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## REVIEW OF THE COUNCIL OF ETHICS FOR PUBLIC SERVICE

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The views expressed in this document are authors' own and do not necessarily reflect official positions of the Council of Europe

## **SUMMARY OF CONTENTS**

This report comprises 4 parts

### **1. CURRENT PROCEDURES AND POSSIBLE FUTURE WORK OF THE COUNCIL ON ETHICS**

The first report looks at the law and procedures of the Council, the work of similar bodies and its institutional independence and resourcing. The report proposes that there could be a number of core roles for the Council, including prevention, awareness and investigation.

### **2. REVISING THE CODE AND INSTITUTIONAL RESPONSIBILITIES**

The second report looks at the Code. In terms of the first report, it makes suggestions as to the various responsibilities of agencies for different articles to allow the Council to focus on its potential core direction.

### **3. OPTIONS FOR THE COUNCIL OF ETHICS FOR PUBLIC SERVICE AS THE NATIONAL PREVENTION OF CORRUPTION COUNCIL**

The third report considers one such direction, as the national prevention of corruption agency along the lines proposed by the United Nations Convention against Corruption.

### **4. INSTITUTIONAL CAPACITY REVIEW AND PLAN**

The fourth and final report looks in more detail at the likely staffing and other resources requirements of the Council, depending on the issues and options addressed in the first three reports.

**CURRENT PROCEDURES AND  
POSSIBLE FUTURE WORK OF THE COUNCIL ON ETHICS**

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## **1. INTRODUCTION**

This working paper discusses the legal and institutional context of the work of the Council of Ethics for the Public Service before focussing on the Council's procedures and working practices and the implications for future work outlined in the project (Council of Europe Project No. EC/1062).

## **2. WORK UNDERTAKEN**

The Council held a workshop on its roles and responsibilities. Individual members of the Council completed a questionnaire. The same questionnaire was also completed by members of the Secretariat who were also interviewed by the LTA (some twice). Reference was also made to the Council's annual report, to the law and to the Code.

## **3. ETHICS: THE BACKGROUND**

Formal rules for officials of the public administration of Turkey have been in force since the mid-1960s. However, the establishment of the Council of Ethics for the Public Service<sup>1</sup> and its development of a code of ethics<sup>2</sup> provides a focus for the institutional and procedural framework to deliver an ethical environment, in addition to the work of audit units and inspection boards as well as the introduction of Ethics Commissions in public sector institutions.

## **4. THE COUNCIL OF ETHICS: LAW AND CODE**

The law and Code give the Council a number of responsibilities, including investigations of complaints, working with Ethics Commissions, promoting ethical understanding (including through training), and reviewing ethical environments and issues. Essentially these provide three roles: investigation, awareness/education and prevention. In relation to investigations, the law gives the Council the right to call for witnesses, documents and information; the only sanction is publication of an offender – who has the right of appeal – in the Official Gazette.

The law gave the Council the right to draft a Code of Ethics, which was undertaken in its first year. The current Code is a mix of: ethical requirements, reviews of ethical cultures, calls for training programmes, cooperation with other agencies, Council Standing Orders, investigation procedures and other administrative matters. In relation to ethical standards, the Code is very broad, ranging from performance standards and personal behaviour to whistleblowing, misuse and misappropriation of resources, and post-employment restrictions. The Code applies to designated senior public officials – approximately 10,000 – but not government ministers, members of the Legislature, universities, the judiciary and the armed forces.

## **5. THE WORK OF THE COUNCIL**

The Council of Ethics consists of eleven members elected by the Council of Ministers for a period of four years and a similar number of staff in the Secretariat. The tasks of the Council are:

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<sup>1</sup> Law no. 5176, published in the Official Journal on 8 June 2004.

<sup>2</sup> Regulation on the Principles of Ethical Behaviour of Public Officials, published in the Official Journal on 13 April 2005, no. 25785.

- to determine whether public officials adhere to the Code of Ethics while performing their duties;
- to investigate claims that the principles of the Code have been violated by a senior public official with a minimum rank of general manager or equivalent<sup>3</sup>;
- to inform the relevant authorities on the results of such investigations;
- to carry out or to commission studies and research which help establish a culture of ethics throughout the public administration.

At present, the capacity of the Council is limited by the resources made available to it. In terms of wider ethical work and reviews, the Council has worked with universities, the private sector and NGOs on the discussion of ethics, initiated reviews of areas of concern (such as the relations between the pharmaceutical industry and the healthcare sector) and established an Ethics Day (25<sup>th</sup> May).

In relation to the implementation of the Code, the Council currently is able to handle the small number of allegations that fall within the scope of the Code (from about 150 received); approximately 60 a year covering: personnel issues; breaches of official duty; misuse of public resources; plagiarism; nepotism; fairness; access to information; corruption and denial of equity.

Allegations are reviewed as to the rank of the public official involved and the nature of the possible offence. Allegations which may involve a criminal element must be redirected to the Prosecutors Office while those relating to lower-level public officials are sent to the institution concerned (and a report later received). Allegations which fall within the remit of the Code are agreed by the Council for investigation which, at present, involves a request for information from the institution concerned and a decision by the Council on whether or not a breach of the Code and whether or not the sole sanction should be imposed. To date, no sanction has been imposed.

As to the other areas of responsibility, the Council undertakes seminars, work with agencies, and conducts reviews, but there has been no systematic review of ministries' approach to the ethical environment.

## **6. MAIN AREAS OF CONCERN INVOLVING THE CURRENT WORK OF THE COUNCIL**

These come under three categories:

### **6.1 Law and Code**

The law is relatively broad, giving the Council two main roles – determination of a Code and investigation of any breaches (for which it has powers to access witnesses, documents and other information), and wider reviews of ethical environments. The law provides for only one sanction for proven breaches although it does provide the right of appeal.

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<sup>3</sup> See the list in Appendix 2 of the Code of Ethics. Complaints on other categories of officials received by the Ethic Council are forwarded to the disciplinary authority of the respective institution without further investigation by the Council.

Issues:

- the law does not give the Council authority to provide training, or monitor the provision of training, in the Code and the ethical environment it is intended to promote;
- the law does not define the authority of the Council in relation to wider reviews, such as the right to call for annual reports or for proactive inquiries;
- the law does not allow for an appropriate range of sanctions.

The Code, drawn up by the Council under the law, are very broad, ranging from conflict of interest to procedures for dealing with allegations and administrative matters relating to the work of the Council.

Issues:

- the Code is too broad, containing material relevant to a code of ethics, material more suited to a service delivery standards charter, material better dealt with by other legislation, material more properly the responsibility of an Ombudsman, material more suited to Standing Orders or administrative procedures, and material more appropriate to be addressed by other institutions (especially those relating to personnel issues);
- the Code lacks a structure that lends itself to training;
- the Code lacks clarity in terms of responsibility and is too broad for the Council to have sole responsibility to enforce or implement;
- the Code is negative in that it focuses on required conduct and the consequences of failing to adhere to that conduct, while not addressing why and how ethical conduct is to be supported and rewarded.

## **6.2 Institutional and Resources**

The Council of Ethics is located within the Prime Ministry. Its budget and staffing are within the gift of the Prime Ministry; most of the Secretariat are career public officials seconded without selection. While the Council has independence in receiving and conducting inquiries into breaches and in conducting relations with other agencies within and outside the public sector and, as such, may determine its own strategy, there are a number of issues that restrict its effectiveness:

Issues:

- It lacks budgetary independence that would allow it to delivery its intended roles and responsibilities, and resource it accordingly;
- It is not able to determine either its staffing levels or the types of expertise it requires;
- The staff currently working for the Council are temporary secondees from the Prime Ministry – the staff base in terms of acquiring and retaining expertise, as well as developing institutional memory, is not stable;
- Its relations with other public inquiry agencies, such as inspectorates, and with ethics commissions is not yet determined;
- Its investigative role is limited and its power of sanctions even more limited;
- Its wider review work is conducted on an *ad hoc* basis and the formal authority of its findings unclear.

### **6.3 The Potential Work of the Council**

The Council has acknowledged the need to review its roles and responsibilities. Its perceptions range widely. Externally these include: the possibility of a new Prevention of Corruption Agency, the range of institutions that should be covered by the Code, the role of Ethics Commissions, the need for the Legislature and the judiciary to set up equivalent Codes and ethics bodies, and the completion of annual reports on ethics work by ministries. Internally there are proposals for a full-time Chair, for individual members of the Council to take lead responsibility for specific areas of Council work, and for more staff (such as lawyers or investigators depending on what the members see as the Council's main work).

Members recognise the current restrictions, whether resources or the single sanction. Many recognise the need for extensive education and training on ethics, as well as more cooperation and coordination with other agencies. Many also propose an extensive awareness campaigns. While several members see the Council undertaking all 3 main roles – investigation, awareness and prevention – there is some divergence over which of those should be the primary role or roles of the Council (and thus where any new resources would be allocated).

In summary the main areas to expand and develop the work of the Council, as perceived by Council members, include:

- to develop an effective investigative capability, including addressing the issue of parallel investigations;
- to extend the range of sanctions;
- to develop training and awareness roles, particularly through media campaigns;
- to expand the remit of the Code to universities;
- to work with the Legislature, Judiciary and armed forces to develop their own Codes of Ethics;
- to encourage ministries to report on their work on developing an ethical environment;
- to develop a research capability and an approach to prevention.

## **7. HOW OTHER COUNTRIES ADDRESS ETHICS**

There is no one answer or approach to what could be the main roles and responsibilities of the Council, what could be the organisational shape to deliver them, or what resources would be needed. Such decisions on the strategic direction, roles and resourced have been faced by a number of countries – and the responses are varied.

In relation, for example, to what roles and responsibilities should be undertaken by Anti-Corruption Commissions (ACC) a 2006 OSCE review noted variations in focus – see Table 1.



AGENCY	POLICE DEPT	PROSECUTOR DEPT	INVESTIGATION	PREVENTION	EDUCATION	LOBBYING/PARTY FUNDING	CONFLICT OF INTEREST	SURVEILLANCE	NATIONAL PLAN	PUBLIC REFORM	FINANCE
LITHUANIA STT	-	-	✓	✓	✓	✓	Part✓	✓	✓	part✓	-
LATVIA CPCB	-	-	✓	✓	✓	✓	✓	✓	✓	-	-
SPAIN	-	✓	-	-	-	-	-	-	-	-	-
ROMANIA NAD	✓	-	-	-	-	-	-	-	-	-	-
CROATIA	-	✓	-	-	-	-	-	-	-	-	-
BELGIUM	✓	-	-	-	-	-	-	-	-	-	-
NORWAY	✓	-	-	-	-	-	-	-	-	-	-
FRANCE SCPC	-	-	-	✓	-	✓	-	-	-	✓	✓
SLOVENIA CPC	-	-	-	✓	✓	-	✓	-	✓	✓	-
MACEDONIA NC	-	-	-	✓	✓	-	✓	-	✓	✓	-
ALBANIA ACMG	-	-	-	✓	✓	-	-	-	✓	✓	-
UK SFO	-	✓	-	-	-	-	-	-	-	-	-

Source: drawn from a report on anti-corruption agencies for the Organisation for Economic Co-operation and Development Anti-Corruption Network for Eastern Europe and Central Asia (2006).

In 1997 the OECD/SIGMA survey noted variations in new areas being addressed in relation to the promotion of ethical environments (Table 2).

New actions being considered	Countries
Enhancing or establishing penalties	Belgium, Czech Republic, Germany, Hungary, Japan, Korea, Poland, Switzerland
Increased transparency and public exposure	Hungary, Italy, Korea, Mexico, Poland, Spain, Switzerland
Introduction, or enhancement of powers, of specialist bodies	Belgium, Germany, Ireland, Italy, Switzerland
Increased guidance or training for officials	Germany, Ireland, Mexico, Spain, Switzerland
Review of domestic law for local and international corruption implications	Czech Republic, France, Italy, Sweden, Switzerland
Review of regulatory effectiveness	Italy, Korea, Mexico, Switzerland
Improved organisational effectiveness	Germany, Hungary, Italy, Mexico
Review of high-risk areas	Germany, Switzerland

Source: Mills, A. Strengthening Domestic Institutions against Corruption: a Public Ethics Checklist. OECD (1997).

When, however, there is broad agreement on implementing Codes and ethical environments, there is not necessarily a common institutional approach, as the UK example shows (Table 3).

Last Full Year Number of Allegations and Inquiries	NORTHERN IRELAND	ENGLAND	WALES	SCOTLAND
Body to deal with Legislature		Y	Y	Y
Body to deal with local government	N	Y	N	N
Body to deal with local government and public bodies	N	N	Y	Y
Body to deal with Legislature	Y	N	N	N

and local government				
Body to review ethical environments	N	Y	N	N
Are any of the bodies also combining role as Ombudsman	Y	N	Y	N
Code (C) or Law (L)	L	C	L	L
Sanctions (L) = Legislature only	Disqualify Suspend Reprimand	Disqualify Suspend Reprimand Fine (L)	Disqualify Suspend Reprimand	Double Disqualify Suspend Reprimand Fine (L) Prison (L)
Parliament/Assembly allegations	(1 - 2002)	93	46	29
Parliament/Assembly Inquiries – % for investigation	(100%)	25%	20%	20%
Number of MPs subject to Code	108	645	60	129
Staff in Body	-	1	1	1
Annual Cost	-	£302,000	n/a	£88000
Local Government Code allegations (for Scotland, also includes public bodies)	-	3861	183	139 (over 90% relating to councils)
Local Government Code Inquiries – % for investigation	-	24%	46%	95%
Number of persons subject to agency		100,000	16000 (est)	3500 (est)
Staff	-	61 inc. support	14 plus support	3.5
Local Government Code: agency annual costs	-	£8 million	£226,000	£400,000

Sources: Annual Reports and 10<sup>th</sup> Report, Committee on Standards in Public Life, 1995-2005

## 8. IMPLICATIONS FOR THE COUNCIL

Within this context, the current and future organisational shape of the Council and its main roles and responsibilities will be determined by the Council. Reflecting the points raised above, however, the Council may wish to consider a number of issues.

### 8.1 Workload and Reputation

The proposals for extensive awareness campaigns and for the extension of the Code to other institutions, such as universities, may have significant impact on the Council. Currently it is not resourced to manage any increase in complaints, nor to manage complex and lengthy inquiries that, given the only available sanction open to the Council, are likely to be challenged. In such a worst case scenario the reputation of the Council will be adversely affected unless appropriate resources are available in advance. The rationale for any additional resource, whether for an increased investigative function or any other function, will, however, require consideration of the strategic direction of the Council.

### 8.2 Strategic Direction

The Council currently has three potential roles: investigation, awareness, prevention (including training and reviews of ministries). The Council has to address three issues: priority – which of the 3 roles should be the focus of the work of the Council or should all 3 be undertaken and in what order of priority; sequence – where should the Council put the emphasis in terms of which role should be developed first; timing – how long would it take the Council to be fully operational to deliver the role or roles and how should they be measured? Such strategy will provide the context for the resource requests that will be necessary to deliver it.

### **8.3 Independence**

To achieve its strategic direction, the first issue that needs to be addressed is the constitutional status of the Council. While Article 3 of the law gives the Council its operational authority, Article 2 does not ensure that it has the resources and budget to deliver them. The revision to the law is necessary to allow the Council to deliver its strategy, with appropriate appointment, reporting and audit arrangements to ensure accountability.

### **8.4 Revisions to law and Code**

In achieving 8.3, and depending on the focus on the roles the Council, the future work of the Council will be further facilitated by revisions to the law and the Code. Specifically the Council could:

- provide itself with stronger investigative powers or delegate the responsibility to other bodies;
- ensure a wider range of sanctions (most similar bodies will include: mediation or further ethics training, transfers, verbal or written warnings, suspensions, fines, dismissal);
- have the power to undertake reviews of prevention work or the development of ethical frameworks in ministries;

*and*

- review the code to tighten the ethical framework the Council would require the public service to implement;
- have the authority to transfer responsibility for parts of the code to other bodies;
- have the power to require uniformity of codes across the public service;
- once the code is revised and appropriate responsibility for aspects of the code and its enforcement are addressed, have the authority – if the Council wishes to have an investigative capability - to carry out its own inquiries, irrespective of any other inquiry into the same person or activity by another institution.

### **8.5 Relations with Other Institutions**

It is clear that, whatever focus it chooses, the Council will need to develop relations with other bodies, and in particular with ministry Ethics Commissions and Inspectorates. These may work with the Council, take on some of the responsibilities of the Council to allow it to pursue a more strategic role, and develop partnership arrangements to develop effective ethical environments.

## **9. POSSIBLE OPTIONS**

A number of options are available, including:

### **9.1 Focus on an investigative role**

The Council could concentrate on major breaches of the Code, using experienced investigators with appropriate case management and evidential requirements and operational databases. Minor breaches could become the responsibility of Ethics Commissions and Disciplinary Boards with the Council retaining a supervisory role to ensure consistency and uniformity of inquiries and sanctions. The Council could retain lesser roles in awareness campaigns, the monitoring of training programmes and ministry preventative strategies.

## **9.2 Focus on an awareness role**

Responsibility for investigations would go to Inspectorates, Ethics Commissions and Disciplinary Boards. The Council would focus on media campaigns to promote the Code across the public services and among the public. Complaints would come to the Council who would delegate their investigation but receive reports on the outcome. The Council would pursue a significant role in overseeing and monitoring training programmes for the Code across ministries. It would retain a minor role in monitoring ministry preventative strategies.

## **9.3 Focus on a preventative role**

The role of the Council could focus on ministries and other public bodies over their work in developing an ethical framework. This would include receiving annual self-assessments and risk assessments from ministries, monitoring training programmes, liaising with Inspectorates, undertaking research, carrying out proactive reviews, and supervising the roles and responsibilities of Ethics Commissions. It would retain a monitoring role over the investigative work within ministries and publicise its and the ministries' work to the public but not mount any extensive awareness campaigns. Complaints would still come to the Council who would delegate their investigation but receive reports on the outcome.

## **10. SUMMARY**

The Council could choose any or all of the 3 main roles or any permutation. There may be, at present, uncertainty over revising the Code and the law and ensuring an adequate budget. The Council may therefore wish to take the opportunity to develop and present the case for reform and resources by considering:

- What could be its strategy – its main role or roles?
- What will be its priorities to deliver the strategy?
- What will be the sequence of activities and work plans to deliver the priorities?
- What changes to the law and the Code will be necessary to do this?
- What level and what type of resources will it need to do this?
- What level and what type of resources will the government agree to provide over what timeframe?

The Council should mix pragmatism with aspiration to devise a realistic and realisable strategy that will build on the existing resources and which will attract additional government resources to deliver its intended roles and responsibilities for the future.

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**REVISING THE CODE AND  
INSTITUTIONAL RESPONSIBILITIES**

## **CONTENTS**

- 1. INTRODUCTION**
- 2. ETHICS COMMISSIONS**
- 3. THE CODE**
- 4. THE ROLE OF THE COUNCIL**
- 5. COUNCIL CAPACITY**
- 6. FURTHER WORK**

### **ANNEX 1**

## 1. INTRODUCTION

Building on Working Papers 4 and 5, this Working Paper reviews the current Code and the institutional arrangements to consider how far these may be re-aligned to develop the primary role of the Council of Ethics for the Public Service as an agency addressing the prevention of corruption, working with other agencies to promote an ethical environment and ensure the implementation of the Code.

## 2. ETHICS COMMISSIONS

In proposing Ethics Commissions within public service institutions, the Code provides the institutional means to consider the distribution of functions and responsibilities to allow the Council to focus on its policy and oversight roles while Ethics Commissions take on the role of ensuring the implementation of the Code through training, review of procedures and so on, in order 'to establish and develop ethical culture' and take on the responsibility of those alleged violations under the Code that relate to personnel and employment matters. These may also be better addressed in terms of sanctions (see Working Paper 4 on the need to broaden the range of sanctions) within the standard employment and disciplinary framework already followed by the institution.

## 3. THE CODE

It is suggested that the Code is redrafted to amend those Articles that do not lend themselves to investigations, and transfer those Articles to become the responsibility of the Ethics Commissions, with the institutions' disciplinary boards addressing the question of sanctions. The Council would still take overall oversight responsibility of the Code and the quality of investigations and the uniformity and equity of sanctions [see Annex 1].

## 4. THE ROLE OF THE COUNCIL

This distribution of functions and responsibilities would allow the Council to establish a framework that would undertake the following main strategic responsibilities:

**Reviewing the development of ethical framework – Article 27**  
**Investigating/Overseeing Investigations – Article 28**  
**Publishing Reports – Article 30**

## 5. COUNCIL CAPACITY

To undertake the potential responsibilities the Council will need to consider the following areas for resourcing:

- Investigations: a limited number of experience investigators to address major cases of conflict of interest, possibly in part seconded from inspectorates or equivalent agencies, develop intake procedures (including those from Article 12) and to set up case management systems;
- Ethical Framework: researchers and policy staff capable of undertaking systematic institutional reviews, analyse cases and trends, develop prevention measures, liaise with other agencies, support Council inquiries and reviews;

- Trainers: a limited number of staff able to update training material, monitor ministry ethics training programmes, undertake staff surveys;
- Council support: secretarial and administrative staff.

## **6. FURTHER WORK**

This will involve consideration of:

- A revised Code;
- Confirmation of the strategic direction of the Council;
- Establishing the functions and responsibilities of Ethics Commissions;
- Establishing the relationships between the Council, the Ethics Commissions, and Inspectorates;
- Assessing the future staffing and non-staffing resources of the Council;
- Costing the requirements.



**Council of Ethics for Public Service**

ARTICLE	THEME	CONTENTS	RESPONSIBILITY	COMMENTS
5	<b>Consciousness of public service in performance of a duty</b>	Constant development, participating, transparency, impartiality, honesty, protecting the public interest, accountability, predictability, fitness in service and confidence in statement should guide public officials in performance of the public services.	The Council and the Ethics Commissions.	This is a broad generic work-related requirement that focuses on the overall ethical conduct of a public official. Other Articles take a more detailed view of the issues involved. It does not lend itself easily to investigation. The Article best serves as a mission or values statement to begin the Code.
6	<b>Consciousness of serving the community</b>	In performance of the public services the public officials should aim at facilitating the daily life of the community, meeting public needs in the fastest and the most active and effective way, increasing the quality of the service, increasing the satisfaction of the community, focusing on the requirement of those benefiting from the service and on the results of services.	Ethics Commissions	This is a work-related requirement that focuses on a particular aspect of a public official's performance of his or her duty. It is a service delivery statement that should be assessed within the institution concerned and seen as part of the appraisal of a public official. Allegations of breaches would in other contexts be the responsibility of an Ombudsman, audit or internal inspection units as it relates to public service delivery.
7	<b>Compliance with the service standards</b>	The managers and other personnel of the public institutions and organizations should perform the public services in accordance with the determined standards and processes, inform those benefiting from the services by giving essential explanatory information about the work and transactions during the service processes.	Ethics Commissions	This is a work-related requirement that focuses on a particular aspect of a public official's performance of his or her duty. It is a service delivery statement that should be assessed within the institution concerned and seen as part of the appraisal of a public official. Allegations of breaches would in other contexts be the responsibility of an Ombudsman, audit or internal inspection units as it relates to public service delivery.

<p>8</p>	<p><b>Commitment to the Objective and Mission</b></p>	<p>Public officials should behave in accordance with the objectives and mission of the institutions and organizations that they work in. They should act in compliance with the interest of the country, the welfare of the society and the service ideals of their institutions.</p>	<p>The Council and the Ethics Commissions.</p>	<p>This is a broad generic work-related requirement that focuses on the overall ethical conduct of a public official. Other Articles take a more detailed view of the issues involved. It does not lend itself easily to investigation. The Article best serves as a mission or values statement to begin the Code.</p>
<p>9</p>	<p><b>Integrity and Impartiality</b></p>	<p>In all their actions and transactions public officials should act in accordance with the principles of lawfulness, justice, equity and integrity, they cannot discriminate with reasons such as language, religion, philosophical belief, political belief, race, sex etc. while performing their duty or providing services. They cannot act in a human rights violating or restricting way and cannot behave in a way obstructing the equal opportunity.</p> <p>Public officials should use their discretionary authority in accordance with public interest and service requirements away from all sorts of arbitrariness and in compliance with principles of impartiality and equality.</p> <p>Public officials should not treat</p>	<p>The Council</p>	<p>This Article addresses discrimination and conflict of interest in a non-financial context. Like financial conflict of interest it lies at the heart of the separation of private interests and public duty and should be the responsibility of the Council to monitor and enforce. The requirements of the Article should also be integrated with that of Articles 13 and 14 since non-financial interests should also be disclosed and registered.</p>

<p>10</p>	<p><b>Respectability and confidence</b></p>	<p>the natural and legal persons in a prior or privileged and partial way breaching the principle of equality, should not act in a way aiming at the advantage or disadvantage of any political party, person or group, and should not hinder the policies, resolutions and actions of public authorities which are in compliance with the legislation.</p>	<p>Ethics Commissions</p>	<p>This is a work-related requirement that focuses on a particular aspect of a public official's performance of his or her duty. It is very much a personnel issues that should be assessed within the institution concerned and seen as part of the appraisal of a public official. Allegations of breaches would in other contexts be the responsibility of an Ombudsman, Personnel audit or internal inspection units as it relates to public service delivery.</p> <p>The clause discussing private interests should be amended.</p>
		<p>Public officials should behave in a way that will establish confidence for the public administration and they should display with their behaviours that they deserve the confidence and reputation required by the duty. They should avoid behaviours that harm the sense of confidence of the community for the public service, raise doubts and impair the principle of justice.</p> <p>Public officials should act in accordance with the requirements of the service having the consciousness that serving the community is above all sorts of personal and private interests, they cannot misbehave to those who benefit from the service, neglect their work, perform double standard and be partial.</p> <p>Public officials who are in the</p>		

<p>11</p>	<p><b>Decency and respect</b></p>	<p>Public officials should treat seniors, subordinates, colleagues, other personnel and those benefiting from the service decency and respectfully and give necessary attention. They should direct them to the relevant unit or authorized person if the subject is out of their authority.</p>	<p>Ethics Commissions</p>	<p>This is a work-related requirement that focuses on a particular aspect of a public official's performance of his or her duty. It is very much a personnel issues that should be assessed within the institution concerned and seen as part of the appraisal of a public official. Allegations of breaches would in other contexts be the responsibility of an Ombudsman, Personnel audit or internal inspection units as it relates to public service delivery.</p>
<p>12</p>	<p><b>Notification to the competent authorities</b></p>	<p>Public officials, in the case that their acting against the principles of ethical behaviour which are determined in this Regulation or their carrying out illegal transactions or actions is demanded or when they learn or see such actions or transaction while performing their service, should notify the situation to the competent authorities.</p> <p>Supervisors of institutions and</p>	<p>Ethics Commissions and Council</p>	<p>This Article is about internal reporting of breaches of public ethics standards. Those that wish to do so, should be able to contact either body. This Article is better suited to the Section on investigations.</p>

13	<b>Avoiding conflict of interest</b>	<p>organizations should keep the identity of the public officials who notifies and take necessary steps in order to avoid any harm.</p> <p>Conflict of interest means all sorts of interests, financial or other liabilities and the situation of having such personal interests provided for the public officials, their relatives, friends or the person or organizations they deal with which affect or seem to affect their performance of the duty impartially and objectively.</p> <p>Public officials have personal responsibility in the conflict of interest and as they are the ones to personally know the situation in which conflict of interest may rise. They should proceed cautiously in any potential or real conflict of interest, take necessary steps to avoid conflict of interest, notify the situation to their seniors as soon as they realize conflict of interest and keep themselves away from benefits that are in the scope of conflict of interest.</p>	Council	As noted above this Article lies at the centre of public ethics dilemmas – the separation of private interests from public duties and responsibilities. This should always be the responsibility of the Council although it should be more specific on the issues of disclosure and registration of interests.
14	<b>Not using the duty and authorities to derive benefits</b>	<p>Public officials cannot derive benefit in favour of themselves, their relatives or of the third persons by using their duty, title and authority and cannot</p>	Council	As noted above this Article lies at the centre of public ethics dilemmas – the separation of private interests from public duties and responsibilities. This should always be the responsibility of the Council although it should be more specific on the

		<p>intercede, favour their relatives, friends and fellow townsman, perform political nepotism, discrimination or nepotism of any kind.</p> <p>Public officials cannot have their or others' book, periodical, cassette, compact disc and any other similar products sold or distributed; cannot derive benefits to any organization, foundation, association or sports club by donations, help or similar ways.</p> <p>Public officials, when they are on duty or they leave the duty, cannot use the official or secret information they acquired during performance of their duty or as a result of these duties in order to derive economical, political or social benefits for themselves, for their relatives or for third persons directly or indirectly, cannot explain this information to any institution and organization except from the competent authorities.</p> <p>Public officials cannot use the sources of the institution they work for in the election campaigns directly or indirectly or have those sources used.</p>		<p>issues of disclosure and registration of interests.</p>
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<p>15</p>	<p><b>Prohibition of receiving gifts and deriving benefits</b></p>	<p>All sorts of goods and benefits which are accepted directly or indirectly whether having economical value or not and which affect or have the possibility to affect the fulfilment of their duties, impartiality, performance and decisions are within the context of gift.</p> <p>The basic principle for the public officials is not to receive or give gift and not to derive interest as a result of duty.</p> <p>Public officials cannot receive any gift or derive benefit from natural or legal persons who have work, service or benefit relationships related to the duty they perform, for themselves, their relatives or third persons or organizations directly or through an interceder.</p> <p>Public officials cannot give gifts by using the public sources, cannot send wreath or flowers to a natural or legal person except from official day, ceremony and festivals; they cannot give out a notice of commemoration, make an announcement or a celebration which are not related to the service.</p>	<p>Council</p>	<p>As noted above this Article lies at the centre of public ethics dilemmas – the separation of private interests from public duties and responsibilities. This should always be the responsibility of the Council although it should be more specific on the issues of disclosure and registration of interests.</p>
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		<p>Among the gifts given by the foreign persons and organizations according to the decency and protocol rules in the international affairs, saving for the provisions of article 3 of the Act numbered 3628, the ones that are below the limit of the said article are declared.</p> <p>a) Donations which mean contribution to the organization for which the public officials work, which will not affect the execution of the organization services in accordance with the law and which are received, provided that they are allocated for the public service, recorded in the fixed assets list of the organization and that they are declared to the public (except from the official car and other gifts received in order to allocate for the service of a specific public official) and the donations which are granted to the institution and organizations,</p> <p>b) Book, magazine, article, cassette, calendar, compact disc or such goods,</p> <p>c) Gifts or rewards acquired in publicly held competitions, campaigns and activities,</p> <p>d) Gifts having the value of souvenir which are given in</p>		
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		<p>publicly held conferences, symposium, forum, panel, meal, reception or similar activities,</p> <p>e) Advertisement and handicraft products which are distributed to everyone and which have symbolic value,</p> <p>f) Credits taken from financial organizations according to the market conditions,</p> <p>are outside the scope of the prohibition of receiving gifts.</p> <p>a) Gifts of greeting, farewell and celebration, scholarship, travel, cost-free accommodation and gift vouchers received from the people who have service or interest relations with the institution they work for,</p> <p>b) Transactions which are made from unreasonable prices according to the market price when buying, selling or hiring movable or immovable goods or service,</p> <p>c) All sorts of gifts including jewellery, clothes, food or any other goods given by those benefiting from the service,</p> <p>d) Loans and credits taken from the people, who have work or service relations with</p>		
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		<p>the institution, are within the scope of the prohibition of receiving gifts.</p> <p>The officials within the scope of this Regulation who are at least general director, equal to or above general manager notify the list of the gifts they received in the previous year and which are stated in the 5<sup>th</sup> paragraph of this article and (a) clause of the 6<sup>th</sup> paragraph to the Council until the end of January without waiting for any warning.</p>		
<p><b>16</b></p>	<p><b>Making use of public domain and sources</b></p>	<p>Public officials cannot use the public buildings, vehicles and other public domains and sources except for the public objectives and service requirements and can not have them used; they protect these and take necessary precautions to maintain them available for service at any moment.</p>	<p>Council</p>	<p>As noted above this Article lies at the centre of public ethics dilemmas – the separation of private interests from public duties and responsibilities. This should always be the responsibility of the Council although it should be more specific on the issues of disclosure and registration of interests.</p>
<p><b>17</b></p>	<p><b>Avoiding extravagance</b></p>	<p>Public officials should avoid wastefulness and extravagance in using the public buildings, vehicles and other public domains and sources, behave in an effective and economical manner while using the office hours, public domain, sources, labour force and opportunities.</p>	<p>Ethics Commissions</p>	<p>This is a work-related requirement that focuses on a particular aspect of a public official's performance of his or her duty. It is very much a personnel issues that should be assessed within the institution concerned and seen as part of the appraisal of a public official. Allegations of breaches would in other contexts be the responsibility of an Ombudsman, Personnel audit or internal inspection units as it relates to public service delivery.</p>

<p>18</p>	<p><b>Binding explanations and factitious statement</b></p>	<p>Public officials while performing their duty cannot exceed their authority and make explanation, engagement, promise or attempts binding the institutions they work for, they cannot make a misleading and factitious statement.</p>	<p>Ethics Commissions</p>	<p>This is a work-related requirement that focuses on a particular aspect of a public official's performance of his or her duty. It is very much a personnel issues that should be assessed within the institution concerned and seen as part of the appraisal of a public official. Allegations of breaches would in other contexts be the responsibility of an Ombudsman, Personnel audit or internal inspection units as it relates to public service delivery.</p>
<p>19</p>	<p><b>Notification, transparency and participation</b></p>	<p>Public officials should help the community to exercise their right to receive information. They should submit the information and documents upon the demand of natural and legal persons duly apart from the exceptions determined in The Law numbered 4982 on Right to Information.</p> <p>Top executives should present their institutions' processes of tender, activity and audit report to the public opinion through acceptable means under the allowance of related laws.</p> <p>Public officials should pay attention to provide that those who will be directly or indirectly affected from the decision unless there is a contrary legal provision contribute to one or some of the stages of the</p>	<p>Council</p>	<p>As noted above this Article lies at the centre of public ethics dilemmas – the separation of private interests from public duties and responsibilities. This should always be the responsibility of the Council although it should be more specific on the issues of disclosure and registration of interests.</p>

<p>20</p>	<p><b>Managers' liability to render account</b></p>	<p>preparation of fundamental decisions on public services, maturation, decision taking and application of these decisions.</p> <p>Public officials can render account about their responsibilities and liabilities while performing public services and they are always open and prepared for the public evaluation and audit.</p> <p>Executive public officials take the precautions required by their duty and authority in order to obstruct the transactions or actions that are inappropriate to the objectives and policies of the institutions on time.</p> <p>Executive public officials should take necessary steps in order to avoid the personnel under his/her authority from corruption. These steps should include practicing legal and administrative arrangements, making appropriate studies in training and notification; proceed cautiously about the financial and other difficulties which the personnel face with and being a model for the personnel with their personal behaviours.</p> <p>Executive public officials are</p>	<p>Ethics Commissions</p>	<p>This is a work-related requirement that focuses on a particular aspect of a public official's performance of his or her duty. It is very much a performance and appraisal issue that should be assessed within the institution concerned and seen as part of the appraisal of a public official. Allegations of breaches would in other contexts be the responsibility of an Ombudsman, Personnel audit or internal inspection units as it relates to public service delivery.</p>
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<p>21</p>	<p><b>Relations with the former public officials</b></p>	<p>responsible to provide his/her personnel with the appropriate education about the principles of ethical behaviour, to observe whether they abide by these principles, to view the life of the personnel incompatible with their income and to guide about the ethical behaviour.</p>	<p>Council</p>	<p>As noted above this Article lies at the centre of public ethics dilemmas – the separation of private interests from public duties and responsibilities. This should always be the responsibility of the Council although it should be more specific on the issues of disclosure and registration of interests.</p>
<p>22</p>	<p><b>Declaring property</b></p>	<p>Public officials cannot make former public officials benefited from public services in a privileged way and cannot treat them in a privileged manner.</p> <p>The people who have left their public duties cannot be assigned directly or indirectly to a duty or work such as contractor, commissioner, representative, expert, interceder from the institution or organization they previously worked for -saving for the provisions and periods in the related Laws.</p>	<p>Council</p>	<p>As noted above this Article lies at the centre of public ethics dilemmas – the separation of private interests from public duties and responsibilities. This should always be the responsibility of the Council although it should be more specific on the issues of disclosure and registration of interests.</p>

<p>23</p>	<p><b>Abiding the Principles of Ethical Behaviour</b></p>	<p>to investigate the declarations of property if it is necessary. The related persons and organizations (including banks and special finance houses) are responsible to give the requested information to the Council within 30 days at the latest with the aim of controlling the accuracy of the information in the declarations of property.</p>	<p>Public officials are responsible to abide by the principles of ethical behaviour determined in this Regulation while performing their duty. These principles constitute one part of the legislation that arranges the employment of public officials.</p> <p>The public officials within the scope of this Law are responsible to sign the document "Ethical Contract" which comes up in Annex -1 in one month. This document is affixed to the employee file of the personnel.</p> <p>The authorized supervisors of the institutions and organizations evaluate the performance and file in terms of compliance with the principles of ethical behaviour arranged in this Regulation.</p>	<p>The Council and the Ethics Commissions.</p>	<p>This is a broad generic work-related requirement that focuses on the overall ethical conduct of a public official. Other Articles take a more detailed view of the issues involved. It does not lend itself easily to investigation. The Article best serves as a mission or values statement to begin the Code.</p>
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**Council of Ethics for Public Service**

24	<b>Informing the Personnel</b>	The personnel at all levels employed in the public institutions and organizations should be informed about the principles of ethical behaviour and the responsibility related to these principles as a part of the conditions in relation with the employment.	Ethics Commissions	Training will be part of the responsibilities of the individual ministries, particularly since the Article specifies that being informed about such behaviour is part of their terms and conditions of service
25	<b>Establishing Ethical Culture and Training</b>	<p>The Council makes all sorts of studies about the establishment and development of ethical behaviour, have them made, arranges researches, inquiries, public opinion polls, scientific meetings and similar activities, prepares, coordinates, executes training programs for the public officials or cooperates with relevant ministries, other public institutions, organizations, universities, local administrations and non-governmental organizations in their fields about this issue.</p> <p>The managers of institutions and organizations should provide that the principles of ethical behaviour take place in the fundamental, preparatory and in-service training programs for the public officials.</p>	The Council	
26	<b>Principles of</b>	The principles of ethical	Ethics Commissions	Under the supervision of the Council, it should be

	<p><b>Institutional Ethics</b></p>	<p>behaviour determined in this Regulation should be practiced in the institutions and organizations within the scope. Furthermore, the institutions and organizations can submit their own principles of ethical behaviour according to the quality of the service or duty they perform under the audit and approval of the Council.</p>		<p>the responsibility of the Ethics Commissions to develop through various means – training, procedures, etc – an ethical framework within their own institutions.</p>
<p>27</p>	<p><b>Authorization to request information and document</b></p>	<p>Ministries, other public institutions and organizations are obliged to submit the information and documents demanded by the Council about the applications in due time.</p> <p>The Council has the authority to call for the related representatives from private organizations and from the organizations within the scope of this Regulation and to receive information.</p>	<p>The Council</p>	
<p>28</p>	<p><b>Authorization to investigate and to search</b></p>	<p>The Council has the authority to make necessary investigations and researches about the behaviours and practices against the principles of ethical behaviour ex officio or upon the applications. The Council can gather information and document from institutions and organizations through competent authorities when necessary in order to be the</p>	<p>The Council</p>	



		<p>basis for the investigation and research it will make about the behaviours and practices against the principles of ethical behaviour.</p> <p>The Council executes its investigation and research within the framework whether the principles of ethical behaviour are violated or not. The Council concludes its investigation and research within three months at the latest.</p> <p>Furthermore the Council can perform activities, analysis and researches about the establishment and development of the principles of ethical behaviour in institutions and organizations.</p>		
<p>29</p>	<p><b>Ethics Commission</b></p>	<p>An ethics commission consisting of at least three people from the institution should be established by the top executive of the institution or organization in order to establish and develop ethical culture, to advise and direct about the problems the personnel face with about the principles of ethical behaviour and to evaluate ethical practices.</p>	<p>Ethics Commissions</p>	

30	<b>Delivering Opinion</b>	<p>The top executive of the institution and organization determines how long the members of the ethics commission will work and the other related matters. The information of curriculum vitae and communication of the members of the commissions should be notified to the Council within three months. Ethics Commission works in corporation with the Council.</p>	The Council	
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**OPTIONS FOR  
THE COUNCIL OF ETHICS  
FOR PUBLIC SERVICE  
AS  
THE NATIONAL PREVENTION OF CORRUPTION COUNCIL**

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## **1. THE CURRENT STATUS OF THE COUNCIL**

The Council has acknowledged the need to review its roles and responsibilities. Members recognise the current restrictions, whether resources or the single sanction, on its activities. They also recognise the need for extensive education and training on ethics, as well as more cooperation and coordination with other agencies. While several members see the Council undertaking all 3 main roles – investigation, awareness and prevention – there is some divergence over which of those should be the primary role or roles of the Council (and thus where any new resources would be allocated).

In discussions, the main areas to expand and develop the work of the Council, as perceived by Council members, include:

- to develop an effective investigative capability, including addressing the issue of parallel investigations;
- to extend the range of sanctions;
- to develop training and awareness roles, particularly through media campaigns;
- to expand the remit of the Code to universities;
- to work with the Legislature, Judiciary and armed forces to develop their own Codes of Ethics;
- to encourage ministries to report on their work on developing an ethical environment;
- to develop a research capability and an approach to prevention.

On balance, the predominant view of the future role of the Council was to focus on a preventative role in relation to ministries and other public bodies over their work in implementing the Code and developing an ethical framework. This would include: receiving annual self-assessments and risk assessments from ministries, monitoring training programmes, liaising with Inspectorates, undertaking research, carrying out proactive reviews, and supervising the roles and responsibilities of Ethics Commissions. It would retain a monitoring role over the investigative work within ministries and publicise its and the ministries' work to the public but not mount any extensive awareness campaigns. Complaints would still come to the Council who would delegate most investigations but receive reports on the outcome.

## **2. NATIONAL CORRUPTION PREVENTION POLICY**

### **2.1 Main Responsibilities**

To provide for the main role of the prevention of corruption, the Council would need to take responsibility for the development of a uniform and consistent policy by ministries to the prevention of corruption and the promotion of public ethics (and especially the Code). For the Council, the key areas of responsibility will be:

- development of a national prevention of corruption policy and the promotion of public ethics,
- requiring public service institutions to produce action plans to address the prevention of corruption and the promotion of public ethics;
- working with bodies involved in inspection and ethics work;
- undertaking inspections of institutions;
- publishing league tables or 'corruption prone' reports on the public sector;
- undertaking research into legislation and administrative procedures and prevention of corruption approaches;

- taking evidence on and hearings for an annual review of progress on the strategy or action plans;
- taking evidence on and hearings for systematic review of progress on a national prevention of corruption policy, and publishing reports;
- reviewing complaints from the public;
- undertaking inquiries into complaints or delegating and monitoring inquiries by other institutions,
- reviewing the Code.

## **2.2 The Policy**

The policy should set out clear goals, timelines and the sequences in which specific goals should be accomplished. These should be made public, ensuring overall transparency and helping to mobilize popular support and pressure to achieve the expected goals. There should be a process to allow for review and revision according to a predetermined and public schedule, to assist in planning future actions and evaluating past or ongoing actions.

Within the policy, specific action plans should be developed by individual ministries or institutions to ensure that the policy is implemented uniformly. These should reflect the implementation of the policy in detail and ensure that the policy is not simply a mere declaration of intent. In order to be credible they must be co-ordinated and must comprise definite, measurable objectives in terms of outcomes and impact on the prevention of corruption and wider promotion of an ethical environment. It must be ensured that the action plans are implemented and periodically evaluated and adapted. In particular, one of the pivotal means of fighting corruption is the existence of an effective and continuing means of monitoring, review, and revision. This will need to be organized and coordinated by the Council.

## **2.3 The Policy Process**

The policy will go through a number of stages toward implementation.

The first stage is the development phase to set priorities, to make an estimate of how long the policy will last and to determine the resources required to implement it. The assessment should cover all the public service. The policy developed at this stage will be the baseline against which future progress will be assessed. This will be followed by the design stage, to set clear and reasonable objectives for the strategy and each of its components, and measurable performance indicators for those objectives.

The delivery stage of the policy will be the development of individual action plans which will help foster understanding of the anti-corruption policy, mobilize support for corruption prevention and the promotion of high standards of public service integrity and performance.

The follow-up phase will be used to help assess progress against the strategy, to provide periodic information about the implementation of strategic components and their effects on corruption, and to help decide how strategic components/priorities can be adapted in the face of strategic successes and failures.

## **3. THE WORK OF THE COUNCIL**

The Council will have responsibility to create an equitable and consistent approach across various sectors; to work across ministry boundaries with equal authority; to ensure the coordinated implementation of policies and undertake inquiries, research and reviews; to revise and monitor the implementation of an effective, coordinated corruption prevention

policy; too ensure ministries establish and promote effective action plans, procedures and training practices aimed at the prevention of corruption; to evaluate relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption.

### **3.1 The Status of the Council**

To fulfil this mandate, and as noted in Working Paper 4, the Council may require the formal legislative authority to undertake its responsibilities, including those to: require public sector institutions to produce specific action plans; undertake evaluations or inspections of institutions; receive, review and delegate complaints from the public relating to the Code; receive audit, investigative or other reports from those bodies responsible for investigations into the prevention of corruption or ethical conduct; undertake research into legislation and administrative procedures; take evidence on and hearings for progress on the implementation of the corruption prevention policy and action plans; work with NGOs and educational institutes to promote the preventive work and the integration of anti-corruption awareness into school or university curricula.

With a primary focus on prevention policy and practices, the Council should ensure that it appropriates measures to coordinate the work with other agencies, develop longer-term strategic perspectives and balance a consensual approach with a robust independence.

Thus, as noted in Working Paper 4, the Council will require agreed clarification on:

#### *3.1.1 Independence and accountability*

the appointment, tenure and dismissal of the Chair and members of the Council and other designated senior personnel; the composition of the Secretariat; suitable financial resources and remuneration for staff; an appropriate budget; suitable recruitment, appointment/election, evaluation and promotion procedures; periodic reporting obligations to another public body, such as the legislature; formal paths to allow cooperation and exchange of information with other agencies; arrangements to ensure the involvement of the civil society and media. Part of the independence should be the right of the Council to determine its work.

#### *3.1.2 Resources*

It is important that the Council will be funded appropriately. One method for doing this is direct submission of its annual business plan, with full budgetary details, to the appropriate budgetary committee of the Legislature for approval. Where possible, the funding for the body should be agreed on a multi year basis. How it spends its funds is the responsibility of the Council although each year it should submit accounts and be subject to the appropriate external audit arrangements for public bodies of an equivalent nature.

#### *3.1.3 Specialised Staff and Training*

Within its annual business plan and budget estimate, the Council should identify staffing requirements within its plan or budget, to determine the number and professional qualifications of its staff, identify necessary specializations, as well as training qualifications and requirements.

#### **4. DISSEMINATING THE POLICY**

The role of the Council would be to provide overall policy guidance on implementation through:

- establish and promote effective practices aimed at the prevention of corruption;
- means for the periodic evaluation of relevant legal instruments and administrative measures with a view to determining their adequacy to prevent and fight corruption;
- collaboration with other agencies and with relevant international and regional organizations in promoting and developing prevention of corruption measures;
- participation in international programmes and projects aimed at the prevention of corruption;
- the annual publication of the body or bodies intended objectives and associated workplan.

Within the guidance, practices should be developed by individual ministries to:

- Identify the major functional areas of the organisation;
- Identify the risks for each functional area and assess the extent of these risks in terms of corruption;
- Identify potential responses to risk areas (prevention or risk minimisation measures);
- Evaluate existing system controls;
- Develop a prevention of corruption action plan;
- Develop an ethics training programme;
- Define the roles and responsibilities of the Ethics Commission;
- Educating staff the objectives and content of the action plan;
- Assess how new business practices and/or new technology will change corruption risks;
- Train senior management to identify ethical dilemmas and other corruption risks, including raising their ethical awareness;
- Hold regular feedback and discussion sessions on the organizational ethical culture and review the risks and the strategies for addressing them;
- Report annually to the Council on the progress of the action plan.

#### **5. DEVELOPING AN ETHICAL ENVIRONMENT**

The work of the Council in promoting an ethical environment would cover a number of key areas. Drawing on the guidance of the UN Convention Against Corruption, these could include:

##### **5.1 Public Officials**

Confirming arrangements for the:

- recruitment, hiring, retention, promotion and retirement of public servants based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude;
- adequate procedures for the selection and training of individuals for public positions considered especially vulnerable to corruption;
- education and training programmes.
- codes or standards of conduct.

##### **5.2 Procedures**

Monitoring:



- systems that promote transparency and prevent conflicts of interest;
- measures and systems to facilitate the reporting by public officials;
- measures and systems requiring public officials to make declarations to appropriate authorities regarding, inter *alia*, their outside activities, employment, investments, assets and substantial gifts or benefits from which a conflict of interest;
- disciplinary or other measures against public officials who violate the codes or standards.

### **5.3 Investigations**

Undertaking:

Within the procedures to deal with allegations of breaches of the Code, and the proposed work of Ethics Commissions, investigations of serious or sensitive cases, directly or through a designated agency.

### **5.4 Public Access**

Reporting on:

- measures as may be necessary to enhance transparency in its public administration, allowing members of the general public to obtain, where appropriate, information on the organization
- simplifying administrative procedures, where appropriate, in order to facilitate public access to the competent decision-making authorities; and publishing information, which may include periodic reports on the risks of corruption in its public administration;
- submitting an annual report on the work of ministries;
- Publishing information, which may include periodic reports on the risks of corruption in the public service.

### **5.5 Awareness**

Supporting:

- the active participation of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, in the prevention of corruption;
- public awareness regarding the existence, causes and gravity of and the threat posed by corruption;
- undertaking public information activities that contribute to non-tolerance of corruption, as well as public education programmes, including school and university curricula.

**INSTITUTIONAL CAPACITY REVIEW  
AND PLAN**

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ANNEX 1

## Main Findings of Capacity Review

The Council of Ethics for Public Service (CoE) has an important role to fulfil and can make a substantial contribution to promoting ethical principles and standards of ethical conduct in the Turkish Public Services at national and provincial levels.

At present its legal powers and the regulations that it is required to implement are insufficiently clear or strong enough to support the CoE's capability to fulfil its legal mandate.

This legal standing is further weakened by its lack of institutional independence and its current level of capacity and resources.

The CoE's relative authority and unclear working relationships with Ethics Commissions, Inspection Boards and Disciplinary further constrains the CoE's activities and their potential efficacy.

The current level of capacity and resources will be unable to sustain, in equal measure and at acceptable minimum levels the CoE's three functions of ethical standards development, complaints investigation and public awareness. This will be further exacerbated if major public awareness campaigns are implemented in advance of the level of capacity being developed to enable the CoE to respond to any increase in the number of complaints and denunciations received.

## 1. REPORT INTRODUCTION AND EXECUTIVE SUMMARY

### 1.1 Terms of Reference

The terms of reference requires a review of the current and, depending on the future direction and responsibility of the Council, future capacity of the Council, together with a draft institutional capacity plan for the Council of Ethics for Public Service (CoE). The report draws on the reviews undertaken by the LTA that addresses the management structure, together with decision-making and reporting procedures, and resource implications - finance, staffing, IT, premises, and equipment to deliver the CoE's proposed functions.

### 1.2 Introduction

The purpose of this report is to provide an institutional capacity plan for the CoE that addresses: the management structure, together with decision-making and reporting procedures, and resource implications - finance, staffing, IT, premises, and equipment to deliver its proposed functions. It has been prepared by means of the following approaches and sources of information:

- Meetings and discussions with the CoE Chairperson;
- meetings and discussions with the Project Director;
- interviews with individual members of the Secretariat;
- working papers prepared by the Long Term Adviser (LTA) Ethics for the Prevention of Corruption in Turkey (TYEC) project.

In relation to the Terms of Reference capacity is taken to encompass the following factors:

- **Legal Status and Powers** – what and how it is established to fulfil its purpose and objective.
- **Strategy** – overall direction it is taking and most crucially the scope and scale of its activities.
- **Structure** – how it organises and carries out its functions.
- **Resources** – how is deploys available resources: human, financial, equipment.
- **Capabilities** – the expertise held by and available to the organisation.

Before the CoE can address its resource needs and its capability requirements it has to make a number of key strategic decisions based upon:

- How it is best able to fulfil its mandate?
- Which parts of its mandate can be and should be prioritised?
- What therefore should be its main strategic objectives?
- What structure needs to be put in place to support the strategy?
- What resources and capabilities are required to implement the strategy?

The starting point for answering these questions is represented by an understanding of the current position of the CoE. This situational analysis, is based upon with the Chairperson, Project Director and other members of the Secretariat and the Project Adviser plus analysis of available reports of recent Board discussions. Its principal findings were presented in summary form to the Board on May 13th 2008.

### 1.3 Summary of Main Findings

The principal findings of this report are as follows:

- The CoE has an important role to fulfil and can make a substantial contribution to promoting ethical principles and standards of ethical conduct in the Turkish Public Services at national and provincial levels.
- At present its legal powers and the regulations that it is required to implement are insufficiently clear or strong enough to support the CoE's capability to fulfil its legal mandate.
- This legal standing is further weakened by its lack of institutional independence and its current level of capacity and resources.
- The CoE's relative authority and unclear working relationships with Ethics Commissions, Inspection Boards and Disciplinary further constrains the CoE's activities and their potential efficacy.
- The current level of capacity and resources will be unable to sustain, in equal measure and at acceptable minimum levels the CoE's three functions of ethical standards development, complaints investigation and public awareness. This will be further exacerbated if major public awareness campaigns are implemented in advance of the level of capacity being developed to enable the CoE to respond to any increase in the number of complaints and denunciations received.

## 2. THE PRINCIPAL RECOMMENDATIONS IN DETAIL

The following recommendations are presented to the Board to provide the bases for discussion and decision:

### 2.1 In relation to issues of Legal Status and Powers

- The CoE should be granted institutional independence including its own staffing and operational budget and recruitment and appointment authority.
- The CoE should, as matter of priority, tighten the Regulation to distinguish sections that are essentially human resource management issues and those issues more relevant to the role of the CoE in preventing corruption.
- The CoE should develop, in alignment with its prioritised functions, proposals for the legislative reforms required to strengthen its prevention powers in relation to its inspections, systems reviews and initiating systemic and procedural improvements in the public administration systems.
- There is a need for clarification and areas of strengthening of the Law in terms of its own role and its relationship with other relevant agencies.
- There is a need for greater clarity in Regulations to provide clearer sense of mission, clearer ethical principles to be followed, more specific standards of conduct required and more specific ethical infractions.
- Most crucially there should be a wider range of sanctions available under the Regulation, commensurate with different levels of ethical infractions.

### 2.2 In relation to Strategy

The CoE's activities should focus on monitoring the implementation of the Regulation by conducting systematic reviews of institutional performance in relation to ethical principles and conduct. This will require:

- The CoE, in the short to mid-term, to focus its main efforts and resources on its **Prevention and Monitoring** role and establish via inspection, risk analysis, pro-active reviews and systemic and procedural developments the 'Ethics System' that will prevent, deter and detect corrupt practices.
- The CoE to maintain a subsidiary role in **Complaints and Investigation Management**, based wherever possible on the delegation of the investigation of complaints, or in

some cases the devolution of the complaints to other authorities. It should establish its own investigation capability, with a minimal staffing complement, in order to support deterrence and to monitor ethical breaches in order to provide data and analysis that will contribute to its above primary role.

- The CoE to also contribute to the long-term process of **Awareness Raising** by means of liaison with appropriate bodies and the coordination of individual events e.g. Ethics Day. In the short to mid-term, however, the CoE should focus its resources into targeted public relations activities to promote its activities and disseminate its systems analysis and development findings to relevant public institutions.

### 2.3 In relation to Structure

An organisational structure should be established to support the agreed prioritisation of functions and also to support the growth of the CoE in the mid-term, based upon the following functions and sub-functions:

#### **Prevention and Monitoring, incorporating.**

- Inspection, Risk Analysis and Control Systems Reviews and Development.
- Policy Research and Development.
- Training and Development.

#### **Complaints and Investigation, incorporating:**

- Complaints Intake and Assessment.
- Investigation Supervision.
- Complaints Follow-Up.

#### **Awareness Raising, incorporating:**

- Publications.
- Media and Public Relations.

As the structure, function and capacity of the CoE are developed consideration should be given in the future to the concomitant development of a senior management role of executive head of the secretariat and possible changes required to the working arrangements of the of Board Chairperson, including e.g. the possibility of a transition towards a full-time post.

### 2.4 In relation to the identification, acquisition and allocation of Resources and Capabilities

This will follow from the above strategic and functional decisions. The Board should also evaluate the priorities within its own role and function in relation to implementing its agreed strategic objectives and functional priorities for the CoE.

### 2.6 Structure of the Report

The remainder of the report has the following structure:

- |         |  |
|---------|--|
| 3.      | Analysis of the Current Status, Structure and Procedures of the Council of Ethics for Public Service.  |
| 4.      | Proposals for the Development of the Council's Capacity and Analysis of the Institutional Development and Additional Resource Requirements.          |
| Annex 1 | Tables outlining a functional structure, main activities, decision-making procedures, staffing requirements and other resource needs of the Council. |

### **3. ANALYSIS OF THE CURRENT STATUS, STRUCTURE AND PROCEDURES OF THE COUNCIL OF ETHICS FOR PUBLIC SERVICE**

#### **3.1 The Legal Powers and Responsibilities of the Council of Ethics for Public Service**

The CoE was established in May 2004 under the 'Law related to the establishment of Council of Ethics for Public Service and making modifications on some laws'.

The CoE has three areas of responsibility and related powers, under Article 3 of the Law:

1. To determine, with the regulation it prepares, the ethical standards to be followed by public officials in the performance of their duties. Its powers in this area includes the establishment of codes of conduct, the review of public service procedures in relation to their ethical integrity, e.g. recruitment and selection procedures to confirm fairness of procedures and objectivity in their application;
2. to undertake investigations of reported violations of ethical principles and report their findings to the relevant authorities;
3. to raise ethical culture awareness within the public.

The CoE has the following principal powers:

- Article 6 of the Law requires Ministries, other public institutions and agencies and private enterprises to provide information and documents related to an allegation.
- Article 8 of the Law authorises the CoE to examine, where necessary, asset declarations.
- Article 9 of the law authorises the CoE to determine the scope of the public service ban of receiving gifts and to request the list of gifts received by any public official of the grade of General Manager or above.
- Article 28 of the Regulation authorises the CoE to make necessary investigations and researches and gather information and documents including through competent authorities.
- The CoE has one sanction available for proven breaches of the code is the publication in the Official Gazette of the adjudication and the name of the public official(s) concerned. The sanction is subject to the right of appeal.

#### **3.2 Establishing the Principles of Ethical Behaviour**

The CoE's first main task was to formulate a set of ethical principles for the Turkish civil service, which were published in May 2005 as, 'Regulation on the Principles of Ethical Behaviour of the Public Officials and Application Procedures and Essentials

The Regulations contain a combination of general social values, public service values, proscribed areas of conduct and prescribed personal behaviours for public officials, procedures for reporting ethical breaches, their investigation and adjudication.

#### **3.3 The Management Structure of the Council of Ethics for Public Service**

As defined in the Law's 'Article 2 Establishment' the CoE has 11 members, one being the Chairperson, all of whom are elected and assigned by the Council of Ministers. Members are appointed for a term of four years and can be re-appointed for an unlimited number of terms.



### **3.4 Complaints and Reporting Procedures**

Allegations of ethical breaches considered by the CoE are received in the form of direct complaints or via scrutiny of denunciations found in the media. The average annual total for complaints/denunciations received is approximately 150 of which around 60 fall within the scope of the CoE.

Allegations are reviewed by the Council Secretariat staff to confirm the grade of the subject of the allegation and the legal basis for alleged offence. Allegations relating to public officials below the grade of general manager are forwarded with the covering letter to the relevant Inspection Board or Disciplinary Board. Allegations, which may include a criminal dimension must be redirected to the Prosecutors Office. Similarly any allegations, which are already under criminal investigation cannot be investigated by the CoE. Allegations which do fall within the remit of the law and code are presented in the form of summary reports to the CoE's Board which makes the decision on whether to pursue the allegation. If the allegation is to be pursued then the Secretariat places the allegation before the institution concerned and requests an explanation. The information received is then reviewed by the CoE for decision on whether further information, other action or the sanction is required. To date the sanction has not been imposed.

### **3.5 Key Relationships of the Council of Ethics for Public Service**

Key partner institutions for the CoE include the following bodies:

- Ethics Commissions, Article 29 of the Regulation requires that that each public institution should establish an 'Ethics Commission' of at least three senior staff members.
- Disciplinary Boards are ad hoc committees established as and when in institutions in order to adjudicate on personnel disciplinary issues of public officials below the grade of General Manager.
- Inspection Boards/Inspectorates are internal audit and investigation units in all public institutions and are responsible for compliance auditing and investigation of financial and procedural irregularities.

### **3.6 The Current Establishment and Resources of the Council of Ethics for Public Service**

The CoE has a Secretariat with a current establishment of 6 staff comprising a Project Director at Expert grade; an Expert, two Assistant Experts, an Assistant and a secretary/receptionist. All members of the Secretariat were assigned to their current posts directly from within the Prime Ministry establishment. Secretariat staff are well educated and qualified for their legal and administrative roles but none are trained in investigation procedures and techniques.

The CoE is paid for from the overall Prime Ministry budget, where there is no specific budget line, from an allocation intended for meeting hospitality and for staff work-related travel. It is housed in well-appointed offices in the Prime Ministry building of the State Planning Organisation. The CoE's offices are located in a designated section comprising a reception area, one office shared by two Secretariat staff, one office shared by three Secretariat staff, the Chairman's office and a Council meeting room. In addition there is a separate office, located on the same floor, which provides office accommodation for the Ethics for the Prevention of Corruption in Turkey (TYEC) project. All staff have PCs and access to a telephone. There is little scope for housing any additional staff within the current office accommodation.

### **3.7 Institutional Capacity to Fulfil Current Role and Responsibilities**

The Law gives the Council a very wide mandate without providing sufficiently clear or specific powers to fulfil this mandate. The Regulations, again are very broad and mainly aspirational in terms of aim and exhortational in tone without a clear overall purpose statement and also without references to specific standards of conduct.

Both Law and the Regulations are required to be implemented without the foundation of a strong, comprehensive and coherent ethics control system incorporating e.g. standard operating procedures for the provision of administrative services, an effective human resource management infrastructure, a performance management structure and culture, an effective inspection and investigation function and the commitment to implement firmly and consistently robust disciplinary procedures.

The CoE though adequately resourced for its current method of operation would be woefully under-resourced if it were required to fulfil its current mandate and be able to respond to any large-scale efforts to raise public awareness of how to complain about ethical breaches within the provision and management of the public services. Thus before any significant revision is made to the Law and Regulation or any attempt made to raise public awareness and the level of complaints received it would be prudent for the CoE to undertake the following four-stage process in management planning:

1. Establish key priorities in support of the fulfilment of its mandate over a phased period: short-term 1-3 years, mid-term 3- 5 years and long-term 5-10 years;
2. create the structure, decision-making and reporting procedures required to provide the capacity to meet these priorities;
3. identify (and acquire) the additional resources required to provide this initial capacity in the short-mid term;
4. make the case for further resources in the mid-long term based upon the achievement of the identified priorities within the specified timescales.

The remainder of this report will focus on the first three-stages within this proposed process of organisational development for the CoE all of which should be directed at supporting the Council's overall strategic aim: To establish the CoE, through its activities and their efficacy, as the pre-eminent authority in Turkey on ethical principles and conduct within the public services and in its relationships with the business sector.

## **4. PROPOSALS FOR THE DEVELOPMENT OF THE COE'S CAPACITY**

### **4.1 Establish Key Priorities for the CoE in support of the fulfilment of its Mandate over a Phased Period**

The establishment of key priorities of course represents the prerogative of the CoE, which has acknowledged the need to identify a primary role or roles from its three main functions of investigation, awareness and prevention; to review its current status, legal powers and institutional capacity; and to evaluate existing and potential areas of cooperation and collaboration with other agencies. Initial consultations, as part of the 'Ethics for the Prevention of Corruption in Turkey' (TYEC) project, have established the predominant view of the Council that its primary role should focus on its prevention role in relation to ministries and other public bodies, encompassing: receiving annual self assessments and risk assessments, monitoring training programmes, liaising with Inspectorates, undertaking research, carrying out proactive reviews and supervising the roles and responsibilities of Ethics Commissions. It would retain a monitoring role over the investigations carried out by

Inspectorates within ministries and publicise its own and the ministries' activities (and successes) to the public but without mounting any major public awareness campaigns.

This initial process of prioritisation should then serve to identify the following primary role for Council based upon its current status and potential resource base as the 'Authority' which establishes and promulgates the ethical framework, the ethical principles and related standards of conduct to be followed by the Turkish public service at national and provincial level. This involves a shift from the inadequately resourced "investigation" of complaints as the current main focus of activity and available resources towards the setting of standards and the design of management and control systems required to support the maintenance of these standards. Here complaints investigation represents the *means* of identifying weaknesses in the system where the *end* becomes the systemic improvement needed to remedy the weakness. A shift in role from the *chasing out* of unethical conduct, once detected and proven, to *designing in* the ethical standards and systems that should *prevent* unethical behaviour from occurring or at least provide the framework of rules and procedures that will make it easier to *detect* if it does occur.

This new primary role of prevention is to be fulfilled by means of the following key ethical leadership responsibilities:

- Formulation of the ethical framework and environment for the Turkish public service and its relationship with the corporate sector.
- Development of a risk-based ethics management system encompassing improved management and financial controls, including systems audit; codes of conduct including conflict of interest reporting; standard operating procedures; internal complaints investigation procedures etc.
- Monitoring and reviewing the ancillary ethics management systems developed by individual public bodies.
- Formulation of CoE organisational strategic objectives and confirmation of functional strategies and workplans.
- Formulation of proposals for ethics-related legislative reform .

In support of this primary role the Board would also have a portfolio of secondary roles and responsibilities based upon oversight functions required to monitor and evaluate the progress achieved in the development of an ethical system and culture. These secondary roles and responsibilities will include:

- Periodic progress review of CoE's operational activities in ethics system development.
- Periodic review of complaints and follow-up activities.
- Confirmation of selected publishing projects and public relations activities.
- Annual strategic review of CoE organisational performance and future objectives.

#### **4.2 Create the Structure, Decision-Making and Reporting Procedures required to provide capacity to meet these priorities**

The primary and secondary roles for the Council would then both enable and require a range of core functions to be developed in relation to prioritising prevention, using complaints and investigation management to detect flaws in the ethics systems and to deter others and to use awareness raising to promote the authority of the Council. The core functions for each of the areas of responsibility of the CoE are as follows:

#### 4.2.1 *Prevention and Monitoring*

Short-Mid Term - **High Priority** to support achievement of strategic objectives and for the allocation of available resources within the following functions:

- Inspection, Risk Analysis and Control Systems Reviews and Development.
- Policy Research and Development.
- Training and Development.

#### 4.2.2 *Complaints and Investigation*

Short-Term Mid Term - **Medium Priority** based upon a clearly defined CoE role and the maximal delegation of activities to Inspectorates within the following functions:

- Complaints Intake and Assessment.
- Investigation
- Complaints Follow-Up

#### 4.2.3 *Awareness Raising*

Although it represents an important long-term aim in supporting of changing public attitudes, in the Mid-Long Term - **Low Priority** focusing on intra-public administration communication and periodic public relations activity within the following functions:

- Publications.
- Media and Public Relations.

Tables outlining the main activities, decision-making procedures, staffing requirements and other resource needs for each of the above functions are presented in **Annex 1**.

### **4.3 Identify the Additional Resources required to establish this Initial Capacity in the Short-Mid Term**

#### 4.3.1 *Organisational Structure*

The Board is requested to consider possible organisational structures in support of its agreed priorities and to provide the basis for future strategic planning and management. The structural issues to be addressed include:

- Prioritisation of prevention and monitoring activities and confirmation of structured required to support the achievement of established priorities.
- Changes required to legal powers to facilitate institutional independence and functional capacity.
- Clarification of working relationships with Ethics Commissions, Inspection Boards and Disciplinary Boards, including roles concerning complaints and the ethical environment.
- The policy and procedural developments required to implement and operationalise all the CoE's structure and functions.

#### 4.3.2 *Capacity Development of Current Staff*

The Ethics for the Prevention of Corruption in Turkey project incorporates institutional capacity development activities for the CoE. Clearly there are wider dimensions of public service reform that should also impact positively on the individual and organisational development of the CoE. The institutional development issues to be addressed include:

- Staff retention and succession planning.
- Areas of executive authority to be granted to the Secretariat.
- Specific areas of capacity development required to facilitate functional activities, organisational reviews, ethical frameworks and procedures including, investigation techniques, case file and records management etc.

#### *4.3.3 Resource Implications*

Decisions on structural and functional developments will have to incorporate resource implications, which are likely to require a balance between potential resource needs and actual resource availability. The process of institutional strengthening and capacity development should be managed on a planned incremental basis building positively on activities and their achievements. The resource issues to be addressed include:

- Budgetary independence for office accommodation, equipment and operational and management activities
- Phased increase in staffing.
- Increase in available office accommodation and personal computers for the additional staff.

The additional resources required over the next *1 to 5 years* to implement these prioritised functions should be based upon the following organisational and functional level resources:

#### *4.3.4 Organisational Infrastructure (Office Accommodation)*

A single designated area or individual building, identified externally as the headquarters of the CoE, with office accommodation for up to 25 staff, board room, meeting and interview rooms and related social accommodation and required facilities.

#### *4.3.5 Organisational Infrastructure (Information Technology)*

Local area network connecting all personal computers and a secure organisational intranet with different levels of internal security and access for different areas of information in relation to confidentiality. Desk top publishing capacity and a range of photocopiers including high volume machines.

#### *4.3.6 Organisational Infrastructure (Organisational Development)*

Performance based professional development programmes.

### **4.4 Functional Structure**

The agreed functional areas should be developed with a phased increase of staffing up to the following levels. The reporting lines would have to be reviewed and revised in accordance with the phases of development. Staffing numbers are indicative and intended for Board discussion, decision and strategic planning.

#### *4.4.1 Prevention and Monitoring*

##### Inspection, Risk Analysis and Control Systems Reviews and Development

One Head of Prevention and up to four Inspectors/Analysts, providing expertise in audit, human resource management, public administration etc.

Policy Research and Development

One Policy Analyst and up to three researchers

Training and Development

One Training Coordinator and one Assistant

*4.4.2 Complaints and Investigation*

Complaints Intake and Assessment

One Senior Complaints Assessor, up to three assessors and one assistant.

Investigation Management

Two Investigators.

Complaints Follow-Up

One Coordinator and one Assistant

*4.4.3 Awareness Raising*

Publications

One Publications Coordinator

Media and Public Relations

One Media and Public Relations Officer and one assistant

<b>PREVENTION &amp; MONITORING</b>			
	<b>Inspection, Risk Analysis &amp; Control Systems Reviews &amp; Development.</b>	<b>Policy Research &amp; Development.</b>	<b>Training &amp; Development.</b>
<b>Main Activities</b>	<ul style="list-style-type: none"> <li>▪ Design of corruption risk assessment methodologies.</li> <li>▪ Introduction, on a phased basis, and supervision of ministry/province risk assessments.</li> <li>▪ Analysis of risk assessment reports and analysis summaries.</li> <li>▪ Targeted institutional inspections, undertaken in collaboration with “institutionally neutral” Inspection Board.</li> <li>▪ Analysis of inspection findings to establish systemic failures.</li> <li>▪ Analysis of risk assessment reports to identify corruption prone sectors and provinces.</li> <li>▪ Monitoring and evaluation of CoE management systems and procedural reviews.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Consultations and research to support a CoE corruption prevention policies.</li> <li>▪ Undertaking or commissioning reports and research studies into cross government and sector based issues.</li> <li>▪ Undertaking or commissioning legislative reviews.</li> <li>▪ Review and Development of CoE policies feeding into strategic management processes.</li> <li>▪ Analysis and internal dissemination of international issues and developments in corruption prevention practice.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Design and implementation of ethics awareness training for public service induction programmes.</li> <li>▪ Design and implementation of ethical principles and conduct components of in-service training programmes.</li> <li>▪ CoE in-service training in ethics, training of trainers and inspection skills.</li> <li>▪ Design of print CD Rom and web-based training packages in ethical principles and conduct.</li> </ul>
<b>Decision-Making &amp; Reporting Procedures</b>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Formulating proposals and annual work plans/budgets for review and approval.</li> <li>▪ Designing and revising proposed risk methodology.</li> <li>▪ Nominating institutions for inspection.</li> </ul> <p>Reporting to Board by</p> <ul style="list-style-type: none"> <li>▪ Annual workplan and budget</li> <li>▪ Quarterly activities report and proposed changes to work plan.</li> </ul> <p>Directing Reporting Line:</p>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Formulating proposals and work plans/budgets for review and approval.</li> <li>▪ Formulating proposals for review of legislation.</li> <li>▪ Updating intelligence on International issues and developments</li> </ul> <p>Reporting to Board by:</p> <ul style="list-style-type: none"> <li>▪ Annual workplans and budgets.</li> <li>▪ Legislative reviews</li> </ul> <p>Directing Reporting Line:</p>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Formulating annual workplans/budgets</li> <li>▪ Providing ethics training inputs for public service in-service training.</li> <li>▪ Coordinating CoE in-service training.</li> <li>▪ Developing training media</li> </ul> <p>Reporting to Board by:</p> <ul style="list-style-type: none"> <li>▪ Annual work plans and budgets.</li> <li>▪ Reports on in-service training activities.</li> <li>▪ Provision of training packages.</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ Via Head of Prevention and Inspection To Board</li> </ul>	<ul style="list-style-type: none"> <li>▪ Via Head of Prevention and Inspection To Board</li> </ul>	<ul style="list-style-type: none"> <li>▪ Via Head of Prevention and Inspection To Board</li> </ul>	Directing Reporting Line: <ul style="list-style-type: none"> <li>▪ Via Head of Prevention and Inspection To Board</li> </ul>
<b>2007/08 Current Staffing:</b>	0	0	0	0
<b>2009/13 Staffing Requirements:</b>	2/4	1/3		2
<b>2009/13 Resource Needs:</b>	Office resources and professional development programmes	Office resources and professional development programmes	Office resources and professional development programmes	Office resources and professional development programmes.



<b>COMPLAINTS &amp; INVESTIGATION</b>			
	<b>Complaints Intake &amp; Assessment.</b>	<b>Investigation Supervision</b>	<b>Complaints Follow Up</b>
<b>Main Activities.</b>	<ul style="list-style-type: none"> <li>▪ Registration of complaints and denunciations received.</li> <li>▪ Analysis of media coverage and other published findings on corrupt practices.</li> <li>▪ Review of received complaints and denunciations.</li> <li>▪ Delegation of non-CoE compliant complaints and denunciations to appropriate authorities, with action reporting requirements.</li> <li>▪ Initial assessment of CoE compliant complaints and denunciations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Investigation of CoE retained complaints in liaison with relevant authorities.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Liaison with Inspection and Disciplinary Boards on delegated cases.</li> <li>▪ Review of action reports received from relevant authorities.</li> <li>▪ Review of action taken by CoE.</li> <li>▪ Summary reports to Council.</li> </ul>
<b>Decision-Making &amp; Reporting Procedures.</b>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Records management of complaints.</li> <li>▪ Allocation of complaints to appropriate body.</li> <li>▪ Assessing initial action to be implemented in CoE investigation.</li> </ul> <p>Reporting to Board by:</p> <ul style="list-style-type: none"> <li>▪ Quarterly reports of complaints/ denunciations received and delegations.</li> </ul> <p>Directing Reporting Line:</p> <ul style="list-style-type: none"> <li>▪ Via Intake Coordinator</li> <li>▪ To Head of Secretariat</li> </ul>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Investigating complaints/ denunciations received from Complaints Intake and Assessment</li> </ul> <p>Reporting to Board by:</p> <ul style="list-style-type: none"> <li>▪ Monthly reports of investigations in progress.</li> <li>▪ Monthly report of completed investigations and recommendations.</li> </ul> <p>Directing Reporting Line:</p> <ul style="list-style-type: none"> <li>▪ Via Senior Investigator</li> <li>▪ To Head of Secretariat</li> </ul>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Monitoring progress of complaints delegated to external bodies.</li> </ul> <p>Reporting to Board by:</p> <ul style="list-style-type: none"> <li>▪ Monthly reports of investigations in progress.</li> <li>▪ Monthly report of completed investigations and recommendations.</li> </ul> <p>Directing Reporting Line:</p> <ul style="list-style-type: none"> <li>▪ Via Follow Up Coordinator.</li> <li>▪ To Head of Secretariat</li> </ul>

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<b>2007/08 Current Staffing:</b>	1-3	0	0
<b>2009/13 Staffing Requirements:</b>	2/4	2	2
<b>2009/13 Resource Needs:</b>	Office resources and professional development programmes.	Office resources and professional development programmes.	Office resources and professional development programmes.

<b>AWARENESS RAISING</b>		
	<b>Publications</b>	
	<b>Media and Public Relations.</b>	
<b>Main Activities.</b>	<ul style="list-style-type: none"> <li>▪ Control System Improvement Reports</li> <li>▪ Risk Assessment Methodology.</li> <li>▪ Risk Assessment Reports.</li> <li>▪ CoE Annual Report</li> </ul>	<ul style="list-style-type: none"> <li>▪ Media communications and relations.</li> <li>▪ Collation of sector survey reports on corruption problems identified and remedial measures implemented.</li> <li>▪ Editorial coordination of CoE Annual Report.</li> <li>▪ Coordination of National Ethics Awareness Day.</li> </ul>
<b>Decision-Making &amp; Reporting Procedures.</b>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Coordinating the production and distribution of CoE publications.</li> </ul> <p>Reporting to Board by:</p> <ul style="list-style-type: none"> <li>▪ Annual workplan and budget.</li> <li>▪ Quarterly reports on publications in progress and completed publications.</li> </ul> <p>Directing Reporting Line:</p> <ul style="list-style-type: none"> <li>▪ To Head of Secretariat</li> </ul>	<p>Responsible for:</p> <ul style="list-style-type: none"> <li>▪ Records management of CoE research material and publications.</li> <li>▪ Preparation and distribution of media releases.</li> <li>▪ Managing CoE media statements and appearances.</li> <li>▪ Editorial content of CoE Annual Report.</li> </ul> <p>Reporting to Board by:</p> <ul style="list-style-type: none"> <li>▪ Annual workplan and budgets.</li> <li>▪ Media Activity briefing report to every board meeting.</li> <li>▪ Monthly reports on media coverage.</li> <li>▪ Proposals for Annual Report content and design.</li> </ul> <p>Directing Reporting Line:</p> <ul style="list-style-type: none"> <li>▪ To Head of Secretariat</li> </ul>
<b>2007/08 Current Staffing:</b>	0	1
<b>2009/13 Staffing Requirements:</b>	1	2
<b>2009/13 Resource Needs:</b>	Office resources and professional development programmes.	Office resources and professional development programmes.

**END**