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DRAFT GUIDE ON PUBLIC ETHICS
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For discussion and action

Secretariat Memorandum
prepared by the
Directorate General of Democracy
Democratic Governance Department

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COUNCIL OF EUROPE
THE GUIDE
GOALS
UNDERSTANDING INITIATIVE
DEVELOPMENT
ENABLEMENT
STEPS TO IMPLEMENTING PUBLIC ETHICS IN PUBLIC ORGANISATIONS

DEFINITIONS

The following definitions are of particular relevance for the understanding of the Guide's approach. They are drawn from Council of Europe, EU and OECD documents as well as from range of literature and practitioner sources.

Public service encompasses public decision-making, functions and services at local, regional and national level.

Public official is defined in its broadest sense, encompasses a person who is elected to, is a member of, or employed by a public organisation and should be applicable to staff of, and any other agency or person contracted by, private or other organisations engaged in public service.

Public organisations include not only national, federal, regional and local administration organisations, including ministries, departments and agencies, but also state-managed or state-funded economic or commercial enterprises and those organisations from the private and not-for-profit sectors delivering public functions or services. Depending on country constitutional and legal contexts, public organisations *as organisations* would also include, for example, governments, parliaments, the health sector, the criminal justice sector and the armed forces.

Ethical conduct is an adherence to public ethics norms and principles in respect of all official roles and responsibilities in relation to decision-making functions and services.

Public ethics means placing the public interest before personal and other interests. Public ethics is about implementing public ethics norms and principles into practice within organisations so that ethical conduct is an integral internalised aspect of public officials' conduct.

Public ethics framework includes legislation, policies, procedures, and practices within public organisations intended to implement ethical conduct and public ethics within public service.

Codes of ethics lay down values and principles, interpreting them for application to the roles and responsibilities of public officials.

Codes of Conduct describe, as specifically and unambiguously as possible, which behaviour is and is not expected or obligatory in a public organisation and the procedures and other requirements that public officials must adhere to in an organisation, and the consequences of either failing to do so or breaching them in practice.

Conflict of interest involves a conflict, actual, potential or perceived, between the public duty and any direct or indirect interest of a public official that does, may or may be reasonably perceived by others to influence the performance of a public official's roles and responsibilities.

Public Ethics Organisational Culture or Regime describes a functioning public ethics framework where ethical conduct is the norm with the expectations and requirements of codes and associated procedures underpinning public decision-making, functions and services.

Democratic good governance describes the overall arrangements for the responsible conduct of public affairs and management of public resources in a democracy. The arrangements aspire to be participatory, accountable, transparent, responsive, effective and efficient, equitable and inclusive and obedient to the rule of law. The arrangements are demonstrable in public ethics organisational cultures in the country's public organisations.

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1. INTRODUCTION

1.1 The Approach

All Council of Europe Member States are committed to protecting human rights and promoting democracy and the rule of law. Strengthening public ethics is an essential requirement for democratic good governance. *The Guide: Steps to Implementing Public Ethics in Public Organisations* [The **GUIDE**] is intended for public officials, from political decision-makers to managers, in governments, public organisations, and organisations providing public services and for public officials, to achieve this requirement in such organisations.

The **GUIDE** proposes a practitioner approach for practitioners seeking an understanding of the processes and components necessary to devising, implementing and maintaining public ethics frameworks within which to undertake public decision-making, public functions and services.

1.2 The Context

The **GUIDE** is based in the understanding that Member States have different historical backgrounds, cultural and societal settings and constitutional, legal and organisational arrangements. It recognises that it may not provide a fully comprehensive set of components. Further, not all components presented in the **GUIDE** can be implemented in all countries or in all organisations or all at the same time. The **GUIDE** also acknowledges the important distinctions between national and local levels and that different public organisations may require additional levels to, or variations on, the approaches depending on their specific circumstances.

Nevertheless the Council of Europe considers that a baseline public ethics framework should be seen as an integral part of all public organisations, and organisations providing public services and public officials on which to promote a pubic ethics organisational culture. Thus the Council of Europe proposes a set of inter-dependent baseline components whose overall goal would work toward an appropriate public ethics organisational culture within which public officials have the organisational guidance and personal confidence to act ethically.

In doing so the **GUIDE** recognises that practitioners want practical guidance, realistic solutions and – as far as possible - resource-neutral proposals. Thus the **GUIDE** builds on existing good practice and identifies many of the policies and procedures that are already part of public organisations. It seeks to draw these together in an integrated and coordinated public ethics framework whose effective implementation would promote the appropriate public ethics organisational culture and, in so doing, contribute significantly to democratic good governance.

The **GUIDE** is a living document in that it tries to reflect the continuing dynamics concerning public ethics and ethical issues. It will be updated by the Council of Europe on a regular basis to reflect the evolving discourse, legislation, measures, policies and even principles on which public ethics are based. The **GUIDE** will also offer a continuing baseline framework against which organisations and others can monitor the public ethics organisational culture in practice and in terms of progress.

1.3 The Role of the GUIDE

The purpose of the **GUIDE** is therefore to:

- Provide a basic, uniform and understandable structure, present good practice components from a range of sources and from member States' experience to devise and implement a realisable and realistic public ethics framework;
- Serve as a common source for on-going and envisaged reforms by different national, federal, regional and local organisations;
- Provide guidance to decision makers and managers responsible for devising, developing, implementing and monitoring ethics frameworks.

1.4 The Council's Public Ethics Portfolio

The **GUIDE** is part of a set of Council of Europe documents on public ethics which include;

- **GUIDELINES BY THE COMMITTEE OF MINISTERS** – setting out the norms and principles;
- **The GUIDE** – presenting the approach and components that translate the norms and principles into organisational policies and procedures to deliver a functioning public ethics organisational culture;
- **THE TOOLKIT** – including a risk assessment and benchmarking methodology to compare performance against a median value.

These documents should also support the corruption prevention dimension of the work of GRECO (Group of States against Corruption) which monitors States' compliance with the Council of Europe's anti-corruption standards.

2. THE APPROACH

2.1 Focus

The **GUIDE** draws together in one document good practices of many different sources and European countries, and especially those involved in drafting this **GUIDE**. It is also based on the standards of the Council of Europe and other international organisations.

The focus of the GUIDE is providing practitioner guidance for practitioners involved in devising and developing a public ethics framework whose implementation would promote a public ethics organisational culture in public organisations and organisations providing public services, with a particular focus on management of public organisations *as organisations*.

The aim of the GUIDE is to achieve an ethics driven delivery of public decision-making, functions and services which provide value for public money, maintain and increase citizens' trust and strengthen democracy and contribute to democratic good governance.

The purpose of the GUIDE is to support public officials in working toward a public ethics organisational culture within which public officials are encouraged and supported to act in the right way for the right reasons and in the public interest. It is based on the simple assumption that those concerned with public decisions, functions and services are motivated by serving the citizens and working for the common good.

The goal of the GUIDE is to encourage *all* public organisations to see the framework and components as a coordinated package of baseline good practice recommendations, as well as evidence of and commitment to Principle 6 on ethical conduct of the Council of Europe's 12 Principles of Good Democratic Governance.

The **GUIDE** is a public document available to all public officials and is of particular relevance to those who are responsible for devising, developing and implementing the public ethics organisational framework at national, federal, regional and local levels.

2.2 Implementing the GUIDE: From Principles to Framework to Culture

The **GUIDE** identifies and proposes core components for a public ethics framework and the means to address these to deliver public ethics organisational cultures. It integrates the compliance-based approach derived from legislation, codes of conduct, administrative rules and procedures intended to prevent unethical behaviour and take action against breaches, and the integrity-based approach relying on the voluntary adherence to and internalisation of shared ethical values and principles through training, codes of ethics and counselling. Together these are translated into components of a public ethics framework which, when actively implemented, delivers a public ethics organisational culture.

However, to put the **GUIDE** into practice, action by Member States' governments and public organisations is needed by approaching implementation through the four steps that comprise the **GUIDE**:

G	**GOALS**	**The first step** is to establish the **goals** - the core ethical principles that Member States want public officials to reflect in decision-making, functions and services.
U	**UNDERSTANDING**	**The second step** has three complementary strands. First society should **understand** the principles so that their perceptions of, and interaction with, the state at all levels are informed by the goals they are intended to achieve.
I	**INITIATIVE**	Secondly, this step calls on leaders at all levels in public life, whether elected or at senior management level, to take the **initiative** in making a public commitment to, their roles and responsibilities in, and a facilitation of all means to translate the framework into a functioning public ethics organisational culture or regime. Leaders should also, according to the most effective approach within their constitutional and political contexts, take the **initiative** in working together at all levels to agree an overall strategic approach and ensure that a generic legal, institutional and procedural framework is available to help shape the organisational implementation of the public ethics framework.
D	**DEVELOPMENT**	**The third step** focuses on the **development** of the public ethics organisational framework in providing management with guidance on how to create and uphold key components of the public ethical framework. It includes sections on guidance, management of ethical conduct, education and training, and human resource management.
E	**ENABLEMENT**	**The fourth step** discusses the **enablement** of the public ethics organisational culture through guidance on the reinforcement and compliance aspects of the functioning public ethics organisational culture or regime to ensure that it is functioning and effective, dealing not only with means and measures to identify and sanction unethical behaviour but also emphasising the promotion, both individual and organisational, of ways to deliver the principles in everyday practice.

The detail for each step is discussed in the next sections. Together they provide guidance to practitioners working towards the delivery of a public ethics organisational culture through a coherent and coordinated public ethics organisational framework, illustrated as follows:

3. STEP 1: PRINCIPLES - GOALS

3.1 The Democratic Context

Democratic government depends fundamentally on public trust. Without broad confidence of the public in the integrity of those they elect to represent them, and of those employed to deliver services to them, democratic institutions will falter. Market economies cannot flourish if defective governance undermines fair competition. Power cannot be devolved effectively to local governments if those receiving it are self-serving. Ultimately, democracy will fail in societies that do not maintain reasonable standards of ethical behaviour at all levels of public life; the result will be that people become disempowered and poorer. Democracies across Europe are increasingly aware that standards of ethical behaviour must be actively nurtured.

They should therefore take a proactive and comprehensive approach to democratic good governance - those overall arrangements for the responsible conduct of public affairs and management of public resources in a democracy. The arrangements aspire to be participatory, accountable, transparent, responsive, effective and efficient, equitable and inclusive and obedient to the rule of law. The arrangements include functioning public ethics organisational cultures in a country's public organisations where ethical conduct is the norm with the expectations and requirements of codes and associated procedures underpinning public decision-making, functions and services.

Principle 6 on ethical conduct of the Council of Europe's 12 Principles of Good Democratic Governance states:

- The public good is placed before individual interests;
- There are effective measures to prevent and combat all forms of corruption;
- Conflicts of interest are declared in a timely manner and persons involved must abstain from taking part in relevant decisions.

In implementing public ethics in public organisations, however, the first step is defining what are to be the guiding principles that will define and shape the conduct of those in public office and thus establish the goals in achieving public ethics organisational cultures.

3.2 Guiding Principles

A comprehensive public ethics organisational framework requires establishing principles that clearly define responsible conduct of public affairs, the performance of official duties according to high professional standards, and the internalisation of high personal standards. The drafting of principles provides guidance on what further statements, such as codes of conduct, regulations and procedures are necessary in terms of the components for the public ethics organisational framework. The **GUIDE**'s proposals for principles are not exhaustive but would normally include:

3.2.1 Principles relevant to democratic governance

- ***Lawfulness*** [public organisations should ensure that they and their office holders are expected to abide by the rule of law and adherence to legally-determined regulations and procedures]
- ***Accountability*** [public organisations should ensure that they and their office holders take responsibility for their roles and responsibilities and thus be accountable to the public for their decisions and actions]

- ***Transparency*** [public organisations should ensure that reasons for all public decisions and actions should, subject to issues of clearly-defined requirements on confidentiality and privacy, be evidenced and accessible and that they provide all information and explanations so that decisions, functions and services are evidenced, understood and robust and that those involved may engage with public organisations on an informed basis]
- ***Participation*** [public organisations should ensure that, where relevant, their decisions and actions are inclusive and consensual in terms of engagement with citizens and stakeholders]

3.2.2 Principles relevant to work performance

- ***Leadership*** [all public officials, and especially those in elected and management positions, should promote principles and ensure they demonstrate adherence]
- Professionalism [public officials should recognise the worthwhile and important nature of public service and seek to act within the standards set by legislative expectations, professional associations, codes of ethics, organisational training, etc., to serve with competence and integrity]
- ***Openness and Accessibility*** [public organisations and officials should ensure that citizens have access to all necessary information about public decision-making, functions and services, how to access them (from e-access to physical access) and what are the procedures concerning appeal, redress or complaint]
- ***Objectivity and Impartiality*** [public officials should approach their roles and responsibilities with an open mind and ensure that decisions, functions and services are made according to established criteria and procedures and to access to full information that demonstrate even handedness, impartiality and the public interest]
- ***Duty of Care*** [public officials are responsible that their decisions and actions cause no harm to, or diminish the dignity of, citizens]

3.2.3 Principles relevant to personal and interpersonal relations

- ***Upholding Public Trust*** [public organisations and public officials should at all times ensure their decisions, exercise of their functions, and services do not attract public concern and criticism over unethical conduct]
- ***Respect and Courtesy*** [public organisations and public officials should treat all those with whom they dealings politely, with sufficient time and the provision of information]
- ***Fairness*** [public organisations and public officials should approach decisions, functions and services with an open mind and access to all relevant information and advice]
- ***Personal Integrity*** [public organisations and public officials should approach decisions, functions and services without prejudice, undue influence, conflict of interest and corruption; they should exercise their personal rights, including the use of social media, in ways that do not discredit the public organisation or public life]
- ***Non-discrimination and equality*** [public organisations and public officials should approach decisions, functions and services recognising issues of equal opportunities, diversity and multiculturalism, non-discrimination and the needs and rights of various groups in society]

4. STEP 2: SOCIETY AND LEADERSHIP – UNDERSTANDING AND INITIATIVE

4.1 Overview

The member States cannot be successful in delivering the Council of Europe's Good Democratic Governance principles without engaging with citizens and other stakeholders in understanding the principles, practice and purpose of public ethics and without ensuring that leadership at all levels takes the initiative in committing to the principles and their implementation in an organisational context as follows:

- **An informed and engaged society** would understand the principles that underpin public decision-making and the provision of public functions and services, have trust in the transparency and accountability of public organisations, have awareness and knowledge of their rights and the procedures associated with public organisations' decision-making, functions and services, and to understand the roles and responsibilities of elected and appointed public officials;
- **Leadership** requires political and administrative leadership, in consultation with relevant representative organisations and other stakeholders, to take the initiative in drafting and committing to the principles as well as facilitating the design and delivery of ethical frameworks for public organisations through:
    - **Standards and strategies** to ensure a unified approach to public ethics principles, translating them into common standards applicable across public organisations, with appropriate institutional mechanisms to support their delivery, as well as monitor and advise on implementation, review and revisions;
    - **Codes and structures** to support translating standards and strategies into practitioner and practical implementation at organisational level.

4.2 An informed and engaged society

The understanding sought from an informed and engaged society may be based on:

- Civics education in all levels and forms of education (for example, preschools, schools, universities, civic education classes, economics, arts, sports; youth integrity camps, the Third Age universities);
- Encouragement of participation in elective public life with a particular emphasis on encouraging an appropriate gender balance, and the involvement of young people and disadvantaged groups in its representative activities and, as far as possible within their roles and responsibilities;
- Affirmative steps towards ensuring decision-making processes and the options for citizen involvement through consultative or advisory panels as open and accessible as possible;
- Encouragement of participation in public life so that organisations, civil society organisations and citizens have opportunities for and can cooperate in establishing a comprehensive ethics framework;
- Awareness raising on ethical conduct in public affairs, showing what ethical conduct means inside the organisations and in their relation with the public;
- Publication, within constitutional and legal contexts, of relevant information on public ethics organisational frameworks, including codes, rights and redress procedures, conflict-of-interest information, etc.;
- Independent media and journalists as an important source of public awareness-raising on public ethics;
- Encouragement in the use of social media that promotes dialogue and informed discussion and debate.

This approach to public participation and public ethics seeks to promote:

- Respect for ethics principles in the delivery of public decisions, functions and services;
- Ease of access to public decisions, functions and services consistent with the needs and circumstances of citizens as well as constitutional and legal contexts;
- Access to information that is simple, comprehensible and understandable, consistent with the needs and circumstances of citizens;
- A proactive application of the right to access to official documents and information whose availability is not proscribed or determined by law should be assumed to be publicly-available;
- Access to documents and data is facilitated by publishing information on the internet and storing data in user-friendly formats and, where relevant, accessible by user-friendly, timely and inexpensive processes;
- Full information about and ease of access to complaints, reporting and redress mechanisms;
- Understanding the roles, responsibilities and ethical standards of public officials when interacting with them;
- Open discussion and dialogue and the use social and other media in ways that do not polarise political debate, nor denigrate the legitimate conduct of public officials.

Italy: "OpenCoesione" (2012)
The OpenCoesione platform is part of a transparency effort designed to foster participation of the citizens. It was launched by the Italian government in 2012. With the help of the portal, data on all projects which were facilitated with the help of the EU Structural Funds and national funds were made publicly available. The data set is available in an open format and thus easily accessible what helps to increase accountability and trust. The project shows in detail how public money is spent. It enables citizens to monitor the use of public resources and invites their participation. Complementing the OpenCoesione platform, a civic monitoring marathon ("monithon") is used for citizens to upload their collected evidence. The data is published along with official data. It helps to better understand what the projects are about and to assess the performance of an investment. In addition, the "OpenCoesione School" project helps high school students to learn how cohesion policy affects their own neighbourhoods. After a successful first round (2007-2013) the portal is currently in its 2nd cycle (2014-2020)
https://opencoesione.gov.it/en/

UK: Local Government Transparency Code (2015)
Information on how money is spent and local authorities carry out services needs to be accessible to hold local authorities accountable. The code presents the minimum requirements for local authorities to publish data following three principles: openness, timeliness and responsiveness. The publication of the data ensures local communities have access to data on how money is spent, how assets are managed or how decision making takes place. This transparency invites people to participate in local democratic processes and to actively shape services. Local authorities are encouraged to regard data as a resource not only to themselves, but also their partners and local people.
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/408386/150227_PUBLICATION_Final_LGTC_2015.pdf

4.3 Leadership and Ownership

4.3.1 Personal Commitment

Leaders, particularly elected public officials, and senior management of public organisations, should take the initiative in demonstrating a public commitment to the principles, as well as establishing ownership of, procedures for, and monitoring of implementation of the principles through the public ethics organisational framework. Leaders should also take the initiative in ensuring that ethical conduct is an integral aspect of public life and that organisational and management settings are encouraged to facilitate ethical leadership at all levels in accordance with the principles through: training; human resource management, performance assessment, internal control, legal advice etc. Leaders and future leaders at all levels should also have access to systematic public ethics enhancement programmes in terms of trainings and guidance to develop skills of ethical leadership and to guidance and confidentiality to address ethical dilemmas.

> ***Austria: Corruption prevention – Compliance – Integrity (2008)***
> *Considering the importance of "leadership from above" the Federal Administrative Academy in the Federal Chancellery developed a training course entitled "Corruption prevention – Compliance – Integrity" which accompanies the Austrian code of conduct for the prevention of corruption. The main idea is to provide training for those responsible for the integrity in their institutions: senior managers, their deputies and staff in charge of integrity management. Among the topics are administrative ethics, criminal law, corruption prevention and risk assessment. During the sessions participants are provided with information and scientific facts to detect unethical behaviour, corruption and organisational weaknesses in regard of the field. Focusing on the leaders ("train the trainers") helps to create wider political support and motivation for ethics training and sets an example. Participation of the seminar is voluntary.*
> *https://www.oecd.org/corruption/acn/resources/EthicsTrainingforPublicOfficialsBrochureEN.pdf*

4.3.2 Overall strategic approach

Drawing on international standards and this **GUIDE**, and according to the most effective approach within their constitutional and political contexts, leaders in public life should work together at all levels to agree an overall strategic approach and ensure that a generic legal, institutional and procedural framework is available to help shape the organisational implementation of the public ethics framework and to support its development as a functioning public ethics organisational culture or regime. Within the 12 Principles of Good Democratic Governance and to support effective ethical frameworks, all Member States should actively develop or adapt the Principles in 3.2 through three general components on which those responsible for implementing public ethics framework may draw:

❖ *Standards and strategies*

The Principles are used to devise and develop a high-level strategic approach that proposes the standards on which public organisations devise and implement a public ethics framework based on a coordinated, cooperative and consultative basis drafted by national, federal, regional and local governments, as well as relevant stakeholders. This is undertaken through the development of a general or generic strategy, which may be translated into national, federal, regional or local strategies should encourage:

- The development and implementation of strategies and action plans by public organisations based on risk and needs assessments and reflecting the specific requirements of sectors, organisations or specific roles and responsibilities within a public organisation;
- Such strategies are published and organisational arrangements established to implement them through action plans which will include procedures to collect and collate performance measures in order to monitor and report on progress, including recommendations for revision, reform and adaptation by public organisations within a stated schedule or timetable.

❖ *Guidance on Legal and Regulatory Frameworks*

While strategies may offer high-level policy guidance, Member States should also use coordinated, cooperative and consultative processes to provide more operational guidance and institutional support to translate the guidance into more concrete measures, including the following purposes:

- Public organisations are subject to the rule of law and the arrangements for supervising compliance with the law are clearly laid down;
- Political and administrative decision-making processes are transparent;
- Public officials and elected representatives at all levels of government are given a simple and coherent legal framework governing their rights and obligations, accountability, guarantees and protection, remuneration and working conditions, supervision, disqualification, termination of office and suspension;
- Rules, regulations and procedures for good administration, sound financial management and rules for public funding are in place;
- The legal and regulatory framework and the policy of public ethics is established and actively promoted;
- It relies on the constitution, related legislation, such as civil service laws, public administration law, administrative law, criminal law, anti-corruption laws etc.;
- It covers the following issues: conflicts of interests; benefits, gifts and hospitality; handling of information; lobbying; proper use of public resources, the use of social media, etc.

❖ *Codes*

Often, laws and policies cannot regulate all ethically-relevant situations and a generic code is often an important first step for the development and implementation of public ethics frameworks. Codes may be integrated or delineated - codes of conduct often define explicit requirements, unethical conduct and sanctions, while codes of ethics are about promotion and encouragement. While not always prescriptive they can offer a common understanding of issues and provide a base for adaptation according to specific organisational contexts and requirements. At the least, however, they should:

- lay down values and principles, linking them with standards of professional conduct;
- contain norms which describe, as specifically and unambiguously as possible, which behaviour is expected and obligatory in an organisation;
- focus the attention of public officials on values, norms and expected behaviour and alert to risks and prohibitions;
- Be effectively disseminated and implemented to become a part of the organisational culture.

At organisational level:

- Specific codes can be developed for different types of organisations and sectors of activity;
- Codes are regularly examined and, if appropriate, revised;
- Compliance with the codes is monitored by the organisation and may be made compulsory by the statute;
- Staff is associated with the drafting of codes;
- If necessary, organisations may prepare good conduct agreements in specific areas, for example for procurement and contracting;
- Codes are disseminated through communications, awareness raising and training activities to familiarise public officials with the contents, and its role in relation to public ethics organisational culture.

> ***Denmark: Code of Conduct in the Public Sector (2017)***
> *The code of conduct is intended to provide rules and principles that apply in the public sector for both employees and for the public authorities. The code addresses in particular scenarios in "grey areas". The code is already the revision of an earlier edition (2007) and is divided into ten chapters. The first chapter outlines the fundamental values that serve as the bases of the code: openness, democracy, the rule of law, objectivity, integrity, impartiality and legality. The other chapters cover a wide range of issues such as the duty of confidentiality, gifts and other benefits as well as secondary employment or freedom of expression. Throughout the code examples describing certain situations are provided.*
> *https://modst.dk/media/18742/code-of-conduct-in-the-public-sectorforside.pdf*

> ***Estonia: Public Service Code of Ethics (1999)***
> *The Public Service Code of Ethics was adopted in 1999 as an annex to the Public Service Act. It sets out 20 principles that Estonian public officials are expected to follow. An official is defined as a citizen in the service of people. Among these principles one can find: performing functions impartially based on respect for the Constitution and other laws, pursuing the public interest, impartiality, making decisions based on public and generally understandable criteria, treating property entrusted to him or her economically, expediently and prudently.*
> *http://workspace.unpan.org/sites/internet/Documents/UNPAN038382.pdf*

❖ *Ownership*

Strategies, legal and regulatory frameworks and codes, however, may be insufficient in a number of contexts. Institutional ownership of strategies, a means to revise codes, a central or uniform source of guidance and procedures for monitoring and supporting implementation may involve a body or bodies within public administration that can act pro-actively and re-actively in terms of:

- Elaborate, adopt and, where appropriate, review ethics principles and policy documents, like codes, strategies, action plans and training programmes;
- Collect information and feedback on the application of existing standards and policies,
- Analyse trends, carry out surveys, distribute good practice and provide advice to organisations and the public;
- Address loopholes, assess ethically questionable conduct or policies and deal with complaints;
- Involve and are linked to, at organisational level, persons or units in charge of the above tasks within organisations (which can take the form of ethics commissions, confidential councillors or integrity officers).

❖ *Bodies with responsibilities in the field of public ethics*

These functions can be delivered or shared between a broad range of bodies - such as parliamentary committees, public ethics commissions, public service commissions, specialised anti-corruption agencies with responsibilities in the field of public ethics, independent national integrity offices or ethics councillor' offices – but their common purpose is to guide and support public organisations in Step 3.

> ***Estonia: Council of Ethics of Officials (2012)***
> *The Council of Ethics of Officials was established following the adoption of the Civil Service Act from 2012. The council's primary function is to promote the core values and ethics of officials. Members of the council are proposed by the minister responsible for the area for up to three years. It provides explanations for the implementation of the code of ethics for officials, advises officials and authorities in charge of drafting public ethics strategies and action plans and provides opinions about the compliance of an official's actions when requested by an official.*
> *https://www.riigiteataja.ee/en/eli/509072014003/consolide*
>
> ***Slovenia: Commission for the Prevention of Corruption (2010)***
> *The Commission for the Prevention of Corruption of the Republic of Slovenia was established in 2010. It promotes the implementation of the Integrity and Prevention of Corruption Act. The Commission is independent from any other state institution or ministry. The Commission aims to prevent and investigate corruption, breaches of ethics and integrity in public office on a broad range of issues, including post-employment - persons who left a public office cannot be engaged in any manner for the provision of services as an external contractor for two years) and lobbying activities - all legal persons who want to perform lobbying activities in Slovenia have to be registered in the central register for lobbyists.*
> *https://www.kpk-rs.si/kpk/wp-content/uploads/2018/06/ZintPK-ENG.pdf.pdf*

5. STEP 3: DEVELOPMENT

5.1 Overview

Step 4 focuses on the **development** of the public ethics organisational framework by management, within Steps 1 and 2. It includes guidance on management of ethical conduct and human resource management as well as engaging with citizens. Within changing modes and levels of the delivery of public functions and services, member States should ensure that this **GUIDE** is used in state commercial, nationalised or semi-autonomous public organisations and those private sector companies or not-for-profit organisations who deliver functions and services on behalf of the state.

5.2 Understanding the why, how, what and where of the public ethics organisational framework

5.2.1 Why? Doing the Right Thing for the Right Reasons in the Right Way

The **GUIDE** is primarily for management in public organisations. In asking why a public ethics framework should be both a management responsibility and should be an integral feature of the working environment it should be borne in mind that the overall goal of an ethical organisational framework is the public official who understands and acts according to public ethics in decision-making, public functions and public services because they also appreciate that they are working for the public interest and common good on behalf of citizens. Any public organisation would aspire to public officials who:

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

5.2.2 How? Taking Forward Steps 1 & 2 into the Organisational Context

Devising and implementing a public ethics framework at organisational level, as well as ensuring it works in practice, requires a planned and structured approach that recognizes the central guidance in Steps 1 and 2, interprets and adapts them for the organizational context, and ensures the allocation of roles and responsibilities to monitor and sustain the public ethics organisational culture or regime.

At organisational level, public ethics strategies or public ethics action plans should be drafted, drawing on the initiatives in Steps 2 and 3, adapting them for specific organisational contexts. Such strategies and plans:

- provide public organisations with a template to fulfil the expectations or requirements proposed under the Steps;
- establish a uniform approach to the development and implementation of public ethics frameworks;
- set the baselines for monitoring performance and progress internally and externally, and for the roles and responsibilities for anybody set up under 4.3.2 (Structures) for support, monitoring and oversight roles;
- guide the translation of principles, initiatives, codes and other measures into individual public organisation management and operational policies and procedures;
- expand, adapt, emphasise and prioritise the public ethics framework in practice.

Within the proposals set up as a consequence of Steps 2 and 3, the development of public ethics strategies or public ethics action plans has two strands. First is the assessment of the risk and threats a public organisation may face in order to introduce and adapt the principles, codes and other proposals to the organisational context. The scope may include – in addition to bribery - abuse or misuse of office, breaching confidentiality, nepotism, favouritism and patronage, to influence-peddling, post-employment offers, lobbying, etc., and seeking to identify typical characteristics to identify patterns, types, sectors and trends. It should also include the goals identified in the principles.

Drafters will need to identify under each of its key decision-making, functions and services roles and responsibilities where these may suffer from monopoly, discretion, lack of transparency and/or accountability. Drafting should be undertaken by elected public officials where they hold administrative functions and senior management in consultation with public officials, including trade unions, professional associations and works councils etc., and where, appropriate and particularly for citizen-facing organisations, citizen panels or other representative associations.

The assessment allows the public organisation to do three things:

- identify the necessary standards for organisational ethics and translate them into appropriate policies and procedures;
- identify its intentions to its staff, customers and stakeholders;
- identify who within the organisation will be responsible for implementing and monitoring the framework.

It would allow for the public ethics strategies or action plans to design out the opportunity and incentive for unethical conduct and practices by having a number of practical policies and procedures. These would also be intended to streamline services and functions while improving the efficiency and transparency of the organisation. The other would directly address the risks and threats by specific policies intended to mitigate, displace or ban those activities or areas most likely to lead to unethical conduct.

The outcome would be the organisation's leadership developing a public ethics strategies or action plans that reflects the expectations and requirements under Steps 2 and 3 and which will describe in detail what the organisation will do to implement the public ethics organisational framework as an organisational objective with stated policy and procedures. There will be specific policies and procedures, which would in turn include processes and procedures that would facilitate addressing areas of potential unethical conduct. A comprehensive public ethics framework through a Public ethics strategies or action plans integrates the compliance- and the integrity-based approaches so that regulations and control are balanced by proposals for the promotion and internalisation of ethical behaviour.

5.2.3. What? Developing the Concrete Components for the Framework

Translating the principles – 3.2 - and four general components on which those responsible for implementing public ethics framework may draw – see 4.3.2 – into concrete components for a public ethics organisational framework means that a number of issues and responses should be taken into account when developing the organisational components:

❖ *General Issues*

Any public ethics strategies or public ethics action plans should acknowledge the following general issues:

- Public organisations, elected and appointed officials work together to make sure that in particular the code of conduct is based on the principles and is drafted, adopted, disseminated among all those working in or for the organisation;
- Policies and procedures for both the compliance- and integrity-based approaches are used in equal measure, including: risk analysis and training needs analysis, conflicts of interests; benefits, gifts and hospitality; handling of information; lobbying; proper use of public resources, etc., as well as awareness-raising, training, inter-agency exchanges of good practice, confidential advice, reporting channels, etc.;
- Mechanisms to review the components in practice are included to ensure they are regularly reviewed, revised and updated;
- A budget line is created for the appropriate resourcing of the implementation of the framework;
- Legal and management manuals and information tools on ethics norms and requirements for all public officials are drafted, disseminated and incorporated into existing policies and procedures;
- A senior management appointment is designated as responsible for the implementation and maintenance of a functioning organisational ethical environment or an ethics counsellor is nominated to give advice on ethically questionable issues;
- Reporting channels are put in place for the confidential reporting of potentially unethical behaviour;
- Formal whistleblowing policies and procedures are implemented.

UK: Independent Adviser on Ministerial Interests (2006)
Both, the Parliament and the House of Lords, have their own Code of Conduct for members. In addition, each Minister is subject to the Ministerial Code, which outlines principles and standards of conduct and behaviour. The Ministerial Code provides guidance on a wide range of integrity related issues such as post-employment restrictions or how to prevent conflict of interest. In 2006 the post of an Independent Adviser on Ministerial Interests was created. The Adviser serves as an internal control body. The Prime Minister can instruct the Adviser to carry out investigations if there is an allegation about a breach of the Code. During the time in office, ministers must seek advice from the Independent Adviser on Ministerial Interests about all possible conflicts between their private interests and ministerial responsibilities.
http://researchbriefings.files.parliament.uk/documents/SN03750/SN03750.pdf

❖ *Specific Issues*

In addition public ethics organisational frameworks should address:

Codes

Within the proposals in Steps 2 and 3 an organizational code should address specific and clear standards of behaviour or conduct expected of public officials.

These may be codes of ethics or codes of conduct or a combined code. A code of ethics will emphasise the principles while a code of conduct will translate the principles and legislative requirements into identifiable characteristics intended to clarify the boundaries between desirable and undesirable behaviour and would often be grouped in a variety of ways, e.g. according to the boundaries of key relationships, or according to groups to whom responsibilities are owed. Whatever the choice of the number of codes, these should normally be included in or referred to in a public official's conditions of service or in the formal staff regulations and ensure an equal weight given to the compliance- and the integrity-based approaches, as well as showing how the principles translate into specific policies and procedures.

Armenia: Ethics and Rules (Code) of Conduct for Local Self Government Bodies (2016)
The code was adopted in 2016. It is part of an effort aimed at improving the local self-government system. It establishes general rules that should be followed by the local government bodies (community council, head, servant and discretionary officials) in exercising their functions. Among such rules is the commitment to put the public interest above all, display an exemplary behaviour; refrain from partial attitude, unauthorised disclosure of information, conflict of interests, making use of insider information to one's own benefits, voting on a matter one has personal, material, monetary or other direct interest in; follow restrictions on holding two or more offices. The local self-government bodies form an Ethics Commission that consists of local officials and citizens of the community. The Commission has several functions. It shall supervise the implementation of the rules and monitor the reports. In cases where breaches of the rules exist it establishes penalties.
https://rm.coe.int/armenia-ethics-and-rules-code-of-conduct-for-local-self-government-bod/16808b2d91

Slovenia: Code of Police Ethics and Programme "Strengthening the police ethics and integrity" (2008)

The code concerns the relation of police officers and citizens, state authorities, non-governmental organisations and other institutions. With the help of trainings embedded in the Programme "Strengthening the police ethics and integrity" the ethical values of the Code are taught to police officers. Participants learn about rules in situations in which the "right behaviour" is not necessarily black and white, based on principles such as respect for equality before the law, protection of reputation, incorruptibility, public nature of work, professionalism and independence, protection of professional secrecy, mutual relation. The trainings are organised by the working group that drafted the code on topics such as ethics, integrity, code of silence and leadership. During the trainings presentations explain the theoretical basis of the Code and workshops help put theory into practice.

https://www.policija.si/eng/images/stories/About%20the%20Police/Police_Identity_Card/Code_of_Police_Ethics.pdf & ec.europa.eu/esf/BlobServlet?docId=13945&langId=en

Personal Rights, Roles and Responsibilities

Public office and public service often demand standards, conduct and personal responsibilities that may be beyond those expected in personal life and society in general. The principles lay down the core expectations and requirements of public life and all public officials should balance the compatibility of some of their private and personal rights against the principles, the reputation of public organisations and the protection of public trust in public decision-making, functions and services. Within a country's constitutional and legal framework, such a balance, which may concern ethical issues rather than questions of legality, may range from the use of social media and recreational drugs to the wearing of faith symbols and indicators of political, social, sporting or environmental affiliation.

Conflict-of-interest

In relation to, for example, codes of conduct, a key area will be to address where the organisation was concerned that public duty and private interests could conflict in relation to:

- Financial conflicts of interest (e.g., employee working on matters in his official capacity that would affect his personal financial interest or the financial interests of those close to him);
- Conflicts of interest based on non-financial concerns (e.g., employee working on matters that affect persons or entities with whom he has close ties);
- Acceptance of gifts, hospitality, and other benefits (e.g., addressing restrictions on acceptance of gifts from persons or entities that have business before the agency);
- Outside employment (e.g., ensuring that outside work does not conflict with agency work);
- Political activities (e.g., placing within legal and constitutional contexts restrictions on engagement in political activity, such as, for example, holding a post in a political party or elected office or ensuring that such political activity and appointed public service are completely separated);
- Misuse of government resources (e.g., using government resources only for government purposes, protecting non-public information);
- Post public service restrictions (e.g., restrictions on former public officials representing others before their former agency or taking confidential information to new employers or time limits on taking up post-public service employment).

Policies and procedures would ensure that potential or actual conflicts of interest cases are managed so that persons may not have a personal interest in or be a party to decisions they take in the performance of their duties and avoid any appearance of a conflict of interests. These would include:

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

Similar policies and procedures would be developed for the related area of benefits, gifts and hospitality where policies and procedures would provide clarity on what or is not acceptable, reflecting cultural arrangements, with amounts and types specified by organisations; what should be reported unless senior management understand the implications of refusal and what in concrete terms management consider to be insignificant in type or value; issues concerning retention and registers, etc.

> ***France: High Authority for Transparency in Public Life (HATVP) (2014)***
> *To prevent conflicts of interest, the High Authority collects and controls declarations of interest. The cope is broad and allows listing all current and past activities, financial investments, positions in public or private organisations, professional activity of spouses and volunteer activities. The law of 11 October 2013 on transparency in public life defined the notion of conflict of interest as "a situation in which a private or public interest interferes with a public interest in such a way that it influences or appears to influence the independent, impartial and objective performance of a duty." When a situation of conflict of interests is detected, the High Authority can meet the public official to recommend him/her an appropriate solution to prevent or stop a conflict of interest. The options can be the revelation of the problematic interest, the reorganisation of work (to avoid handling a subject linked to his/her interest) or he abandonment of an interest. If the situation continues, the High Authority can issue injunctions against the public official (except ministers and members of Parliament) requiring him/her to cease the activity causing the conflict of interest. The injunction can be made public and it can be transferred to a prosecutor. Any non-compliance is a criminal offense liable to a year of imprisonment and a 15000 € fine.*
> *https://www.hatvp.fr/.*

Contracts, procurement and outsourcing

Organisations should ensure that their policies and procedures for contracts, procurement and outsourcing reflect stated good practice, including:

- Transparency, information, publicity and publication requirements for procedures and conditions governing the contract process;
- The use of electronic procurement processes;
- Equal treatment of suppliers;
- Prohibition of elected representatives and public officials involvement in any way with the public procurement process in which they have a direct or indirect have an interest;
- Public organisations awarding the contract raise awareness of contractors on ethical conduct and due diligence requirements;
- All outsourcing and delegation of public service functions reflect criteria similar to those discussed under procurement;
- Any organisation outsourcing functions or services ensures that the organisation to whom the functions and services are outsourced or delegated agree to and demonstrate adherence to applicable legislation, existing public ethics organisational frameworks and international standards.

Lobbying, political activity and revolving door

Most public organisations will have interaction with a range of organisations and associations outside the public sector and many will, where they are not led by, be subordinate to or have interaction with elected public officials. The public ethics strategies or action plans will have policies and procedures that, within the wider context of balancing access and cooperation with avoiding conflict-of-interest and ensuring transparency, will address:

- Interaction with lobbyists, registration of contacts, responding to their communications, engaging them in decision-making processes;
- Define public officials' involvement in political activities;
- Ensuring that political appointments adhere to the expectations and requirement of the public ethics organisational framework;
- Avoidance of undue influence on public officials;
- Respect for the decisions reserved by law or regulations to civil servants;
- Managing the post-resignation or post-retirement movement of public officials to organisations and associations, including their own organisations or lobby organisations, where knowledge, contacts and access are involved and which may require procedures relating to cooling-off periods, disclosure of offers for future employment, prohibitions on acting as an external contractor or consultant to public organisations.

Ireland: Lobbying Act (2015)
The Lobbying Act was developed in response to the financial crisis and a number of public scandals. The strict approach by which all lobbying activities must be disclosed increases transparency and public trust and provides legal clarity for the lobbyists themselves. This act establishes a mandatory register of lobbyists and lays out its rules. According to the legislation a lobbyist is a person with more than 10 employees that communicate on that person's behalf, works for an advocacy body, is paid to communicate on behalf of a client or communicates on the matter of land development. This broad definition includes NGOs as well as groups representing multinationals. Those who are lobbied are called Designated Public Officials (DPOs) and are defined within the legislation. Non-compliance of the strict set-up will be answered by the application of sanctions and investigations. The law furthermore includes restrictions on post-term employment such as a cooling off period of one year. The Lobbying Act draws no distinction whether a lobbyist is based in Ireland or abroad and looks at all interactions between Designated Public Officials and lobbyists that take place within the Irish state.
http://www.irishstatutebook.ie/eli/2015/act/5/enacted/en/print.html

Separation of Political and Administrative Duties

Where political and administrative functions interact, the potential for the abuse of public resources and public officials should be addressed and proscribed to maintain a clear distinction. Elected public officials and political parties must not use state funds or resources (i.e. materials, work contracts, transportation, employees) for partisan advantage. To allow for the effective regulation of the use of public resources, public organisations should clearly define what is considered abuse of public office and public resources, as well as ensuring that appointed public officials are not subject to undue influence, intimidation or obedience to political demands (for example, governments should not require public officials to attend a pro-government rally and nor should they be required by a political party to make payments to the party.

Good administrative practice

Within the mainstream work of an organisation the policies and procedures for the promotion of ethical conduct should acknowledge the importance of such conduct being an integral part of that work, including:

- Handling of information:
  - Information management ensures respect for privacy of all citizens, public officials and civil servants;
  - All information and documents acquired in the performance of duties, or in connection with the performance of the duties are dealt with proper regard for confidentiality;
- Use of public resources, equipment and property as well as email, intranet and internet systems:
  - The prohibition to use work time for private gain;
  - Limits on use of equipment and facilities for private purposes;

- Transparency:
  - All decisions include a statement on the reasons for them, criteria used to make the choice and information on the officials responsible;
  - Information on administrative procedures, how inquiries should be handled, is published and easily accessible;
  - Budgets are published and mechanisms for reporting and scrutiny of use of public resources are in place;
  - Advice should be sought, in confidence, from designated personnel, when uncertain about how to apply the above rules or having difficulty in handling an ethical dilemma;
  - A clear distinction between the duties as public official and interests as private person;
- Access:
  - Ensuring the provision of information on accessing public decisions, functions and services;
  - Ensuring public officials have, where relevant, customer service training, simplifying procedures and stating timetables for decisions or actions to be delivered;
  - Providing ease of access, whether in terms of physical accessibility, use of e-government, opening times, location and integration of offices or services, etc.

Promotion of Public Ethics

People involved in public functions and service need guidance to help to clarify standards, understand and interpret principles in concrete situations and act in accordance with them. To ensure that the development of the public ethics organisational framework is suitable for implementation, the public ethics strategies and public ethics action plans must address the provision of functional guidance and a support system through:

- Consideration of the application of behavioural aspects governing the promotion of ethical conduct;
- Nomination of an "Ethics Champion" (a person or a committee) at the top level of the organisation shows commitment to public ethics and helps to ensure delivery and regular reporting in- and outside the organisation (for example to parliament or the city council);
- Creation of fora for peer to peer exchanges on challenges to public ethics and on experience with designing and implementing ethics policies disseminates information and facilitates learning;
- Ethics principles, policies, codes, rights and obligations are made known using various means for dissemination such as the intranet, newsletters, discussion groups;
- Access to ethics advisory bodies is facilitated;
- Awareness raising activities, including:
  - Ethics action plan and related materials are published and brought to the attention of staff and the general public;
  - Ethics measures and challenges are the subject of regular communication inside and outside the organisation, through newsletters, intranet and internet publications etc.;
  - Regular meetings with staff are held to discuss ethics issues;

- Provision of education and training, including:
  - Public official should be encouraged and supported in undertaking educational courses on public ethics delivered by universities and colleges;
  - Public administration colleges should ensure that public ethics is an integral part of their educational curricula;
  - Training programmes for public officials are undertaken annually and are tailor-made for specific groups, functions and levels of responsibility. They include understanding and application of standards, principles and codes of ethics and conduct as well as dealing with ethical dilemmas;
  - Training provision should be annual, repeated and multi-modular in terms of delivery, including on-line and other distance learning modes;
  - Ethics modules are included in the curricula of public official training providers;
  - Making ethics training compulsory, in particular for newly recruited staff, and an additional precondition for promotion;
  - Appropriate support mechanisms sustain ethics training, for example mentoring, community groups, work shadowing and ethical advice lines.

Belgium: Dilemma training in the Flemish Government
The training exhibits different aspects of a dilemma. A facilitator guides a small group through the training and encourages discussions on various types of dilemma public officials might face. The training aims to shed light on "grey areas" of integrity and on scenarios. Increasingly the training is comprised of tailor-made dilemma cases. The discussion concerning the dilemma is the core of the trainings and participants are encouraged to internalise values with regard to ethics, leadership, loyalty and behaviour for dealing with conflicts of interest.
https://overheid.vlaanderen.be/personeel/integriteit/omgaan-met-integriteitsdilemmas

5.2.4 Where? The Role of Human Resources Management

In terms of ownership – discussed in 4.3.2 - the public organisation must identify and ensure that roles and responsibilities for the codes, policies and procedures developed by the Public ethics strategies or public ethics action plans. These may fall within the roles and responsibilities of managers, and while the public organisation may designate a senior management appointment as responsible for the implementation and maintenance of a functioning public ethics organisational culture or regime or an ethics counsellor is nominated to give advice on ethically questionable issues, a public organisation's human resources management function plays an essential role. This not only includes developing and implementing a public ethics organisational framework but also supporting the principles of professionalism, accountability, respect and fairness through their involvement with public officials. Merit-based selection, recruitment and promotion processes are of particular relevance for promoting public ethics and are grounded in equal opportunity of entry to public service, individual merit, open competition and non-discrimination through policies and procedures which address the following:

- Ensuring the general prerequisites for entry to public service that are prescribed by legislation or other measures adopted in pursuance of the law are reflected in the organisation's policies;
- The policies pay due attention to ethical conduct and competence;
- Those employed with the human resources management are subjected to regular - awareness raising activities in order to guarantee the high quality of performance of their activities;
- There are clear and publicised criteria and procedures for recruitment, promotion and performance appraisal which are based on merit to avoid arbitrariness, nepotism or favouritism in public organisations and which include requirements on avoidance of conflict-of-interest, nepotism and favouritism, on avoiding discrimination and promoting equality, giving equal opportunities to women and underrepresented groups and addressing ethical issues;
- Recruitment processes are transparent and decisions on recruitment are well substantiated;
- There are clear and transparent procedures for complaints, disputes, disqualification, staff suspensions and termination of duties in public service to ensure staff confidence in the organisations;
- Responsibilities and duties of public officials are clearly defined and attention given to publicly-accessible organograms;
- The privacy of public officials is protected by keeping personal information confidential;
- Performance and appraisal schemes include discussions on ethical conduct;
- The allowances and remuneration by category and grade of staff and reimbursements of public officials are documented and publicly-available, including:
    - Remuneration, including bonuses, promotion and training opportunities is based on performance criteria and published appraisal processes and commensurate with the responsibilities and duties performed;
    - Public officials cannot determine their own remuneration. If necessary, an independent panel is established;
- All public officials are aware of anti-discrimination, harassment, misuse of social media and other unethical work practices;
- Employment conditions of public officials are appropriate and consistent with their responsibilities and work contexts;
- Criteria, rules and procedures for disqualification, suspension, appeal and dismissal are established and publicised.

6. STEP 4: ENABLEMENT

6.1 Overview

Once developed and in order for a public ethics organisational framework to become functional and sustainable to provide the public ethics organisational culture within which public officials have the organisational guidance and personal confidence to be **enabled** to act ethically, then the public ethics strategies and action plans must also include further components.

These components are directed to ensuring that the framework also includes proactive promotion of ethical conduct as well as systematic review, feedback, reinforcement and reform mechanisms. Monitoring the development and working of the public ethics organisational culture ensures its appropriateness, primacy and practicability. It also provides continuous assurance that the public organisation leadership is committed to public ethics and value public ethics as an organisational objective. The systematic review, feedback, reinforcement and reform mechanisms also provide assurance as to maintain and sustaining the culture.

6.2 Reinforcement: Transparency and Accountability

A functioning public ethics organisational culture requires support and maintenance, including addressing:

- The annual publication of a report on the implementation of the Public ethics strategies or action plans;
- A risk register that updates existing and emerging risk to the risks to the public ethics organisational culture;
- A commitment to, and strategies in place for, open and honest communication;
- Effective awareness programmes for staff, clients, contractors, suppliers and citizens;
- Clearly stated and understood policies, systems and procedures that enable individual staff, clients, community members to have their concerns resolved without reprisals or detriment to themselves;
- A commitment to recruiting the right people and developing them so that they continue to provide high quality, ethical contributions and services;
- A commitment to and policies and procedures that encourage learning and enable continual improvements to the organisation's corruption resistance and ethical performance.

6.3 Reform processes

A functioning public ethics organisational culture actively seeks to improve its commitment through:

- Publication of its progress in terms of implementing the public ethics organisational culture;
- Reforms based on recommendations from public officials, citizens, etc. or cases of misconduct so that it demonstrates an organisational commitment to reform;
- Planning of its awareness and training activities to encourage staff to make suggestions to improve the ethical environment;
- Consideration of the use of in-country mutual peer review arrangements with similar public organisations to facilitate sharing of good practice (for example, at local level);
- Mechanisms in place for the participation and consultation of public officials in discussing and identifying inhibitors or facilitators to, and making proposals for changes to, working practices, organisational structures, policies and procedures in relation to the promotion of ethical conduct.

6.4 Incentives, Rewards and Recognition for Promoting Ethical Behaviour

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

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

6.5 Monitoring

Overall the public organisation must ensure that it maintains appropriate mechanisms and procedures to monitor the promotion of ethical conduct and compliance with controls and procedures to dissuade unethical conduct, including:

- Ensuring the public organisation continues to reflect good practice in relating to public ethics by implementing legislative developments and reforms in other public organisations;
- Using risk profiling to detect and minimise loopholes and other shortcomings that may affect ethical behaviour, including surveys, interviews, focus groups, organisational administrative data and external measures, such as ethical governance audits, peer review mechanism, professional associations or international organisations;
- Ensuring sufficient internal capacity for monitoring the public ethics organisational culture in practice;

- Establishing links with and between internal and external control mechanisms, such as state audit or other regulators, to integrate ethics audits and reviews into their work;
- Maintaining fair and accurate books, records, and accounts that allow monitoring;
- Report on a regular basis to the government and the legislature on the implementation and functioning of the public ethics organisational culture.

6.6 Complaints (Internal and External)

The public organisation should have in place publicised, accessible, timely and – depending on the size of the public organisation, proportionate - procedures to provide consideration and redress of complaints by both public officials, where these are not covered by existing human resources management procedures, and citizens. These procedures reflect the following:

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

6.7 Formal Reporting

In relation to the maintenance of a public ethics organisational culture, procedures for reporting and submitting formal complaints on serious unethical or potentially criminal behaviour (generally known as whistle blowing) are established within the constitutional or legal framework of the Member State. These would be expected to include:

- Appropriate legal provisions and procedures for reporting;
- Guidance on what to report, to whom, when and how;
- The obligation to treat the report as confidential, if so requested by the whistle blower;
- An anti-retaliation policy by the public organisation;
- An obligation of the competent persons or bodies to investigate allegations of misconduct and to report the results to the informant and an appropriate public organisation;
- The definition of the circumstances under which to report the breach to an external and independent body;

- Procedures for internal and external reporting which provide confidence to officials to use this system in terms of confidentiality, career protection and value to the organisation;
- Due process and legal protection for those subject to whistleblowing allegations;
- Promotion of the concepts of Speaking Up or Professional Standards among public officials as an important means to report to the competent organisations any evidence, allegation or suspicion of unlawful or criminal activity relating to ethics principles coming to the knowledge in the course of, or arising from, the public employment.

Georgia: Law of Georgia on conflict of interest (2015)
In order to bring it in compliance with international standards the existing Chapter V of the Law was amended in 2015. The Civil Service Bureau processes the appeals in a confidential manner and then forwards them to the corresponding public entity. The scope of the protection is extended to any person outside the public sector and will not be limited to current or former civil servants. The identity of the whistle blower may only be published upon consent. After disclosure of information the whistle-blower is protected from facing disciplinary, administrative, civil or criminal proceedings. The person that is subject to the allegations of the whistle-blower is informed and allowed to respond. As part of an extensive awareness raising programme aimed at civil servants a tool, the so called "Red Button" was introduced to the official web-page of the Civil Service Bureau.

http://csb.gov.ge/uploads/745748.pdf

Ireland: Protected Disclosures Act (2014)
Workers who disclose wrongdoing across the public, private and non-profit sectors are legally protected by the Protected Disclosures Act. The concept of "worker" includes a broad range from employees, civil and public servants, members of the police and defence forces, to contractors, agency staff, trainees and interns. Volunteers are not included. The act offers five channels to make a protected disclosure. Among the measures intended to protect the "whistle-blower" from adverse consequences are the protection from dismissal or from penalisation for having made a protected disclosure, immunity from civil liability and the protection of identity.
http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/pdf

6.8 Control: Compliance with the Ethical Framework

In addition to the promotion of the public ethics organisational culture public organisations should also have in place policies and procedures to protect the credibility and sustainability of that culture through an effective control environment whose internal and external arrangements should include:

6.8.1 Internal control

The public organisation should identify a person or unit with responsibility for monitoring the performance of the public ethics organisational culture. This may include the mechanism for monitoring the Public ethics strategies or public ethics action plans (6.3), or proposing reforms to the framework or components (6.5), the senior management appointment designated as responsible for the implementation and maintenance of a functioning public ethics organisational culture, the ethics counsellor nominated to give advice on ethically questionable issues, or the system for internal financial control or internal audit. It may also involve the human resources management unit. It may a combination of all or a number of these. In general,

- The system of internal control should cover and report intentional and unintentional mismanagement, poor service delivery, compliance with the rules on conflicts of interest, gifts, etc.;
- Investigate suspected cases of unethical conduct and, where appropriate, refers them to external control bodies;
- Undertake any inquiries in strictest confidentiality;
- Propose solutions to the problems identified, including revision of procedures and working methods, reorganisation of internal units, training, reassignment of staff etc.

6.8.2 External control

One of the purposes of external control is to verify the quality of internal policies, procedures and practices in ensuring the maintenance and effectiveness of the public ethics organisational culture. Depending on the legal and organisational framework of the Member State that control may be exercised by one or a number of oversight bodies such as ombudspersons, regulatory enforcement agencies, state audit institutions, the courts or the legislatures. They should provide advice, share information on good practice and carry out inspections with regard to the framework, its components and the culture. The findings of external administrative controls should be of a public nature and should be governed by the following:

- the external control organisation arrives at its own findings and makes them public as the outcome of an adversarial procedure in which the organisation undergoing the control participates;
- the executive or management of the public organisation cannot - even though they are the main recipients of the findings - prevent the external control authority from making the findings public;
- the replies of the public organisation are published together with the findings.

6.9 Appropriate Sanctions

Addressing non-compliance with ethical conduct will normally be dealt with by the human resources function and should ensure that:

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

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