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**Public**  
**Greco RC-II (2007) 11E**  
**Addendum**

## **Second Evaluation Round**

### **Addendum to the Compliance Report on Ireland**

Adopted by GRECO  
at its 46<sup>th</sup> Plenary Meeting  
(Strasbourg, 22-26 March 2010)

## I. INTRODUCTION

1. GRECO adopted the Second Round Evaluation Report on Ireland at its 26<sup>th</sup> Plenary Meeting (9 December 2005). This Report (Greco Eval II Rep (2005) 9E) addressed 6 recommendations to Ireland and was made public on 28 February 2006.
2. Ireland submitted the Situation Report required under the GRECO compliance procedure on 31 July 2007. On the basis of this report, and after a plenary debate, GRECO adopted the Second Round Compliance Report (RC Report) on Ireland at its 36<sup>th</sup> Plenary Meeting (15 February 2008). This last report was made public on 17 June 2008. The Compliance Report (Greco RC-II (2007) 11E) concluded that recommendations i, iv and vi had been implemented satisfactorily and recommendation v had been dealt with in a satisfactory manner. Recommendations ii and iii had been partly implemented; GRECO requested additional information on their implementation. This information was provided on 4 September 2009 and on 10 March 2010.
3. The purpose of this Addendum to the Second Round Compliance Report is, in accordance with Rule 31, paragraph 9.1 of GRECO's Rules of Procedure, to appraise the implementation of recommendations ii and iii in the light of the additional information submitted.

## II. ANALYSIS

### **Recommendation ii.**

4. *GRECO recommended to introduce clear rules/guidelines and training for public officials to report instances of corruption, or suspicions thereof, which they come across in their duty and, to establish adequate protection for public officials who report instances of corruption (whistleblowers).*
5. GRECO recalls the Irish position - as reflected in the Compliance Report - that the possibility of introducing mandatory reporting of suspected corruption within the public service had been ruled out and that no ethical guidelines (of a nonbinding character) to encourage such reporting had been introduced; however, the authorities pointed out that the law does not prevent a public official from reporting suspected corruption, within the hierarchy or directly to the Police. GRECO concluded that Ireland had not complied with the first part of the recommendation. Concerning the second part of the recommendation, GRECO acknowledged that whistleblower protection was being introduced on a sector basis and that such protection was in place in respect of the Police and in the health sector. Moreover, work was underway to introduce whistleblower protection in the Prevention of Corruption (Amendment) Bill. GRECO concluded that the second part of the recommendation had been partly implemented.
6. The Irish authorities now report that the Department of Finance is arranging for the introduction of training guidelines on reporting corruption, however, training/guidelines will not be issued before the whistleblower protection has been established in law, see below. The responsibility for carrying out the training rests with the appropriate Government departments and related agencies.
7. The authorities furthermore report that the Prevention of Corruption (Amendment) Bill 2008 which is currently before Parliament, is aimed at providing general protection for whistleblowers which covers employees and other persons who report suspected corruption offences in good faith.

Section 4 of the Bill gives “immunity” to any person (including an employee) who reports offences under the *Prevention of Corruption Acts 1889 to 2009*, to an appropriate person. Moreover, employers are prohibited from penalising employees for having formed an opinion and communicated it in good faith to an appropriate person; the Bill provides for redress for employees penalised in this way (section 6). The Bill has passed the Second Stage in Parliament, and will be discussed by a Parliamentary Committee (the next stage in the parliamentary process). It is expected to be enacted in 2010 and is listed as a priority, according to the authorities.

8. GRECO notes that no guidelines have yet been issued in order to encourage public officials to report suspected corruption they come across in their services. GRECO also notes that no concrete training has been carried out in respect of reporting corruption, but it appears that the authorities are still in the preparatory stages of introducing such training, subject to the enactment of the Prevention of Corruption (Amendment) Bill 2008, which provides legal protection for whistleblowers. Consequently, the first part of the recommendation remains not implemented. On a more positive note, the introduction of whistleblower protection in law has been further pursued since the adoption of the Compliance Report, with the Prevention of Corruption (Amendment) Bill 2008, currently pending before Parliament at an advanced stage.
9. GRECO concludes that recommendation ii remains partly implemented.

#### **Recommendation iii.**

10. *GRECO recommended to establish regular training for all public officials concerned with regard to the principles of the Civil Service Code of Standards and Behaviour (central government) and the Code of Conduct for Employees (local government) as well as with regard to other relevant codes of conduct of the public administration.*
11. GRECO recalls that this recommendation was considered partly implemented in the Compliance Report as a comprehensive modernisation process in respect of the regular training within the public service had started but not fully materialised at the time of the adoption of the Compliance Report.
12. The Irish authorities now report that training of over 50 senior personnel officers and departmental training officers was held in 2007 and 2008. These officers have wide access across their organisations and are in a position to continually raise awareness of the principles of the Civil Service Code, and this is a permanent item on their agenda. Furthermore, a comprehensive induction manual for all civil servants was published in 2008, and thousands of copies of it have been distributed, including to each new entrant during their induction training. The Manual is available on-line. Furthermore, directions have been issued to individual departments (ministries) to ensure that training is provided on the Civil Service Code on a regular basis; for instance, the “Public Financial Management Training Programme” and the “Public Procurement Training Programme”, which include training on ethics in public office. Both these courses are delivered cross-departmental on a bi-monthly basis. The Civil Service Code of Standards and Behaviours is also included in the “Managing People Course” which is delivered on a monthly basis across departments. There is a module on the Code of Standards and Behaviours in the “Clerical Officer Training Programme”, which was launched in 2008 and is since delivered on an ongoing basis by all departments. Regarding the provision of training in relation to codes of conduct in the local government sector, the Institute of Public Administration have provided several information/training briefs at which local government officials have

participated. Furthermore, since January 2009, the “Departmental Training Officers Network” has made “Ethics in Public Office” as a fixed item on the agenda for all their meetings and members are reminded at every meeting that they are responsible for, that staff within their respective departments are fully aware of their responsibility and accountability under the legislation.

13. The Irish authorities also report progress in relation to the establishment of new codes of conduct as the basis of this training. In addition to the Civil Service Code of Standards and Behaviour, the Department of Finance issued in June 2009 an updated Code of Practice for the Governance of State Bodies, which includes a framework for a Code of Business Conduct for all directors and employees of state bodies. Furthermore, the Department has, in cooperation with the Standards in Public Office Commission, initiated a process to elaborate a statutory based code of conduct for the wider public service. The authorities also stress that codes of conduct are in place for members of Parliament (both Houses) and other office holders specified under the Ethics Acts. In the local government sector, codes of conduct have been put in place for councillors and for local authority employees. In the health sector a Code of Standards and Behaviour was published in June 2009. Work in relation to the provision of a code of conduct for the wider public sector is on-going.
14. GRECO takes note of the information provided which shows substantial developments to establish a broad framework of guidelines for ethics and conduct within the public service. GRECO also notes progress regarding the establishment of regular ethics training, in particular at the central level.
15. GRECO concludes that recommendation iii has been dealt with in a satisfactory manner.

### **III. CONCLUSION**

16. In addition to the conclusions contained in the Second Round Compliance Report on Ireland and in view of the above, GRECO concludes that recommendation iii has been dealt with in a satisfactory manner and that recommendation ii remains partly implemented.
17. With the adoption of this Addendum to the Second Round Compliance Report, GRECO concludes that out of the 6 recommendations issued to Ireland, 5 recommendations have been adequately addressed and 1 remains partly implemented. GRECO welcomes the progress in respect of whistleblowers’ protection, but maintains its position that guidelines of at least a non-binding character for the reporting of suspected corruption would also be appropriate, in particular, in the context of the various codes of conduct/ethics that have been revised and established in recent years. The developments reported and on-going reforms of ethical training of the public service are to be welcomed. GRECO encourages the authorities to further intensify their efforts in respect of both of these recommendations.
18. The adoption of the present Addendum to the Compliance Report terminates the Second Evaluation Round compliance procedure in respect of Ireland. The Irish authorities may, however, wish to inform GRECO of further developments with regard to the implementation of recommendation ii.
19. GRECO invites the Irish authorities to authorise, as soon as possible, the publication of the Addendum.