

CHECKLIST FOR DEVELOPING OR REVIEWING THE CODE OF ETHICS



Congress of Local and Regional Authorities
of the Council of Europe

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| *Checklist for developing or reviewing the code of ethics (English version)*

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CHECKLIST FOR DEVELOPING OR REVIEWING THE CODE OF ETHICS

This checklist is designed to assist local authorities in the development and revision of their codes of ethics and conduct. By using this checklist, local authorities can ensure that their codes of ethics reflect the values of fairness, integrity, and respect for all individuals in their communities. It serves as a practical guide to create a culture of accountability and ethical behaviour among public servants, contributing to a more just and equitable society.

INCORPORATE KEY PRINCIPLES

Including key ethical principles within the code of ethics provides a moral compass for individuals and entities within the municipality. These principles, such as integrity, transparency, and mutual respect, act as guiding lights to ensure that actions align with ethical values. Discussing and analysing them helps ensure a shared understanding of their application in various situations.

- Discuss and analyse the inclusion of principles such as integrity, legality, objectivity, accountability, transparency, mutual respect, and leadership in the code of ethics.
- Ensure that each principle is clearly defined within the code.
- Discuss and consider how these principles will guide ethical behaviour within the municipality.
- Provide practical examples of how these principles apply in various contexts.

REVIEW LEGAL COMPLIANCE

Legal compliance is essential for the code of ethics to be sound and withstand legal challenges. To ensure the code's effectiveness, it is crucial to list and discuss relevant domestic laws, strategies, and political documents that support its implementation. This does not only help the alignment of the code with the legal framework but also ensures its effective enforcement.

- List all relevant domestic laws at the national, municipal, and regional levels that support the implementation of the code of ethics effectively.

- Include strategies and action plans that align with the legal requirements.
- Mention other political documents that contribute to a legal framework for the code.

INCORPORATE RELEVANT THEMES

Addressing various relevant themes in the code of ethics expands its scope and applicability. These themes, ranging from conflicts of interest to anti-discrimination measures, cover a wide spectrum of ethical considerations. Incorporating them comprehensively fosters a culture of ethical behaviour and clarifies expectations for all stakeholders.

- Consider integrating themes such as conflicts of interest, outside activities of public officials, gifts and hospitality, use of public resources, internal control in procurement, protection of whistle-blowers, lobbying activities, transparency in decision-making, information handling, internet, and social media use, bullying and harassment, hate speech, and others.
- Ensure that each theme is addressed comprehensively within the code.
- Clearly outline responsibilities and guidelines related to each theme.

SET RULES FOR THE INVESTIGATION OF BREACHES OF THE CODE

Clear procedures for investigating violations of the Code of Ethics are critical to maintaining trust and fairness within the local government. These procedures should not only allow for thorough inquiries but also ensure strict confidentiality to protect individuals involved. Proposing solutions based on investigation outcomes, including procedural revisions and staff training, contributes to continuous improvement.

- List and discuss proposed internal regulations for investigating ethics code breaches.
- Include procedures to investigate suspected unethical conduct while maintaining strict confidentiality.
- Propose solutions to address identified problems, including procedural revisions, reorganisation, training, and re-assignment.
- Define the process for referring cases to external control bodies when appropriate.

ESTABLISH PRINCIPLES FOR SANCTIONS

Establishing principles for sanctions in the code of ethics ensures fairness and consistency in dealing with violations. Principles such as timeliness, proportionality, and effectiveness should guide the application of sanctions. Defining the appeals process further reinforces fairness in the sanctions system and encourages individuals to accept responsibility for their actions.

- Specify how sanctions will be determined and applied consistently.
- Outline the appeals process for individuals facing sanctions.
- Ensure that sanctions are designed to deter future violations and promote ethical behaviour.

SET UP A MONITORING AND REVIEW PROCESS

The effectiveness of the code of ethics relies on continuous monitoring and evaluation. Integrating risk assessment tools, maintaining internal capacity for culture monitoring, and establishing links between internal and external mechanisms enhance the code's impact. Regular reporting, awareness-raising, and peer review arrangements contribute to ongoing improvement and promotion of ethical behaviour.

- Identify ways to integrate risk assessment tools, including surveys, interviews, focus groups, and audits, into the monitoring process.
- Establish internal capacity for monitoring organisational culture in practice.
- Create links between internal and external monitoring mechanisms.
- Maintain accurate records and publish regular reports on the code's implementation and impact.
- Plan awareness-raising and training activities for employees and stakeholders.
- Consider peer review arrangements with similar public organisations to share best practices.
- Propose changes to working practices, organisational structures, policies, and procedures based on monitoring results to promote ethical behaviour.

The Checklist for Developing or Reviewing the Code of Ethics was elaborated by the elected representatives of the Georgian Forum of Exchange on human rights within the Learning Path for local authorities on antidiscrimination policies and practices in 2023.

The Georgian Forum of Exchange on human rights at local level is a unique platform for dialogue among thirteen Georgian local authorities to address challenges for improving social inclusion, promoting equal opportunities, and incorporating a gender perspective in local political action, in order to eliminate discrimination. The Forum was created in the framework of the project “Strengthening Participatory Democracy and Human Rights at Local Level in Georgia”, implemented by the Congress of Local and Regional Authorities and the Directorate General of Democracy and Human Dignity, Division of Elections and Participatory Democracy, within the Council of Europe Action Plan for Georgia 2020-2023 with the financial contribution of the Austrian Development Cooperation.

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