.

Ownership will secure coordination and oversight, and consistency and uniformity of purpose. It will maintain and measure progress on implementation. It will undertake evaluation and accommodate adaptation as a consequence of experience during implementation. There are a number of ways this may be achieved at Member State level but there should be designated roles and responsibilities for such bodies, or an appropriate level of oversight of other organisations' roles and responsibilities, on matters including but not limited to, as the **Guidelines** and the **Guide** proposes:

- the arrangements that are put in place to collect and publish declarations of interest, rules and registers relating to gifts and hospitality;
- preparing and publishing reviews, reports and guidance, where appropriate, in relation to the details of relevant codes, strategies, action plans, training programmes, etc.;

- collecting information and feedback on the application of existing standards and policies;
- analysing trends, carrying out surveys, distributing good practice and providing advice to organisations and the public on ethical matters;
- addressing loopholes, assessing ethically questionable conduct or policies and dealing with complaints;
- giving permission, in certain circumstances, relating to post-employment and outside activities;
- involving and/or liaising with those who, at sub-national or organisational level, are in charge of the above-mentioned tasks, for instance ethics commissions, confidential councillors or integrity officers, etc.

A member State may set up a dedicated body for this purpose or it may look to existing bodies with responsibilities in the field of public ethics. These may include parliamentary commissions or committees, public ethics commissions, public service commissions, specialised agencies with responsibilities in the field of public ethics, independent national integrity offices, state audit institutions, or inspector-generals. Ownership may be a permutation of, or coordinated among, such organisations but member States should ensure that in such circumstances, there is the authority or authorities that is identifiable as such, is independent and can undertake independent scrutiny and the promotion of transparency.

Ownership should also be shared among political leaders, senior public officials and senior managers at all levels in public life, whether elected or appointed, to take the initiative in making a public commitment to, their roles and responsibilities in, and take the lead on key facilitating roles and responsibilities for implementing the **Public Ethics Framework** at organisational levels nationally, regionally and locally. In terms of ownership at sub-national or organisational levels, ethical leadership also entails personal commitment to enhance the transparent, fair and responsible functioning of the organisation as a whole. Through their actions and decisions, leaders should set an example of appropriate and desirable conduct and the required level of involvement in the implementation of the organisation's rules. Such leaders should work to strengthen colleagues' and employees' ethical attitudes and demonstrate such attitudes and should work together to shape, promote and support an overall strategic approach to public ethics.

### **2.5.3 Laws and Regulations**

#### *2.5.3.1 Reviews*

As part of any strategy risk assessment or separately, and so that reforms may be proposed to facilitate the implementation of the **Public Ethics Framework**, there should be a review of the legal and related contexts. These legal provisions are provided primarily by the constitution, related legislation, such as civil service laws, public administration law, administrative law, criminal law, anti-corruption laws, etc.; as well as regulations. The review would assess existing legislation and what legislation may be necessary. To be effective, a comprehensive, coordinated and contemporary legal and regulatory framework in relation to public ethics should:

- be clear, coherent and comprehensive;
- be actively and collectively promoted;
- be known to public officials themselves and, in its gist, to the general public;
- regulate some specific and high-risk areas such as conflicts of interest; benefits, gifts and hospitality; handling of information; lobbying; proper use of public resources; and bring into scope modern challenges such as the use of social media or new models for the delivery of public services;
- be regularly assessed and updated to respond to new or emerging risks.

Furthermore, the review of laws and regulations should ensure that there are laws and/or regulations that address:

1. requirements for codes of conduct for all public officials, providing for different categories of public officials;
2. requirements for all public organisations to ensure that there are robust risk management processes in place to assess and identify current and emerging ethical risks to activities, for example when developing new models for the delivery of public services;
3. requirements in relation to public officials, including: an open and fair recruitment and selection process which will contribute to the advancement of equal opportunities; the processes for the selection of staff to address the core values required of candidates to work in public service; and the mobility, transfer or rotation of employees recognising that requirements or guidance for this can help prevent and reduce the risk of corruption;
4. specific requirements in relation to public officials who are elected covering: the conduct of elections and election campaigns, including campaign information; the exercise of their mandate; and the obligation for public authorities to guarantee elected representatives the allocation of adequate resources to fulfil their mandates in a transparent manner.

The context and processes for those entering public life, whether appointed or elected, should be also be subject to a review to ensure that the laws and procedures are aligned with the proposals of the **Guidelines** as well as transparent and regulated as proposed in **2.4.2** and **2.4.3**.

#### *2.5.3.2 Entering Appointed Public Life*

In relation to appointed positions, including political appointments, merit-based selection, recruitment and promotion processes are of particular relevance for promoting public ethics. They should be grounded in equal opportunity of entry to public service, individual merit, open competition and non-discrimination through policies and procedures which are normally addressed through an organisational Personnel or Human Resources function and where the **Public Ethics Framework** will lay down guidance for ensuring that:

- the general prerequisites for entry to public service that are prescribed by legislation or other measures adopted in pursuance of the law are reflected in an organisation's policies;
- The policies pay due attention to ethical conduct and competence;
- There are clear and publicised criteria and procedures for recruitment, promotion and performance in public organisations and which include requirements on avoidance of, and disclosure of, conflict-of-interest, nepotism and favouritism, on avoiding discrimination and promoting equality, giving equal opportunities to women and underrepresented groups and addressing ethical issues;
- Recruitment processes are transparent and decisions on recruitment are well substantiated;
- The allowances and remuneration by category and grade of staff and reimbursements of public officials are documented and publicly-available;
- All public officials are aware of anti-discrimination, harassment, misuse of social media and other unethical work practices on appointment;
- Employment conditions of public officials are appropriate and consistent with their responsibilities and work contexts;
- All appointees receive ethics training and information relating to support, reporting and other arrangements on appointment, and thereafter on a regular basis.

#### *2.5.3.3 Entering Elected Public Life*



In relation to elections, candidates and political finance, there should be clear legislative, procedural and institutional arrangements on sources of party-political funding and how such funding should be transparent and held accountable.

Although political systems, including their historical, social and cultural contexts, institutional configurations, voting arrangements and sources of political party finance, can differ significantly from one member State to another, it is clear that the common standard of the Council Of Europe Committee Of Ministers Recommendation Rec(2003)4 of the Committee of Ministers to member States on common rules against unethical conduct in the funding of political parties and electoral campaigns should be applied evenly; **see Box 17**<sup>10</sup>.

The European Commission for Democracy through Law - better known as the Venice Commission - is the Council of Europe's advisory body on constitutional matters. The Commission has developed a range of standards in electoral matters that should be reflected in the **Public Ethics Framework**<sup>11</sup>, including:

**Box 17. Drawn From Recommendation Rec(2003)4 of the Committee of Ministers to Member States and 2011 Greco Thematic Review of Greco's Third Evaluation Round on Political Funding**

2. The transparency of political funding  
 2.1. *The status of those involved in political activities*  
 2.3. *Party accounts*  
 3. Elections  
 3.1 *Funding rules to candidates for elections and elected representatives*  
 3.2 *Limits on and timescales for expenditure*  
 4. Monitoring application of the legislation  
 4.1 *The status of the supervisory body*  
 4.2. *Focus of the supervision*  
 4.3. *Scope of the supervision*  
 4.4. *Resources of the supervisory body*  
 4.5. *Publication of the supervisory body's reports*  
 5. Sanctions  
 5.1. *Inappropriate sanctions*  
 5.2 *Sanctions not applied*

- Code of good practice in electoral matters;
- Term Limits: Presidents, Members of Parliament, Representatives and executive officials elected at sub national and local level;
- Exclusion of offenders from parliament;
- Scope and lifting of parliamentary immunities;
- Democracy, limitation of mandates and incompatibility of political functions;
- Method of nomination of candidates in political parties;
- Political party regulation
- Participation of political parties in elections;
- Preventing and responding to the misuse of administrative resources during electoral processes;
- Funding of electoral campaigns and political parties;
- Prohibition of financial contributions to political parties from foreign sources.

**2.5.4 The Code of Conduct**

Codes of conduct play a special role in ensuring the effectiveness of the **Public Ethics Framework** with an emphasis on individuals' responsibility for their behaviour rather than reliance on an external body or other parties to supervise and regulate behaviour. All codes of conduct should reflect the **8 Principles of Public Ethics** and the **Guidelines'** standards of conduct described in these guidelines.

<sup>10</sup> See also Council of Europe. (2016). *Detecting Irregular Political Financing*. Strasbourg: Council of Europe.

<sup>11</sup> See <https://www.venice.coe.int>.

**Box 18. Model Code of Conduct Contents**

Articles 4-11. General principles  
 Article 12. Reporting.  
 Article 13. Conflict of interest.  
 Article 14. Declaration of interests.  
 Article 15. Incompatible outside interests.  
 Article 16. Political or public activity.  
 Article 17. Protection of the public official's privacy.  
 Article 18. Gifts.  
 Article 19. Reaction to improper offers.  
 Article 20. Susceptibility to influence by others.  
 Article 21. Misuse of official position.  
 Article 22. Information held by public authorities.  
 Article 23. Public and official resources in the exercise of his or her discretionary powers.  
 Article 24. Integrity checking.  
 Article 25. Supervisory accountability.  
 Article 26. Leaving the public service.  
 Article 27. Dealing with former public officials.  
 Article 28. Observance of the Code and sanctions.

**Source:** the Committee of Ministers in its Recommendation No. R (2000) 10 to member States

Conduct should translate the **Guidelines'** 8 Principles of Public Ethics and **Standards of Conduct** into identifiable policies and procedures for public officials to clarify the boundaries between desirable and undesirable behaviour. The Code of Conduct should also align itself with the model code set out by the Committee of Ministers in its Recommendation No. R (2000) 10: see **Box 18**. The Code of Conduct would often be grouped in a variety of ways, e.g. according to the boundaries of key relationships, or according to groups to whom responsibilities are owed, or according to specific areas or activities, both official and personal.

The **Guidelines** state that any Code of Conduct should be:

- risk-based, particularly in maintaining ethical standards in line with societal changes;
- be complementary to professional standards that govern the official duties of a public official;
- where relevant, should be encoded in legislation;
- drafted in a clear and concise manner, published and accessible to public officials and to citizens;
- regularly reviewed and updated as appropriate, both by any organisation identified in under 2.3 or the public organisations to which they are applicable.

The emphasis of the Code of Conduct should be positive in focus and tone, and should go beyond simply seeking to warn of, and address, the risk or prevention of corruption; see **Box 19**. They should balance the presentation to reflect the positive – how they would like public officials to conduct themselves – with the negative – what they would wish public officials not to do, as the Council of Europe has long recognised in its 2000 Model Code of Conduct: see **Box 20**.

The main tenor of a code of conduct should be on the integrity-based approach, setting the parameters of why public ethics is central to public office and identifying the core characteristics of, and reasons for, ethical conduct. They will also identify what areas should be addressed to avoid any misunderstanding or conflict over what types of conduct or behaviour is not considered acceptable from an elected or appointed public official.

The  
Code  
of

**Box 19. Code of Conduct for Integrity in the Central Public Administration, 2016: The Netherlands****1. Introduction**

- 1.1 Why this code of conduct?
- 1.2. Status and scope of application of this code of conduct

**2. Good employment practice and good civil servant practice**

- 2.1. Good employment practice
- 2.2. Good civil servant practice

**3. Integrity values**

- 3.1. Independence and impartiality
- 3.2. Reliability and carefulness
- 3.3. Personal responsibility

**4. Specific standards and rules**

- 4.1. Conflict of interests
- 4.2. Information and communication
- 4.3. Dealing carefully with people and resources

**5. Prevention and enforcement**

- 5.1. Appointment policy and taking an oath or making an affirmation
- 5.2. Focus on vulnerable positions and vulnerable civil servants
- 5.3. The role of the counsellor
- 5.4. Breaches of integrity
- 5.5. Further information and advice



One central feature here, given the Code's focus on the expectations of the public organisation, is the recognition of personal roles, rights and responsibilities. All public officials should balance the compatibility of some of their private and personal rights against the **8 Principles of Public Ethics**, the reputation of public organisations and the protection of public trust in public decision-making, functions and services.

In drafting a Code of Conduct, whether as a framework, template or detailed Code, the **Guide** proposes that it should include an emphasis on the individual's responsibility for their behaviour rather than relying on an external body and parties to supervise and regulate behaviour; address the key issues and risks relating to maintaining ethical standards in line with societal changes; reflect the **8 Principles of Public Ethics** and the **Standards of Conduct** described in the **Guidelines** as well as reflecting Council of Europe standards including on lobbying, whistleblowers' protection and prevention of hate speech and discrimination; and reviewed regularly and updated as appropriate.

Box 20. Two Sides of The Focus of a Code <sup>12</sup>	
PUBLIC OFFICIALS SHOULD WISH TO...	PUBLIC OFFICIALS SHOULD NOT WISH TO...
carry out his or her duties in accordance with the law, and with those lawful instructions and ethical standards which relate to his or her functions	allow his or her private interest to conflict with his or her public position and should declare whether or not he or she has a conflict of interest
act in a politically neutral manner	take undue advantage of his or her position for his or her private interest
serve loyally	give preferential treatment or privileged access to the public service to former public officials
be honest, impartial and efficient and to perform his or her duties to the best of his or her ability with skill, fairness and understanding	offer or give any advantage in any way connected with his or her position as a public official, unless lawfully authorised to do so
be courteous both in his or her relations with the citizens he or she serves, as well as in his or her relations with his or her superiors, colleagues and subordinate staff	engage in any activity or transaction or acquire any position or function, whether paid or unpaid, that is incompatible with or detracts from the proper performance of his or her duties as a public official
act lawfully and exercise his or her discretionary powers impartially	use or disclose confidential information acquired by him or her as a public official unless lawfully authorised to do so
conduct himself or herself in a way that the public's confidence and trust in the integrity, impartiality and effectiveness of the public service are preserved and enhanced	act for any person or body in respect of any matter on which he or she acted for, or advised, the public service and which would result in a particular benefit to that person or body.
treat appropriately, with all necessary confidentiality, all information and documents acquired by him or her	offer or give any advantage in any way connected with his or her position as a public official, unless lawfully authorised to do so
report when required to act in a way which is unlawful, improper or unethical, which involves maladministration, or which is otherwise inconsistent with this code	allow himself or herself to be used for partisan political purposes and should comply with any restrictions on political activity lawfully imposed on certain categories of public officials by reason of their position or the nature of their duties
as lawfully required, declare upon appointment, at regular intervals thereafter and whenever any changes occur, the nature and extent of his or her personal or private interests likely to be affected by his or her official duties	take improper advantage of his or her public office to obtain the opportunity of employment outside the public service or allow the prospect of other employment to create for him or her an actual, potential or apparent conflict of interest.
ensure that on the one hand the staff, and on the other hand the public property, facilities, services and financial resources with which he or she is entrusted are managed and used effectively, efficiently and economically.	allow himself or herself to be put, or appear to be put, in a position of obligation to return a favour to any person or body. Nor should his or her conduct in his or her official capacity or in his or her private life make him or her susceptible to the improper influence of others.
be answerable for acts or omissions by his or her staff which are not consistent with those policies and purposes if he or she has not taken those reasonable steps required from a person in his or her position to prevent such acts or omissions	demand or accept gifts, favours, hospitality or any other benefit for himself or his or her family, close relatives and friends, or persons or organisations with whom he or she has or has had business or political relations which may influence or appear to influence the impartiality with which he or she carries out his or her duties or may be, or appear to be, a reward relating to his or her duties
take reasonable steps to prevent corruption by his or her staff in relation to his or her office. These steps may include emphasising and enforcing rules and regulations, providing appropriate education or training, being alert to signs of financial or other difficulties of his or her staff, and providing by his or her personal conduct an example of propriety and integrity	seek access to information which it is inappropriate for him or her to have. The public official should not make improper use of information which he or she may acquire in the course of, or arising from, his or her employment or withhold official information that should properly be released and a duty not to provide information which he or she knows, or has reasonable ground to believe, is false or misleading
seek the approval of his or her public service employer to carry out certain activities, whether paid or unpaid, or to accept certain positions or functions outside his or her public service employment and comply with any lawful requirement to declare membership of, or association with, organisations that could detract from his or her position or proper performance of his or her duties as a public official	
take care that none of his or her political activities or involvement in political or public debates impairs the confidence of the public and his or her employers in his or her ability to perform his or her duties impartially and loyally	
in accordance with the law, report to the competent authorities if he or she becomes aware of breaches of this code by other public officials	

<sup>12</sup> Drawn from Recommendation Rec(2000)10 of the Committee of Ministers to Member States on the status of public officials in Europe and adopted by the Committee of Ministers on 11 May 2000 at its 106th Session.

Within a country’s constitutional and legal framework, the Code should also address contemporary ethical issues as well as questions of legality, and which may range from the use of social media – see **Box 21** - and recreational drugs to the wearing of faith symbols and indicators of political, social, sporting or environmental affiliation.

Whatever the choice of codes, these may be defined by law, and should be included in or referred to in a public official’s conditions of service, or in the formal staff regulations, or any oath of public office. They should ensure that they link the **8 Principles of Public Ethics** to specific policies and procedures.

**2.5.5 Guidance**

The **Guidelines** propose that there should be guidance for different categories of public official to reinforce the expectations of legislation, regulations and codes of conduct which would cover:

- the adoption by public organisations of mission and values statements which set out the standards

<p><b>Box 21. Excerpts from Scottish Government Guidance on Personal Use of Social Media</b></p> <p>Whether you are on your own time or Scottish Government time, you are still a civil servant. And the judgment you exercise on your own time reflects on the judgment you exercise at work. There's only one you – at play and at work;</p> <p>As a Scottish Government employee it is important to be aware that posting information or views about the Scottish Government cannot be isolated from your working life. Any information published online can be accessed around the world within seconds and will be available for all to see;</p> <p>You are personally responsible for any content you publish;</p> <p>If you do talk about the work you do for the Scottish Government or a Scottish Government policy you are associated with you should make it clear that you are speaking for yourself and not on behalf of the Scottish Government. Use a disclaimer such as "the views expressed here are my own and do not necessarily reflect the views of my employer";</p> <p>Do not let your personal use of social media interfere with your job.</p>
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

for the behaviour and conduct of their public officials;

- the management of staff, with ethical conduct in particular being included as an important element of performance assessment;
- the duty of all leaders in a public organisation to be role models of ethical behaviour in their decision making and behaviour;
- the provision of initial and continuous training and development for all public officials, to ensure the highest standards of conduct in the exercise of their public functions and mandates;
- issues of conduct for elected representatives and holders of judicial office who are independent of government so that the preparation and adoption of any such guidance is undertaken in a way that is consistent with this independence.

While the strategy will provide a high-level approach, a number of the issues to address

guidance will be implemented at organisational level; see **Tool 3**.

**2.6 Shortcomings**

The **Public Ethics Framework** should also include policies and procedures to address any shortcomings, including:

- clear procedures for handling complaints and grievances from the public and from public officials where a breach of ethical standards is suspected;

- protective measures for whistle-blowers to prevent direct or indirect retaliation by the public organisation to which they belong or belonged and by public officials of that public organisation. Such forms of retaliation might include dismissal, suspension, demotion, loss of promotion opportunities, punitive transfers, reductions in or deductions from wages, harassment or any other repressive or discriminatory treatment;
- formal mechanisms for the independent investigation of alleged breaches of the code of conduct for elected public officials;
- formal mechanisms for the independent investigation of alleged breaches of the code of conduct for the judiciary, provided for in statutes;
- a formal mechanism for the independent investigation of alleged breaches of the code of conduct for members of national or regional legislatures – both that mechanism and the code are to be determined by the legislature concerned;
- appropriate and proportionate disciplinary and criminal sanctions to be established for each category of public official, with those responsible for imposing sanctions having adequate powers to do so.

While the strategy will provide a high-level approach, a number of the issues to address shortcomings will be implemented at organisational level; see **Tool 3**.

## TOOL 3: TRANSLATING THE PUBLIC ETHICS FRAMEWORK INTO ORGANISATIONAL PRACTICE

### 3.1 Implementation Choices

The **Guidelines** set up the **Public Ethics Framework**; the **Guide** provides the detail. **Tools 1 and 2** provide a collated and shortened approach to implementing the **Public Ethics Framework**. **Tool 3** discusses the application and implementation, at organisational level, of the **Public Ethics Framework**.

The **Guidelines** and the **Guide** propose a national strategy for public ethics as a solid foundation for implementing the **Public Ethics Framework** at sub-national and organisational levels (recognising that the judiciary and the legislature may maintain the necessary independence from those arrangements put in place by the national government). To ensure the **Public Ethics Framework** is effective at sub-national and organisational levels, the national strategy should:

- provide public organisations with a template to fulfil the expectations or requirements proposed by the strategy;
- identify the necessary standards for a public organisation and translate them into appropriate policies and procedures;
- establish a uniform approach to the development and implementation of **Public Ethics Frameworks**;
- guide the translation of principles, initiatives, codes and other measures into individual public organisational and operational policies and procedures;
- set the baselines for monitoring performance and progress internally and externally, for organisational roles and responsibilities, and for other organisations undertaking support, monitoring and oversight roles;
- expand, adapt, emphasise and prioritise the **Public Ethics Framework** in practice;
- identify its intentions to its staff, citizens, customers, clients, contractors and stakeholders;
- identify who within the organisation who have ownership of or will be responsible for implementing and monitoring the **Public Ethics Framework**;
- ensure reporting to the national bodies or bodies responsible for the national strategy.

Devising and implementing a **Public Ethics Framework** in practice through a national strategy, however, requires a planned and structured approach to ensure that objectives are translated into concrete actions in a consistent and coordinated manner. This may be addressed in two ways, or a permutation of both, depending on member States' applicable constitutional or other legislative provisions.

The first approach is to use a Public Ethics National Action Plan included in the strategy. The strategy would determine concrete actions across sub-national and organisational levels. The second approach for the national strategy to set the parameters for a **Public Ethics Framework** at sub-national and organisational levels. This offers a degree of flexibility for appropriate bodies to develop the **Public Ethics Framework** based on the national strategy and enhanced further – in terms, for example, of relevance and proportionality - according to an assessment of the public ethics risks and threats specific to sub-national and organisational levels and to the different categories of public officials.

#### 3.1.1 A Public Ethics National Action Plan

The national strategy can determine the **Public Ethics Framework** from a high-level approach into a more concrete Public Ethics National Action Plan as part of the strategy. This will identify specific

actions to be implemented and promote common approaches across sub-national and organisational levels by drafting guidance/ template/formats/contents that will indicate how sub-national and organisational levels should develop Action Plans, including steps that address risk assessment, implementation, indicators and monitoring processes, and reporting. A Public Ethics National Action Plan ensures that:

- The strategic implementation of the **Public Ethics Framework** is cascaded by identified actions to sector and ministry level, or different levels of government, who in turn take responsibility for implementation and reporting according to the specifications of the Plan;
- As the approach is largely common and uniform, as will be the reporting arrangements data, any body or bodies designated with ownership under **Tool 2**, will be able to: (i) take a cross-cutting perspective; (ii) take an interventionist role where there are outliers in terms of implementation; (iii) map emerging and identified risk areas, sectors and activities; and (iv) become the source for dissemination of good practice;
- Such feedback informs the standard policy cycle in terms of review and revisions and allow any body or bodies with ownership discussed under **Tool 2**, or supervisory, regulatory, inspection, audit and oversight agencies, to report on overall progress and take the lead on co-ordination, promotion of areas of common purpose (such as a common training policy), and reporting to government.

### **3.1.2 A Public Ethics Framework at Organisational Level**

A **Public Ethics Framework** at sub-national and organisational levels seeks to replicate the national **Public Ethics Framework** through a devolved approach that allows more direct responsibility to enhance their own **Public Ethics Framework** that most suits their context.

Some components of the **Public Ethics Framework** are universal and some are specific. Further, some may be necessary to shape and promote ethical conduct, depending on whether they are for elected or appointed officers, what levels of government and for external agencies delivering public services and functions. A **Public Ethics Framework** devised at organisational level serves, as **the Guide** states, several purposes, including:

- providing public organisations with the responsibility to develop their own template to fulfil the expectations or requirements proposed under the **Public Ethics Framework and the Guide**;
- establishing an organisation-specific approach to the development and implementation of **Public Ethics Frameworks**;
- setting their own baselines for monitoring performance and progress internally and externally, and for the roles and responsibilities for support, monitoring and oversight roles;
- translating the **8 Principles of Public Ethics, Standards of Conduct**, codes and other measures into individual public organisation management and operational policies and procedures;
- expanding, adapting, prioritising the **Public Ethics Framework** in practice.

As the **Guide** proposes, this allows – at any level - public organisations to own and implement the **Public Ethics Framework** as fits their specific circumstances, and build and maintain the ethical cultures and environments at organisational levels.

## **3.2 Practice on the Ground: the Organisational Context**

The intention of either approach in 3.1. or 3.1.2 is to ensure that, at any level, public organisations of any type:

- articulate a vision for organizational integrity, including a communications and training strategy and risk management;
- have clear organisational goals and timelines which set the context for both those responsible for implementation, and those undertaking monitoring, review and evaluation work;
- clarify the detail of what actions must be taken, at what time and by whom, assists in planning future actions and evaluating past or ongoing deliverables.
- plan how to implement each component, the timing and sequencing of various components and a realistic assessment of what can be achieved within the specified timeframe within ministries and departments, and across sectors;
- educate citizens and contractors, etc., about public ethics at organizational level;
- propose arrangements for monitoring, reviewing and reporting.

The **Guide** states that organisations must identify and ensure that roles and responsibilities for the codes, policies and procedures developed through the **Public Ethics Framework**; see **Box 22**.

Most organisations, if not within their own organisation, will have access to institutional arrangements to 'own' roles relating to the mainstreaming of public ethics as part of a professional working environment which will promote the ethical

**Box 22. Public Ethics Organisational Roles and Functions**

- developing and setting the directions of development for ethical standards and procedures;
- providing leadership, supervision and professional advice to ensure proper development, interpretation and implementation of ethics APs, policies and programmes;
- taking responsibility for all actions relating to standards of conduct, including relationships with employees, customers, contractors, suppliers and other stakeholders that comply with ethical standards;
- leading the process of developing risk management programmes for potential violations of procedures;
- implementing a confidential reporting programme for employees, customers, contractors, suppliers and other stakeholders in the case of possible violations of unethical or unprofessional behaviour;
- setting annual ethics Action Plans and managing annual or periodic ethics and compliance training, and taking action to report on ethics, compliance with the institution's procedures and principles;
- acquainting new employees and services with ethical standards and rules of compliance with the procedures and operating principles of the institution;
- investigating possible violations of ethical norms and rules of compliance with the procedures or operating principles of the institution, and making recommendations regarding offenses, as well as initiating disciplinary proceedings;
- analysing and evaluating the institution's effectiveness in complying with ethical standards;
- submitting detailed reports to top-level management and various executive committees and/or elected representatives.

Source: enhanced from Council of Europe Public Ethics Toolkit for the Local Level 2017

cultures and environments. Thus in terms of identifying ownership, responsibility may be broadly distinguished between hard and soft controls.<sup>13</sup> Hard controls are those associated with rules, procedures and structures. They are formal, objective and quantitatively measurable and, as such, amenable to auditing and monitoring. Soft controls relate to the culture, including tools such as training, awareness raising, role modelling or commitment, which organisations can use to influence and promote ethical behavior: see **Box 23**. Ownership of, or arrangements for, these two broad areas within organisations tend to be as follows:

<sup>13</sup> Drawn from Eurosai. 2014. *Auditing Ethics in the Public Sector: A General Overview of SAI's practices*. Lisbon: Eurosai Task Force on Audit and Ethics.



Box 23. Public Audit Forum <sup>14</sup> and Complementary Approaches	
Operationalising Public Ethics Promotion	Operationalising Public Ethics Compliance
<ul style="list-style-type: none"> <li>• the commitment of senior management;</li> <li>• the transparent inclusion of the ethical dimension to the policies, procedures and practices;</li> <li>• the scheduling and delivery of efficient and effective training programmes to public officials;</li> <li>• the availability of practitioner ethics trainers;</li> <li>• the provision of relevant ethics training and awareness material;</li> <li>• means to ensure that the ethical principles promoted in the training are sustained and consolidated;</li> <li>• the cascading of ethics training throughout all areas and tiers of the public organization;</li> <li>• the means to provide advice and guidance on ethical issues;</li> <li>• the means to report on ethical dilemmas in the workplace;</li> <li>• the development of an effective and continuing communications approach to maintain ethics awareness across the public sector;</li> <li>• the integration of ethics training into career development and reward mechanisms;</li> <li>• the reinforcement of the effectiveness of training via a functioning ethics system;</li> <li>• the design, schedule and implementation of an evaluation methodology for training quality and effectiveness;</li> <li>• the design, schedule and implementation of an evaluation methodology to investigate appropriate indicators.</li> </ul>	<ul style="list-style-type: none"> <li>• implementing and monitoring compliance with appropriate corporate governance arrangements;</li> <li>• articulating and promoting appropriate values and standards across the organization;</li> <li>• developing, promulgating and monitoring compliance with codes of conduct that advise officials of their personal responsibilities and expected standards of behaviour;</li> <li>• developing, promulgating and monitoring compliance with standing orders or financial regulations, including instructions on regulating the handling of contracts;</li> <li>• developing and implementing preventative antifraud and corruption strategies;</li> <li>• developing and implementing arrangements for receiving and investigating allegations of breaches of proper standards of financial conduct, fraud and corruption.</li> </ul>

### 3.2.1 Audit, Inspection or Control

The core functions of internal financial control, internal inspection or internal audit broadly deal with a range of control and compliance roles, including assessments of the adequacy and effectiveness of financial, operational and management control systems as well as probity, economy, efficiency and effectiveness audits reviewing the legality of transactions and the safeguards against waste, extravagance, poor value for money, fraud and corruption. Included may be roles addressing:

- intentional and unintentional mismanagement, poor service delivery, compliance with the rules on conflicts of interest, gifts, etc.;
- investigation of suspected cases of unethical conduct and, where appropriate, referral to external control bodies;
- undertaking any inquiries in strictest confidentiality;
- proposing solutions to the problems identified, including revision of procedures and working methods, reorganisation of internal units, training, reassignment of staff etc.

Internal financial control, internal inspection or internal audit should have continuing and direct relationships with external control bodies, such as State Audit Institutions or Inspectorates-General. These bodies could carry out an oversight of and appraisal of management's implementation of the **Public Ethics Framework**. This work will include an appraisal of the work of the internal units and their staffing capacity, as well as formal links in terms of reporting, training and security of tenure issues, as well as shared accreditation levels and exchange of staff. Depending on the legal and organisational

<sup>14</sup> Drawn from Public Audit Forum. 2001. *Propriety and Audit in the Public Sector*. London: Public Audit Forum. The Public Audit Forum (PAF) was established in 1998 to provide a focus for developmental thinking about public audit. The Forum's members are Audit Scotland, the National Audit Office. (NAO), the Northern Ireland Audit Office (NIAO) and the Wales Audit Office; <https://www.public-audit-forum.org.uk/>.



framework of the member State that oversight and appraisal of the **Public Ethics Framework** may also be exercised by one or a number of other external bodies such as ombudspersons, regulatory enforcement agencies, the courts or the legislatures.

Both internal and external units, or organisations, may also include ethics audits – see an example in **Box 24** - within their terms of reference. These may include key policies, procedures and mechanisms for promoting and regulating ethical standards and conduct within public organisations, including: codes of conduct; staff recruitment and selection; procurement and contracting; performance management; discipline and grievance; staff promotion; interests and assets declaration, and so on.

### 3.2.2 Human Resources/Personnel

In terms of soft controls, the ethics focus may fall within the roles and responsibilities of managers, within the roles and responsibilities of standard organisational functions such as human resources or personnel departments or may require a specific function, such as:

- a senior management appointment or committee designated as responsible for the implementation and maintenance of the ethical culture or environment;
- an ethics office or designated staff with several roles and responsibilities (including confidential ethics advice; ethics awareness and education training; protection of staff against retaliation for reporting misconduct; disclosure programmes; ethics counselling advice on ethically questionable issues; promotion of coherence and common ethics standards).

Box 24. Developing an Ethics Audit for 'Tone at the Top' <sup>15</sup>	
Value/Control	Audit evidence
<b>Strategic Approach to Integrity</b>	<ul style="list-style-type: none"> <li>• Making it clear, through frequent statements and specific policies, that ethics is a priority;</li> <li>• Putting ethics in the top management agendas;</li> <li>• Putting in place an organisational strategy;</li> <li>• Allocating resources to ethics (time, staff, space, training).</li> </ul>
<b>Lead by Example: Being the Model</b>	<ul style="list-style-type: none"> <li>• Concern for others and showing it, particularly when ethical issues appear;</li> <li>• Being consistent with what is required from everyone;</li> <li>• Reacting ethically in critical situations;</li> <li>• Requiring professional management through recruitment, training and support;</li> <li>• Publicly giving feedback on organisational ethical issues;</li> <li>• Being fully accountable for own and other's decisions and behaviours;</li> <li>• Stating procedures for high standards of accountability and transparency.</li> </ul>
<b>Ethical Management</b>	<ul style="list-style-type: none"> <li>• Ensuring merit and ethics as the main features of the daily management practices, e.g. in the human resources policies (recruitment, performance appraisal, professional development);</li> <li>• Recognising and rewarding good behaviour as an organisational act;</li> <li>• Taking actions that develop trust, such as sharing useful information.</li> </ul>
<b>Open Door Policy</b>	<ul style="list-style-type: none"> <li>• Giving employees a voice in the decision making processes;</li> <li>• Encouraging discussion of ethics' issues, problems and dilemmas;</li> <li>• Ensuring an open and mutual learning environment;</li> <li>• Providing guidance and statements on ethical conduct;</li> <li>• Making sure that ethics' advice is available to staff wanting to discuss concrete situations.</li> </ul>
<b>Enforcement</b>	<ul style="list-style-type: none"> <li>• Using permanent awareness and monitoring/control tools;</li> <li>• Taking firm corrective actions when needed;</li> <li>• Establishing whistleblowing policies;</li> <li>• Ensuring fair hearing procedures;</li> <li>• Including annual reviews in management processes.</li> </ul>

<sup>15</sup> Enhanced from Eurosai, *The Importance of Ethics Leadership Workshop*. Accessed at: <https://www.eurosai.org/en/working-groups/Working-Groups-and-Task-Forces/index.html>

Since the focus not only includes developing and implementing the **Public Ethics Framework** but also supporting the principles of professionalism, respect and fairness, organisations may wish to undertake a matrix exercise – responsibilities to be addressed and existing or additional organisational means to deliver them - to best determine where ownership of or responsibility for the major activities and responsibilities may lie in organisational terms. For example, merit-based selection, recruitment and promotion processes are of particular relevance for promoting public ethics. These are grounded in equal opportunity of entry to public service, individual merit, open competition and non-discrimination through policies and procedures, normally addressed through an organisational Personnel or Human Resources function. Organisations, and this function, would ensure that:

- Those employed within the human resources management function receive regular awareness-raising activities in order to guarantee the high quality of performance of their activities;
- There are clear and transparent procedures for recruitment, induction, promotion, complaints, disputes, disqualification, staff suspensions and termination of duties in public service to ensure staff confidence in the organisations;
- Responsibilities and duties of public officials are clearly defined and attention given to publicly-accessible organigrams;
- The privacy of public officials is protected by keeping personal information confidential;
- Performance and appraisal schemes include discussions on ethical conduct;
- The allowances and remuneration by category and grade of staff and reimbursements of public officials are documented and publicly-available, including: remuneration, including bonuses, promotion and training opportunities is based on performance criteria and published appraisal processes and commensurate with the responsibilities and duties performed;
- Public officials cannot determine their own remuneration or reimbursement of expenses. Clear criteria should be stated and, if necessary, an independent panel is established;
- Criteria, rules and procedures for disqualification, suspension, appeal and dismissal are established and publicised.

Personnel or human resources function responsibilities will also include addressing failure to adhere to ethical standards. Addressing non-compliance with ethical conduct will normally be dealt with by the function and should ensure that:

- Cases of non-compliance are dealt with effective and timely;
- For sanctions relating to breaches of conditions of service including unethical behaviour, each organisation has a disciplinary and appeals procedure in place;
- The sanctions are formally addressed in law or other enforceable arrangements, are dissuasive, effective and proportionate, applicable by the internal arrangements to deal with non-compliance, including: conciliation; apologies and explanations; mentoring; retraining; re-location; verbal warning; written warning; fines, demotion, transfer; suspension; dismissal; referral for criminal action and asset recovery;
- The disciplinary procedure is adversarial and the public official is allowed to be assisted by the person of his or her choosing;
- There are no automatic sanctions without prior adversarial proceedings and the possibility to appeal, with suspensory effect;
- Public officials should not be held liable for decisions or actions of their superiors or elected representatives in which they have not participated or where they have made known their objections;
- Public organisations consider appropriate sanctions for leaders and senior management who collude with or ignore unethical conduct.

### 3.3 Supporting the Public Ethics Framework at Organisational Level

Delivery of a functioning **Public Ethics Framework** is achieved by two complementary approaches (ethics and compliance) through two organisational responses. The mainstreaming of public ethics at organisational level and the maintenance of a public ethics culture or environment should be a normal management role, as much as promoting a general professional working environment, and responsible institutional arrangements. Promoting professional standards in terms of fulfilling public roles and responsibilities and encouraging public officials to adhere to the standards and values of the public ethics culture should be mainstreamed through policies, procedures, codes and organisational statements of value and intent to facilitate and maintain the culture and management responsibilities. These should also include:

- Consideration of the application of behavioural aspects governing the promotion of ethical conduct;
- Nomination of an “Ethics Focus” (a person, unit or a committee) at the top level of the organisation to show commitment to public ethics and help ensure delivery and regular reporting within and outside the organisation;
- Creation of fora for peer-to-peer exchanges on challenges to public ethics and on experience with designing and implementing ethics policies disseminating information and facilitating learning;
- Ethics principles, policies, codes, rights and obligations are made known internally using various means for dissemination such as the intranet and internet, publicity campaigns, newsletters, discussion groups;
- Awareness raising activities, including:
  - Ethics action plans and related materials are published and brought to the attention of staff and the general public;
  - Ethics measures and challenges are the subject of regular communication inside and outside the organisation, through intranet systems, internal information portals, e-mail, discussion forums, electronic newsletters, etc.,
  - Regular meetings with public officials are held to discuss ethics issues;
- Provision of education and training, including:
  - Public officials encouraged and supported in undertaking educational courses on public ethics delivered by universities and colleges;
  - Colleges and universities providing qualifications suitable for public officials should ensure that public ethics is an integral part of their educational curricula;
  - Training programmes for public officials are undertaken annually and are tailor-made for specific groups, functions and levels of responsibility. They include understanding and application of standards, principles and codes of ethics and conduct as well as dealing with ethical dilemmas;
  - Training provision should be annual, repeated and multi-modular in terms of delivery, including on-line and other distance learning modes;
  - Ethics modules are included in the curricula of public official training providers;
  - Making ethics training compulsory, in particular for newly recruited staff, and an additional precondition for promotion;
  - Appropriate support mechanisms sustain ethics training, for example mentoring, counselling, community groups, work shadowing and ethical advice lines;
  - Provision of publicity and other material to inform citizens, contractors, etc., of the standards being followed by public officials and the consequences of acting unethically or professionally toward public officials in the proper execution of the roles and responsibilities.

### 3.4 Reinforcement and Transparency

The creation of the ethical culture or environment in the public organization where there is a shared understanding of the expectations and requirements of standards of conduct for each category of public official requires positive and proactive continuing support and maintenance at leadership or management level. In organisational terms these should include:

- The annual publication of a report on the implementation of the **Public Ethics Framework** at organisational level;
- A risk register that updates existing and emerging risks to the maintenance of the shared expectations and requirements of standards of conduct;
- A commitment to, and policies and procedures in place for, open and honest communication<sup>16</sup>;
- Effective awareness and training programmes for staff, clients, contractors, suppliers and citizens;
- Clearly stated and understood policies, systems and procedures that enable individual staff, clients, citizens, etc., to have their concerns resolved without reprisals or detriment to themselves;
- A commitment to recruiting the right people and developing them so that they continue to provide high quality, ethical contributions and services;
- A commitment to, and policies and procedures that encourage, learning and enable continual improvements to the organisation's corruption resistance and ethical performance.

Positive personnel responses by leadership or management to identifiably-exceptional or distinctive ethical behaviour reflecting the organisation's ethical culture or environment should be considered by the leadership or management of the organisation, including:

- Personal benefits, including recognition; for example, a prize, a distinction such as 'public official of the month', further educational or training opportunities, holiday days, a criterion for promotion (for example, completion of appropriate training), a criterion for existing bonus or honoraria schemes within HR performance appraisal processes, etc.;
- Group recognition (demonstrating public good practices reflecting the organisations' **Public Ethics Framework**, asking the group to introduce their initiatives, recognition on the intranet);
- Institutional recognition, like a certificate, a label for a service or an organisation which respects and promotes ethical standards.

Finally the public organisation or body *as an organisation* should be transparent about its commitment to, and progress in implementing, the **Public Ethics Framework** and thus the ethical culture or environment to deliver the shared understanding of the expectations and requirements of standards of conduct for each category of public official. It should therefore maintain appropriate mechanisms and procedures to monitor and publicise the promotion of ethical conduct and compliance with controls and procedures to dissuade unethical conduct, including:

- ensuring the public organisation continues to reflect good practice in relating to public ethics by implementing legislative developments and reforms undertaken in other public organisations;
- using risk profiling to detect and minimise loopholes and other shortcomings that may affect ethical behaviour, including surveys, interviews, focus groups, organisational administrative data and external measures, such as ethical audits, peer review mechanism, professional associations or international organisations;
- ensuring sufficient internal capacity for monitoring the ethical culture or environment in practice;
- establishing links with and between internal and external control mechanisms, such as state audit, the Ombudsman or other regulators, to integrate ethics audits and reviews into their work;

---

<sup>16</sup> See, for example, Council of Europe. (2018). *Transparency and open government. Explanatory memorandum*. Strasbourg: Council of Europe.

- maintaining fair and accurate books, records, and accounts that allow monitoring;
- undertaking benchmarking;
- reporting on a regular basis to the government and the legislature on the implementation and functioning of the ethical culture or environment.

Once these are integrated into the organisation's policies, procedures and practices then elected and appointed public officials, or those delivering public functions and services, will, in internalising the expectations of the ethical culture or environment in the public organization, ensure the shared understanding of the expectations and requirements of standards of conduct for each category of public official so that they:

- remain knowledgeable of the organisation's commitment to public ethics;
- discharge professional duties and obligations honestly and impartially, acting in accordance to the law and exercising rights in the best interests of the public good;
- are efficient and impartial in the use of public resources, and perform duties to the best of their ability, with skill, fairness, impartiality and integrity;
- have due regard for the rule of law;
- refrain from acting in an arbitrary manner to the detriment of any person, group of persons or entity, and show due consideration for the lawful rights, obligations and legitimate interests of others;
- are courteous and respectful in dealings with the public, as well as in the dealings with superiors, colleagues and subordinate staff;
- act professionally in not frustrating the lawful policies, decisions or actions of elected officials or the policies of the public organisation;
- refuse to become involved in unlawful policies, decisions or actions of elected officials or the public organisation;
- consider report wrongdoing according to the procedures of the organisation or the legislative framework;
- act transparently and avoid acts of maladministration;
- treat anyone equally and avoid nepotism, favouritism, and other types of undue influence or conflict-of-interest and refuse to provide privileged access to the administration;
- do not access or disseminate privileged or confidential information;
- refrain from disseminating information that is false or misleading.

\*\*\*\*\*

**THE BENCHMARK TOOLKIT:  
THE BENCHMARK**

## USING THE BENCHMARK

### 4.1 Overview

The fourth Tool is the **Benchmark** and guidance on its use [**Annex 1** comprises the questionnaire, with evidence, indicator and ranking requirements].

The **Benchmark**:

- ⊙ internally, establishes what is or is not already in place to prepare for the implementation of the **Public Ethics Framework**;
- ⊙ may be used to assess strengths of, and progress on implementation of, the **Public Ethics Framework**; and,
- ⊙ is an exercise undertaken by a member State, or between Member States, to assess and improve the implementation of the **Public Ethics Framework** by themselves or from inputs from other member States or the **Centre of Expertise for Good Governance**.

### 4.2. What is Benchmarking?

The **Council of Europe** has extensive experience of benchmarking, peer reviews and evaluations<sup>17</sup>.

Benchmarking is a tool used primarily for diagnostic purposes to help identify the areas of intervention in terms of the completeness and coherence of the **Public Ethics Framework** and to prioritize actions for better performance and increased effectiveness. Benchmarking provides evidence for decision makers and senior management through scoring and ranking for assurances about implementation, uniformity, relevance and progress, as well as evidence of best practice, convergence and improvement.

Benchmarking provides a structured good practice approach to contribute to improving working methods, enhance accountability, help take better decisions and make better judgements for cost-efficiency and to achieve the best results. It may be undertaken internally or externally. They may be used in order to encourage uniform approaches to the implementation of the **Public Ethics Framework**, to promote mutual learning processes, to spread best practice and achieve convergence on the goal of core expectations and components for public ethics and the objective of an ethical culture or environment common to all levels of public office.

### 4.3 Using the Benchmark

#### 4.3.1 In-country use

The **Benchmark Tool** could be used for an in-country **Benchmark**. This may be undertaken by the ownership body identified under **Tool 2**, by existing external audit or inspection regimes, or other national or sectoral regulation or oversight organisations, or by public organisations themselves. It may involve staff from those organisations, or through a peer review approach using in-post public officials

---

<sup>17</sup> Drawn from Council of Europe. (2015). *Local Finance Benchmarking: A Shared Tool for Improved Financial Management*. Strasbourg: CoE; Committee of Ministers. (2014). *Evaluation Guidelines of the Directorate of Internal Oversight; DD(2014)238final (version: April 2014)*. Strasbourg: Council of Europe; Council of Europe. (2008). *Evaluation Policy for the Council of Europe (CM(2008)156)*. Strasbourg: Council of Europe; Council of Europe. (2014). *Evaluation Guidelines of the Directorate of Internal Oversight DD(2014)238 Final (Eng)*. Strasbourg: Council of Europe.



from different levels of government or public organisations (such as that followed by the local government Public Ethics Benchmark<sup>18</sup>). The in-country **Benchmark** would assess the current situation before, or implementation of, the **Public Ethics Framework** at national, sub-national or organisational levels. This would allow member States internally to:

- encourage benchmarking and its findings among practitioners to facilitate a peer-to-peer responsibility, facilitating shared experience and knowledge transfer;
- standardise information on components and frameworks;
- facilitate identification of good practice or gaps or differences in comparable practices;
- facilitate knowledge transfer and identify inhibitors or facilitators for the goal of core expectations and components for public ethics and the objective of an ethical culture or environment common to all levels of public office;
- support work on organisational experience and comparability;
- contribute to ensuring transparency and accountability, to identify lessons to support implementation of the framework and development of the ethical culture or environment.

This would allow member States to establish what is or is not already in place to prepare for the implementation of the **Public Ethics Framework** and to assess strengths of, and progress on implementation of, the **Public Ethics Framework**. It would provide information to the body discussed in 2.4.2 to direct progress, monitor performance and review any changes to the strategy and the **Public Ethics Framework**. It would prepare for any national report under 4.4.1 below.

#### **4.3.2 External Benchmarking**

Whether or not on the basis of any national report under 4.4.2, a member State may request a country visit to access country- or sector expertise and experience from other Member States through a peer-review based national **Benchmark** exercise. The intention would be to subject a member State to a more formal **Benchmark** exercise of equivalent public ethics practitioners and experts from other country contexts to offer:

- An authoritative and impartial assessment and verification drawn from European good practice public ethics against which the Member States can benchmark itself and compare to any in-country benchmarking;
- country-to-country validation to drive up standards towards those of European good practice;
- an opportunity for Member States to agree programmes of improvement in a transparent and objective manner;
- access to member States' resources, expertise, guidance and support to lead the drive for improvement within the context of membership of the Council of Europe, its Conventions and Recommendations.

The benchmarking exercise would adapt a GRECO approach. This will involve:

1. Submission to the **Centre of Expertise for Good Governance** of a national report (see 4. Below), or a separate request, for a Council of Europe **Benchmark** exercise;
2. Agreement on such an exercise and an indicative timetable, with all documents shall be submitted to the **Centre** at least three months before the visit;
3. Proposal by the **Centre** of the names of a maximum of three practitioners from other member States, within a period of three months following the agreement, to comprise the benchmarking

---

<sup>18</sup> See <https://rm.coe.int/1680746d52>.

team. Exceptionally, teams may comprise additional experts and, where appropriate, scientific experts;

4. Country visits: the dates of the visit shall be determined by the **Centre** in consultation with the host-country. A country visit shall, as a rule, not take place earlier than 6 months after the reception of the request. On the basis of a draft programme submitted by the Member State undergoing the **Benchmark** exercise, the team will agree to the programme proposed for the visit as soon as possible. The length of the country visit shall, in principle, not exceed four working days and have a reasonable timetable. Before starting the country visit, preparatory discussions shall take place in order to allow a preliminary exchange of views among the benchmarking team, experts and the **Centre**. The country visit shall end with a concluding meeting between the benchmarking team, experts, the Centre and representatives of the Member State.

#### 4.3.3 Score Cards and Scoreboards

Both in-country and external benchmarking allow for scores to be allocated according to the implementation of the **Guidelines** through the **Benchmark** indicators. In term of scoring **the Benchmark**, the rankings are as follows:

CODE	INTERPRETATION	SCORE
IE	IMPLEMENTED and ENHANCED or EXPANDED (and including further policies, procedures, etc., to promote public ethics)	5
I	IMPLEMENTED	4
PI	PARTLY IMPLEMENTED	3
IUC	IMPLEMENTATION UNDER CONSIDERATION	2
INR	IMPLEMENTATION NOT CONSIDERED RELEVANT	1
NI	NO IMPLEMENTATION PLANNED	0

The score is by entry (for example, A1.1 or B3.4) or by every bullet point ( for example, ●; ○) within an entry.

Score Cards provide the basis for a Scoreboard<sup>19</sup>. A Council of Europe Public Ethics Scoreboard allows the **Centre of Expertise for Good Governance** to develop a comparative information tool that aims to assist Member States to improve the effectiveness of their **Public Ethics Frameworks** by providing objective, reliable and comparable information from a number of the **Benchmark** indicators. Scoreboards make it easier to identify shortcomings, differences and good practices and to keep track of challenges, progress and improvements, as well as to recognise sector-specific and country-specific recommendations. The Scoreboard does not present an overall single ranking but an overview of how far the **Guidelines** and the **Public Ethics Frameworks** have been implemented in practice. It treats all member States on an equal footing and is a comparative tool which evolves in dialogue with, and among, member States and the Council of Europe to deliver the core expectations and components for public ethics and the objective of an ethical culture or environment common to all levels of public office.

## 4.4 Benchmarking Tool Outcomes: Benchmark Reports

### 4.4.1 National Self Assessments

<sup>19</sup> Score cards are an increasingly useful developmental tool. This scorecard is drawn from [//rm.coe.int/1680746d52](http://rm.coe.int/1680746d52); and [//ec.europa.eu/info/sites/info/files/justice\\_scoreboard\\_2018\\_en.pdf](http://ec.europa.eu/info/sites/info/files/justice_scoreboard_2018_en.pdf).

Member States are invited to prepare a **Benchmark** report on completion of a national benchmarking exercise under 4.3.1 above. A copy of the **Benchmark** should be accompanied by the score card and a report consisting of a descriptive part, based on the **Benchmark** and other information gathered, and an analytical part, containing observations and recommendations and their motivation. The report should cover the following matters<sup>20</sup>:

- **National Context:** it should indicate here whether the **Guidelines, Guide and Public Ethics Framework** are implemented, partially implemented, not implemented, or under consideration for implementation;
- **Inhibiting or Facilitating Factors:** what a member State feels may help or hinder the implementation of the **Guidelines, Guide and Public Ethics Framework** at national and organisational levels and thus the delivery of the public ethics organisational culture;
- **Note of and justification for all the components of the Guidelines, Guide and Public Ethics Framework partially implemented, not implemented, or under consideration for implementation:** If the member State indicates no need for or rejects any **Public Ethics Framework** Standards of Conduct or component, or part of either, it should provide the reasons for this decision. If the Standard or component is under consideration, it should provide the reasons for this and the date by which these will be addressed;
- **Proposed actions for partially implemented, not implemented, or under consideration for implementation indicators:** it should provide details on all the actions that a member State intends to take for the continuing implementation of the **Guidelines, Guide and Public Ethics Framework**. If several actions are required, it should identify several milestones within the implementation process and provide target dates (month and year) for their completion;
- **Institution/Ownership:** it should indicate who or which organisation(s) at national level is responsible for the **Guidelines, Guide and Public Ethics Framework**;
- **Follow-up:** arrangements to follow up on implementation of the **Guidelines, Guide and Public Ethics Framework**;
- **Guidance:** areas or aspects of the **Guidelines, Guide or Public Ethics Framework** where a member State may (i) wish to offer examples of good practice or (ii) request support from the Council of Europe or other member States;
- **External National Benchmarking:** a decision to invite the Council of Europe to organise a formal peer-review, external national **Benchmark** exercise under 4.3.2 above.

#### 4.4.2 External or Peer Review Benchmark Reports

A copy of the **Benchmark** should be accompanied by the score card and a report. The report – see **Box 25** - by external reviewers would follow the approach in 4.4.1 but with a focus on the analytical part, including draft recommendations and observations. The report will be submitted with supporting documents, and the score card, to the **Centre of Expertise for Good Governance**. The **Centre** will review the material, asking for additional material where necessary and complete a desk report that addresses:

---

<sup>20</sup> Enhanced from: Council of Europe. (2014). *Evaluation Guidelines*. Directorate of Internal Oversight: Evaluation Division. Strasbourg: Council of Europe.

- (i) any important deficiency or weakness in a government's design, delivery, performance, or achievement of the components of the **Guidelines, Guide and Public Ethics Framework** which, if not remedied or improved, will put at risk the likelihood of achieving the core expectations and components for public ethics and the objective of an ethical culture or environment common to all levels of public office, and
- (ii) prioritizing action for an effective implementation of recommendations; and
- (iii) the potential for inviting the Council of Europe to draw on Member States' expertise and experience to support the work of another member State.

**Box 25. Report Contents**

- Executive Summary (maximum two pages);
- Introduction:
- Purpose and scope of the **Benchmark** exercise; description of the intervention; methodology;
- Limitations; difficulties encountered;
- Findings related to each question/area; findings related to additional perspectives that came up while carrying out the **Benchmark** exercise;
- Conclusions;
  - Recommendations, possibly including suggested modalities of implementation;
  - Lessons learnt and good practices ;
- Annexes (including list of interviews and of documents reviewed, questionnaires, formats for structured and semi-structured interviews, etc.).

Member States will be invited to comment on the draft report before publication. Member States would also be invited to implement the recommendations and submit a written response on compliance 6 months after receipt of report. The **Centre** may select two members of the external review team to re-visit the Member States and be responsible for preparing a compliance report indicating whether the Member State has complied with the recommendations. The selection shall be based on criteria, such as involvement in the first benchmarking exercise and similarity of legal systems or geographical proximity with the Member State involved.

#### 4.4.3 Good Practices Reports

Best Practices reports<sup>21</sup> will draw on reports under 4.4.1 and 4.4.2 above. They will be prepared by the **Centre of Expertise for Good Governance**. They should be structured and should have clear guidance, recommendations and proposals that address:

- Inhibitors and facilitators for implementing the **Guidelines**, the **Guide** and the **Public Ethics Framework**;
- Lessons and good practice for implementing the **Public Ethics Framework** at organisational level;
- How good practices and their dissemination can contribute to better implementation of the core expectations and components for public ethics and the objective of an ethical culture or environment common to all levels of public office;
- Why the recommendations are important, why a focus on management practices supports organisation development, why knowledge-sharing benefits all concerned;
- How the implementation of innovative solutions to identified problems, and sharing knowledge through peer learning, will collectively advance the work of the Council of Europe and member States in relation to public ethics;
- Importance reforms from benchmarking which will motivate and publicly recognise those public officials who have been responsible for the provision of high quality leadership and strategic management;

<sup>21</sup> Enhanced from: Council of Europe. (2015). *Best Practice in Local Government*. Strasbourg: Council of Europe.

- Development of practical, tailor-made training programmes that are focused on promoting the core expectations and components for public ethics and the objective of an ethical culture or environment common to all levels of public office;
- Better service provision, community engagement, longer term planning, partnerships with other organisations, motivated staff etc., who can disseminate that experience more widely and introduce good practice within their own organisations, nationally and between member States.

\*\*\*\*\*

**ANNEX 1: THE BENCHMARK**

SECTION	COMPONENT	STATUS IE; I; PI; IUC; INR; NI	VALIDATION EVIDENCE (e.g., presence of law, policy, body or procedure)	VERIFICATION EVIDENCE (how is presence verified in terms of websites, reports, data, etc.)	SCORE (for each entry or bullet point)	SECTION SCORE
<b>A. GUIDELINES: PUBLICATION</b>						
<b>A1: Overview</b>						
<b>A1.1</b>	<ul style="list-style-type: none"> <li>Have the Guidelines been translated into the official language(s) of Member States and published?</li> </ul>					
<b>A1.2</b>	<ul style="list-style-type: none"> <li>Are the Guidelines given to all public officials<sup>22</sup> on election or appointment?</li> </ul>					
<b>B. USE and DISSEMINATION BY MEMBER STATES</b>						
<b>B1: Overview</b>						
<b>B1.1</b>	<ul style="list-style-type: none"> <li>Is there a national Statement of Public Ethics Values and Standards based on the Guidelines and including or reflecting the 8 Principles of Public Ethics?</li> <li>If not, have the Guidelines and a set of Principles of Public Ethics - based on or reflecting the 8 Principles of Public Ethics - been issued by</li> </ul>					

<sup>22</sup> The **Guidelines** define a public official in the broadest sense, encompasses persons who: (i) are elected or appointed to a public mandate or function, such as members of national and regional governments, members of national and regional legislatures, local executives and local elected representatives, and holders of a judicial office; (ii) are employed by a public organisation (defined as a national, regional or local institution or administration; a company or similar entity managed or financed by such an institution or administration, or by the State; or a private-sector entity, including non-profit entities, providing public services); and (iii) act on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation.



	the member State as a formal commitment to develop and maintain a culture of the highest standards of conduct by public officials?					
<b>B2: Dissemination</b>						
<b>B2.1</b>	<ul style="list-style-type: none"> <li>Is the national Statement included in all codes of conduct?</li> <li>If not, are all codes of conduct based on or reflect the Guidelines and 8 Principles of Public Ethics?</li> </ul>					
<b>B2.2</b>	<ul style="list-style-type: none"> <li>Is the national Statement included in all terms and conditions of service?</li> <li>If not, have a set of Principles of Public Ethics - based on or reflecting the 8 Principles of Public Ethics - been included in all terms and conditions of service?</li> </ul>					
<b>B2.3</b>	<ul style="list-style-type: none"> <li>Have the Guidelines' 8 Principles of Public Ethics been included in or reflected in:                             <ul style="list-style-type: none"> <li>all oaths of public office;</li> <li>all contracts of employment;</li> <li>all contracts with those persons who act on behalf of a public organisation;</li> <li>all agreements with a company or similar entity managed or financed by such an institution or administration, or by the State, providing public services;</li> <li>all agreements with a private-sector entity, including non-profit entities, providing public services?</li> </ul> </li> </ul>					
<b>B2.4</b>	<ul style="list-style-type: none"> <li>Has a copy of the Guidelines been provided to all:                             <ul style="list-style-type: none"> <li>Public officials elected or appointed to a public mandate or function, such as members of national and regional governments, members of national and regional legislatures, local manner that is neutral s and local elected representatives, and holders of a judicial office;</li> </ul> </li> </ul>					

	<ul style="list-style-type: none"> <li>○ Public officials who are employed by a public organisation (a national, regional or local institution or administration; a company or similar entity managed or financed by such an institution or administration, or by the State);</li> <li>○ Those who act on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation;</li> <li>○ companies or similar entities managed or financed by such an institution or administration, or by the State, providing public services;</li> <li>○ private-sector entities, including non-profit entities, providing public services?</li> </ul>					
<b>B2.5</b>	<ul style="list-style-type: none"> <li>● Are the Guidelines included on the websites of all organisations noted in B2.4?</li> <li>● Are the Guidelines' 8 Principles of Public Ethics included in or reflected in any mission or values statement of a public organisation or entity noted in B2.4?</li> </ul>					
<b>B3: Ownership</b>						
<b>B3.1</b>	<ul style="list-style-type: none"> <li>● Has the member State agreed to establish a comprehensive and effective Public Ethics Framework?</li> </ul>					
<b>B3.2</b>	<p>Has the member State entrust these tasks to the competent public authorities in compliance with their applicable constitutional or other legislative provisions to:</p> <ul style="list-style-type: none"> <li>● establish a comprehensive and effective Public Ethics Framework;</li> <li>● develop and maintain a culture of the highest standards of conduct?</li> </ul>					
<b>B4: Definitions</b>						
<b>B4.1</b>	<ul style="list-style-type: none"> <li>● Does the national Statement or codes of conducts define:                             <ul style="list-style-type: none"> <li>○ <i>public ethics</i> according to the Guidelines;</li> <li>○ <i>public official</i> according to the Guidelines;</li> </ul> </li> </ul>					

	<ul style="list-style-type: none"> <li>○ <i>public organisation</i> according to the Guidelines;</li> <li>○ <i>conflict of interest</i> according to the Guidelines?</li> </ul>					
<b>B4.2</b>	<ul style="list-style-type: none"> <li>● Do the competent public authorities noted in B2.4 use the definitions applied in the Guidelines?</li> </ul>					
<b>C. PUBLIC ETHICS FRAMEWORK: CONDITIONS</b>						
<b>C.1</b>	<p>Does the member State have the necessary conditions – including respect for human rights and fundamental freedoms; respect for the rule of law; respect for democratic norms; and the creation and maintenance by the member State of a political, legal and practical enabling environment - to promote, facilitate and sustain the Public Ethics Framework, that reflect or exemplify the Council of Europe’s 12 Principles of Good Democratic Governance as follows<sup>23</sup>:</p> <ul style="list-style-type: none"> <li>● <i>Participation, Representation, Fair Conduct of Elections</i>;</li> <li>● <i>Responsiveness</i> where policies, etc., reflect citizen expectations, delivery of public services and citizens’ request and complaints within reasonable timeframes;</li> <li>● <i>Efficiency and Effectiveness</i> in terms of performance management and audit of delivery of services;</li> <li>● <i>Openness and Transparency</i> in decision-making and public access to information;</li> <li>● <i>Rule of Law</i> defined by constitution or law;</li> <li>● <i>Ethical Conduct</i> in terms of effective measures to address corruption and conflict of interest;</li> <li>● <i>Competence and Capacity</i> in maintaining professional skills and performance of public officials;</li> <li>● <i>Innovation and Openness to Change</i> in service provision, new programmes and promotion of change;</li> </ul>					

<sup>23</sup> Those using the **Benchmark** should refer to the 12 Principles (at <https://www.coe.int/en/web/good-governance/12-principles>) for the detail.

	<ul style="list-style-type: none"> <li>• <i>Sustainability and Long-term Orientation</i> for future impact and sustainability of communities;</li> <li>• <i>Sound Financial Management</i> including budgets, publication of accounts and risk management;</li> <li>• <i>Human Rights, Cultural Diversity and Social Cohesion</i>;</li> <li>• <i>Accountability</i> in decision-making and addressing maladministration and infringement of civil rights?</li> </ul>					
<b>D. THE PUBLIC ETHICS FRAMEWORK: STANDARDS OF CONDUCT</b>						
<b>D1: For all public officials</b>						
<b>D1.1</b>	<p>In relation to public officials and conflict of interest concerning their private interests does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance for disclosure;</li> <li>• Does the legislation, regulations or organisational procedures and guidance define:                             <ul style="list-style-type: none"> <li>○ assets;</li> <li>○ income;</li> <li>○ liabilities;</li> <li>○ other interests;</li> <li>○ connected person.</li> </ul> </li> <li>• Organisational arrangements to allow public officials to avoid or remove themselves from conflict of interests;</li> <li>• Organisational procedures for                             <ul style="list-style-type: none"> <li>○ recording disclosures;</li> <li>○ checking disclosures;</li> <li>○ publishing disclosures;</li> <li>○ addressing conflicts.</li> </ul> </li> </ul>					

	<ul style="list-style-type: none"> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					
<b>D1.2</b>	<p>In relation to the avoidance of any perception of prejudice or favouritism, including nepotism, does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					
<b>D1.3</b>	<p>In relation to gifts, favours and hospitality does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					
<b>D1.4</b>	<p>In relation to public officials' activities outside their function or mandate does the member State have in terms of permissible activities:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Specific guidance on political activity?</li> </ul> <p>In relation to public officials' activities outside their function or mandate does the member State have in terms of prohibited activities:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> </ul>					

	<ul style="list-style-type: none"> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Specific guidance on political activity;</li> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					
<b>D1.5</b>	<p>In relation to activities undertaken by public officials on leaving their employment or the end of their mandate does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Organisational procedures for addressing specific cases;</li> <li>• Arrangements to ensure that public officials avoid activities through which they would gain a personal or professional advantage due to their having been a public official;</li> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					
<b>D1.6</b>	<p>In relation to use of public resources, equipment and property does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Specific guidance on use for political or other activities?</li> </ul>					
<b>D1.7</b>	<p>In relation to internal control and accountability measures in public procurement, contracts and the payment of grants does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> </ul>					

	<ul style="list-style-type: none"> <li>• General regulations;</li> <li>• Organisational procedures and guidance?</li> </ul>					
<b>D1.8</b>	<p>Are the requirements of professional bodies:</p> <ul style="list-style-type: none"> <li>• required for specific categories of public officials;</li> <li>• reflected in codes of conduct concerning specific categories of public officials.</li> </ul>					
<b>D1.9</b>	<p>In relation to whistleblowing does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> <li>• Are all the arrangements based on or reflect Recommendation CM/Rec(2014)7 of the Committee of Ministers?</li> </ul>					
<b>D1.10</b>	<p>In relation to lobbying activities – whether by lobbyists or other third parties that promote issues or support particular interests - does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> <li>• Are all the arrangements based on or reflect Recommendation CM/Rec(2017)2 of the Committee of Ministers?</li> </ul>					



<p><b>D1.11</b></p>	<p>In relation to transparent, delegated decision making and clear reporting requirements, citizens' access to information and access to documents does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Is there a presumption of disclosure unless specifically proscribed by legislation?</li> </ul>					
<p><b>D1.12</b></p>	<p>In relation to public officials' handling of information and confidentiality does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Does the law, general regulations, procedures or guidance make specific reference to:                             <ul style="list-style-type: none"> <li>○ producing or using information and evidence in a misleading or inaccurate manner;</li> <li>○ exercising discretion when dealing with information of a confidential or private nature.</li> </ul> </li> <li>• Specific guidance on elected public officials giving accurate and truthful information to their legislatures?</li> </ul>					
<p><b>D1.13</b></p>	<p>In relation to public officials' conduct and the use of the internet, including social media, does the member State have:</p> <ul style="list-style-type: none"> <li>• Legislation;</li> <li>• General regulations;</li> <li>• Organisational procedures and guidance;</li> <li>• Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> </ul> </li> </ul>					

	<ul style="list-style-type: none"> <li>○ Enforcing compliance?</li> </ul>					
<b>D1.14</b>	<p>In relation to public officials' conduct, and bullying, hate speech, discrimination and harassment, does the member State have:</p> <ul style="list-style-type: none"> <li>● Legislation;</li> <li>● General regulations;</li> <li>● Organisational procedures and guidance;</li> <li>● Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					
<b>D1.15</b>	<p>In relation to public officials' conduct, and the promotion of equality and diversity, actively working toward a culture of fairness and tolerance, does the member State have:</p> <ul style="list-style-type: none"> <li>● Legislation;</li> <li>● General regulations;</li> <li>● Organisational procedures and guidance;</li> <li>● Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					
<b>D1.16</b>	<p>In relation to breaches of a code of conduct (see <b>E4</b>), does the member State have:</p> <ul style="list-style-type: none"> <li>● Legislation;</li> <li>● General regulations;</li> <li>● Organisational procedures and guidance;</li> <li>● Organisational or other mechanisms for:                             <ul style="list-style-type: none"> <li>○ Encouraging compliance;</li> <li>○ Enforcing compliance?</li> </ul> </li> </ul>					

D2: For public officials who are members of national governments or members of government of regions with legislative powers					
<b>D2.1</b>	<p>Are there laws, mechanisms, structures, regulations, oversight arrangements or formal guidance to ensure public officials who are members of national governments or members of government of regions with legislative powers:</p> <ul style="list-style-type: none"> <li>• make themselves accountable to their respective legislature for their actions and decisions, and for the actions and decisions taken by the ministries and entities for which they are responsible;</li> <li>• give accurate and truthful information to their legislature, and be open and transparent to that legislature and to the general public, subject to any limitations that are necessary in accordance with the law;</li> <li>• attach importance to complying with the rules and obligations relating to contact with lobbyists and other third parties that promote issues or support particular interests;</li> <li>• after their term in office, only take positions which are consistent with the law on taking up employment after having held a position as a member of a national or regional government?</li> </ul>				
D3: For public officials who are members of national parliaments or members of regional assemblies with legislative powers					
<b>D3.1</b>	<p>Are the laws, mechanisms, structures, regulations, oversight arrangements or formal guidance for public officials who are members of national parliaments or members of regional assemblies with legislative powers to ensure that:</p> <ul style="list-style-type: none"> <li>• their actions and decisions are open, transparent and accountable to their electorate;</li> <li>• they attach importance to acting in conformity with the rules and obligations on their declarations of assets, income, liabilities and other interests;</li> <li>• they attach importance to complying with the rules and obligations relating to contact with lobbyists and other third parties promoting issues or supporting particular interests;</li> </ul>				

	<ul style="list-style-type: none"> <li>• after their mandate, they only take positions which are consistent with the law on taking up employment after having held a position as a member of a national or regional legislature?</li> </ul>					
<b>D4: For public officials who are executives and/or elected representatives at the local level, or executives and/or elected representatives of regions without legislative powers</b>						
<b>D4.1</b>	<p>As applicable, are there laws, mechanisms, structures, regulations, oversight arrangements or formal guidance for public officials who are executives and/or elected representatives at the local level, or executives and/or elected representatives of regions without legislative powers adhere to the requirements of public officials to ensure that:</p> <ul style="list-style-type: none"> <li>• their actions and decisions are open, transparent and accountable;</li> <li>• they give accurate and truthful information to their legislature, and be open and transparent to that legislature and to the general public;</li> <li>• they attach importance to acting in conformity with the rules and obligations on their declarations of assets, income, liabilities and other interests;</li> <li>• they attach importance to complying with the rules and obligations relating to contact with lobbyists and other third parties promoting issues or supporting particular interests;</li> <li>• after their mandate or employment, they only take positions which are consistent with the law on taking up employment after having held a public position?</li> </ul>					
<b>D5: For public officials who are holders of a judicial office</b>						
<b>D5.1</b>	<p>As applicable, are there laws, mechanisms, structures, regulations, oversight arrangements or formal guidance for public officials who are holders of a judicial office to ensure that they:</p> <ul style="list-style-type: none"> <li>○ administer justice impartially in accordance with the law, with competence, diligence and propriety, thereby preserving and strengthening public confidence in the integrity, impartiality and independence of the judiciary;</li> </ul>					

	<ul style="list-style-type: none"> <li>○ act at all times, including in their private life, in a manner that upholds and is consistent with the independence of their judicial function;</li> <li>○ respect the confidentiality of their deliberations and act in a way consistent with the role and status of their office, including in relation to exercising discretion in public statements, by whatever means these might be made, and limit their participation in public debates and their engagement with the media?</li> </ul>					
<b>D6: For public officials who are either employed by a public organisation or who are acting on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation</b>						
<b>D6.1</b>	<p>Are the laws, mechanisms, structures, regulations, oversight arrangements or formal guidance for public officials who are either employed by a public organisation or who are acting on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation to ensure that they:</p> <ul style="list-style-type: none"> <li>○ act in a manner that is neutral as regards political parties, and take care not to allow their activities to be used for partisan purposes;</li> <li>○ demonstrate professionalism in serving citizens with competence and act in a manner which shows respect and courtesy towards everyone;</li> <li>○ exercise discretion, as appropriate, in the public communication of their private views, by whatever means such communication might be made;</li> <li>○ ensure that public resources are not used for a political party, or other political activity or campaigning, other than for what is provided for in legislation;</li> <li>○ refrain from any political or other activities which could hinder the discharge of their function or impair the confidence of the public and their employers in their ability to undertake their duties impartially and loyally;</li> <li>○ comply with rules, regulations and legislation in connection with their political activities and views, membership or activity in a political party, and/or when taking up political activity?</li> </ul>					

E. THE PUBLIC ETHICS FRAMEWORK: COMPONENTS						
<b>E1: Strategy</b>						
<b>E1.1</b>	Is there a national strategy for public ethics?					
<b>E1.2</b>	If yes, has the national strategy for public ethics been adopted for: <ul style="list-style-type: none"> <li>○ sub-national levels;</li> <li>○ organisational levels?</li> </ul>					
<b>E2: Institutions</b>						
<b>E2.1</b>	<ul style="list-style-type: none"> <li>• Is there an independent authority or authorities to provide objective scrutiny and promote transparency in public life?</li> <li>• Is this the same authority or authorities identified in <b>B3</b>?</li> </ul>					
<b>E2.2</b>	Does that authority(ies) have oversight on: <ul style="list-style-type: none"> <li>• collecting and publishing declarations of interest;</li> <li>• gifts and hospitality rules and register;</li> <li>• providing advice and examples of good practice and preparing and publishing guidance on ethical matters;</li> <li>• giving permission, in certain circumstances, relating to post-employment and outside activities?</li> </ul>					
<b>E3: Legislation and Regulations</b>						
<b>E3.1</b>	Is there a law or national regulation(s) that provide for: <ul style="list-style-type: none"> <li>• Requirements for codes of conduct for all public officials;</li> <li>• Codes of conduct being adapted for different categories of public officials (see <b>B2.4</b> and <b>E4.1</b>);</li> <li>• Requirements that all public organisations to ensure that there are robust risk-management processes in place;</li> <li>• Requirements that there is an open and fair recruitment and selection process which will contribute to the advancement of equal opportunities for anyone :</li> </ul>					

	<ul style="list-style-type: none"> <li>○ who is employed by a public organisation;</li> <li>○ who are acting on behalf of a public organisation without having been elected, or appointed to a public mandate or function;</li> <li>● Requirements that recruitment and selection processes address the core values required of candidates to work in public service for those;             <ul style="list-style-type: none"> <li>○ who is employed by a public organisation;</li> <li>○ who are acting on behalf of a public organisation without having been elected, or appointed to a public mandate or function;</li> </ul> </li> <li>● Requirements or guidance for mobility and rotation arrangements to help minimise the possibility of corruption for:             <ul style="list-style-type: none"> <li>○ anyone employed by a public organisation;</li> <li>○ who is acting on behalf of a public organisation without having been elected, or appointed to a public mandate or function;</li> </ul> </li> <li>● Requirements for elected public officials relating to:             <ul style="list-style-type: none"> <li>○ the conduct of elections and election campaigns, including the campaign</li> <li>○ information to be declared;</li> <li>○ the exercise of their mandate;</li> <li>○ the obligation for public authorities to guarantee elected representatives the allocation of adequate resources to fulfil their mandates in a transparent manner?</li> </ul> </li> </ul>					
<b>E4: Codes of Conduct</b>						
<b>E4.1</b>	<p>Are there different codes for:</p> <ul style="list-style-type: none"> <li>● Public officials elected or appointed to a public mandate or function, such as members of national and regional governments, members of national and regional legislatures, local executives and local elected representatives, and holders of a judicial office;</li> <li>● Public officials who are employed by a public organisation (a national, regional or local institution or administration; a company or similar</li> </ul>					



	<p>entity managed or financed by such an institution or administration, or by the State);</p> <ul style="list-style-type: none"> <li>• Those who act on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation;</li> <li>• companies or similar entities managed or financed by such an institution or administration, or by the State, providing public services;</li> <li>• private-sector entities, including non-profit entities, providing public services?</li> </ul>					
<b>E4.2</b>	<ul style="list-style-type: none"> <li>• Do all codes of conduct include and reflect the Principles of Public Ethics and the Standards of Conduct described in the Guidelines;</li> <li>• Do all codes of conduct place an emphasis on individuals' responsibility for their behaviour rather than reliance on an external body or other parties to supervise and regulate behaviour</li> <li>• Do all codes of conduct reflect Council of Europe standards?</li> </ul>					
<b>E4.3</b>	<p>Do all codes of conduct:</p> <ul style="list-style-type: none"> <li>• address key issues and risks relating to maintaining ethical standards in line with societal changes;</li> <li>• ensure complementarity with professional standards;</li> <li>• include relevant statutes of public officials;</li> </ul> <p>Are all codes of conduct:</p> <ul style="list-style-type: none"> <li>• drafted in a clear and concise presentation;</li> <li>• published and accessible to public officials and to citizens;</li> <li>• regularly reviewed and updated as appropriate?</li> </ul>					
<b>E4.4</b>	<p>Do all codes of conduct reflect Council of Europe standards on:</p> <ul style="list-style-type: none"> <li>• Lobbying;</li> <li>• Protection of whistle-blowers;</li> </ul>					

	<ul style="list-style-type: none"> <li>• Prevention of hate speech and discrimination?</li> </ul>					
<b>E4.5</b>	<ul style="list-style-type: none"> <li>• Do codes of conduct for public officials who are employed by a public organisation reflect the model code set out by the Committee of Ministers in its Recommendation No. R (2000) 10 to member States on codes of conduct for public officials?</li> <li>• Do codes of conduct for those are acting on behalf of a public organisation without having been elected or appointed to a public mandate or function reflect the model code set out by the Committee of Ministers in its Recommendation No. R (2000) 10 to member States on codes of conduct for public officials?</li> </ul>					
<b>E4.6</b>	<ul style="list-style-type: none"> <li>• Is there a code of conduct applicable to elected representatives that reflects their necessary independence from government;</li> <li>• Is there a code of conduct applicable to holders of judicial office that reflects their necessary independence from government?</li> </ul>					
<b>E5: Guidance</b>						
<b>E5.1</b>	<p>Is there guidance to reinforce the requirements of legislation, regulations and codes of conduct that covers:</p> <ul style="list-style-type: none"> <li>• the adoption by public organisations of mission and values statements which set out the expectations for the behaviour and conduct of their public officials;</li> <li>• the management of staff, with ethical conduct in particular being included as an important element of performance assessment;</li> <li>• the duty of all leaders in a public organisation to be role models of ethical behaviour in their decision making and behaviour;</li> <li>• the provision of initial and continuous training and development for all public officials, to ensure the highest standards of conduct in the exercise of their public functions and mandates;</li> <li>• issues of conduct for elected representatives and holders of judicial office who are independent of government – the preparation and</li> </ul>					

	adoption of any such guidance being undertaken in a way that is consistent with this independence?					
<b>F. PUBLIC ETHICS FRAMEWORK: ADDRESSING SHORTCOMINGS</b>						
<b>F1: General</b>						
<b>F1.1</b>	<ul style="list-style-type: none"> <li>• Are there clear mechanisms and procedures to investigate and address possible breaches of ethical standards or other issues of concern about public ethics?</li> <li>• Are there clear procedures for handling complaints and grievances from the public and from public officials where a breach of ethical standards is suspected?</li> </ul>					
<b>F2: Specific protective measures and mechanisms</b>						
<b>F2.1</b>	<ul style="list-style-type: none"> <li>• Are there protective measures for whistle-blowers to prevent direct or indirect retaliation – including dismissal, suspension, demotion, loss of promotion opportunities, punitive transfers, reductions in or deductions from wages, harassment or any other punitive or discriminatory treatment - by the public organisation to which they belong or belonged and by public officials of that public organisation?</li> <li>• Are there formal mechanisms for the independent investigation of alleged breaches of the code of conduct for elected public officials;</li> <li>• Are there formal mechanisms for the independent investigation of alleged breaches of the code of conduct for the judiciary, provided for in statutes;</li> <li>• Is a formal mechanism for the independent investigation of alleged breaches of the code of conduct for members of national or regional legislatures – both that mechanism and the code are to be determined by the legislature concerned?</li> </ul>					
<b>F3: Sanctions</b>						
<b>F3.1</b>	<ul style="list-style-type: none"> <li>• Are there appropriate and proportionate disciplinary and criminal sanctions to be established for each category of public official with</li> </ul>					

	<p>those responsible for imposing sanctions having adequate powers to do so as follows:</p> <ul style="list-style-type: none"> <li>○ Public officials elected or appointed to a public mandate or function, such as members of national and regional governments, members of national and regional legislatures, local executives and local elected representatives, and holders of a judicial office;</li> <li>○ Public officials who are employed by a public organisation (a national, regional or local institution or administration; a company or similar entity managed or financed by such an institution or administration, or by the State);</li> <li>○ Those who act on behalf of a public organisation without having been elected, appointed to a public mandate or function or employed by a public organisation;</li> <li>○ companies or similar entities managed or financed by such an institution or administration, or by the State, providing public services;</li> <li>○ private-sector entities, including non-profit entities, providing public services?</li> </ul>					
--	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--	--	--	--	--