

Unclassified

GOV/PGC/ETH(2004)1



Organisation de Coopération et de Développement Economiques
Organisation for Economic Co-operation and Development

09-Aug-2004

English - Or. English

**PUBLIC GOVERNANCE AND TERRITORIAL DEVELOPMENT DIRECTORATE
PUBLIC GOVERNANCE COMMITTEE**

GOV/PGC/ETH(2004)1
Unclassified

**ASSESSMENT STRATEGIES AND PRACTICES FOR INTEGRITY AND ANTI-CORRUPTION
MEASURES IN THE PUBLIC SERVICE**

**Symposium on How to Assess Measures for Promoting Integrity
and Preventing Corruption in the Public Service**

**9-10 September 2004
Château de la Muette, Paris**

To support discussion in Session 1, this background document provides comparative overview on approaches, policies and practices used in public organisations to assess integrity and corruption prevention measures.

For further information, please contact Janos Bertok, Tel. +33-145-24-93-57, e-mail:
janos.bertok@oecd.org

JT00167996

Document incomplet sur OLIS
Incomplete document on OLIS

English - Or. English

TABLE OF CONTENTS

Abstract.....	4
A. Introduction.....	4
1. What is an Integrity System?.....	5
2. Assessment: The Focus of this Study.....	5
3. Types of Assessment.....	6
B. Integrity Framework.....	7
1. Overview.....	7
2. The Content of the Framework.....	8
C. Measuring the Impact of Preventative Systems.....	10
1. Assessments by International Organisations.....	10
D. Performance Assessment.....	12
E. Codes of Conduct.....	12
1. Code Assessment Method One: Surveys.....	13
2. Code Assessment Method Two: Focus Groups, Expert Panels and Interviews.....	18
3. Code Assessment Method Three: Audits and Performance Reviews.....	20
4. Code Assessment Method Four: Public Hearings.....	21
F. Transparency systems.....	22
1. Transparency Systems Assessment Method One: Standards and Administrative Simplification.....	22
2. Transparency Systems Assessment Method Two: Agency Audits and Performance Reviews.....	23
3. Transparency System Assessment Method Three: Community Visitors or Advisory Committees.....	24
4. Transparency System Assessment Method Four: Surveys.....	24
5. Transparency System Assessment Method Five: Process Audits.....	24
G. Training Systems.....	25
1. Training Assessment Method One: The Trainers and/or Exit Quizzes.....	25
H. Communication Strategies.....	26
1. Communication Strategy Assessment Method One: Surveys.....	27
I. Counselling.....	28
1. Counselling Assessment Method One: Independent Review.....	28
2. Counselling Assessment Method Two: Surveys.....	28
J. Whistle blower Hotlines and Help lines.....	28
1. Hotline and Help line Assessment Method One: Surveys.....	29
2. Hotline and Help line Assessment Method Two: Stakeholder Analysis.....	29
K. Co-ordinating Ethics Bodies.....	30
1. Co-ordinating Ethics Bodies Assessment Method One: Legislative Oversight.....	30

2.	Co-ordinating Ethics Bodies Assessment Method Two: Self-Assessment	30
3.	Co-ordinating Ethics Bodies Assessment Method Three: Independent Audits.....	30
4.	Co-ordinating Ethics Bodies Assessment Method Four: Public Scrutiny	31
5.	Co-ordinating Ethics Bodies Assessment Method Five: Surveys	31
L.	Control and Enforcement.....	31
M.	Report Cards	32
N.	Conclusion	32
O.	Recommendations.....	33

**ASSESSMENT STRATEGIES AND PRACTICES FOR INTEGRITY AND ANTI-CORRUPTION
MEASURES IN THE PUBLIC SERVICE**

by

**Stuart C. Gilman, President of the Ethics Resource Center
and
Jeffrey Stout¹**

Abstract

Corruption prevention systems are some of the least understood and infrequently evaluated programmes in contemporary government. This essay is a preliminary overview of how governments assess the effectiveness of their pro-integrity and anti-corruption programmes. It is not meant to be an exhaustive, but rather to raise issues. The purpose of this analysis is to identify measures that work well and vulnerabilities of existing prevention programmes resulting from assessment. The assumption in this essay is that effective assessment is critical to the future of integrity programmes.

A. Introduction

Integrity is essential to modern government. It not only provides a foundation for effective governance, but also assures citizens that their government is working on their behalf. Corruption of political processes and institutions both undermines the capacity of government to carry out its critical missions and distorts economic, social and political relationships that democratic government erect. Eventually, unfettered corruption gives rise to demagogues and authoritarians who then blame democracy for corruption. In truth, democracy provides the vehicle to make corruption public, whereas in most authoritarian regimes it remains hidden through intimidation and secrecy. For this reason, stable democracies require robust pro-integrity systems and anti-corruption regimes.

Modern anti-corruption regimes tend to limit their focus to investigation and punishment. Although such reactive measures are important components of the integrity framework, punishment as deterrence has limited impact. Even if individuals are punished for corruption, the resultant headlines lead many citizens to believe that the case is indicative of massive undetected corruption. Public officials must be aware of the penalties for doing the wrong thing, but it is more effective and less expensive to motivate officials to do the right thing in the first place. Therefore, a critical element of any effective integrity system is corruption prevention and effective evaluative measures for such systems. Preventative elements typically exist as ethics or compliance programmes, taking on various forms as detailed below.

The organisation of this study is fairly straightforward. After describing the nature of ethics or integrity systems, there will be a brief discussion about the concept of assessment. Organising the rest of

1. This paper was prepared by Stuart Gilman with the assistance of Jeffrey Stout in Spring 2004. We would like to acknowledge Allison Pendell Jones and Katie Sutliff for their assistance in the preparation of this paper.

the study around each potential element of an integrity system, the paper will address the type of assessment, with recent examples where available, the strengths and weaknesses of the approach, and the criteria for success.

1. What is an Integrity System?

Integrity systems² are designed to prevent corruption before it occurs. With this as a strategic mission, there are a variety of laws, institutions and systems that are used to anticipate potential corruption. It is not suggested that determined, corrupt officials will be absolutely deterred from committing crimes or violating the public's confidence, but that a number of acts that either appear to be, or are actually corrupt, often begin as relatively benign actions by individuals who are blindly focused on policy ends. This is critical because in government, the means are as important as the ends. Well-constructed prevention systems can both help individuals and protect the integrity of government. Furthermore, some "bad actors" will be deterred if they believe that everyone in their agency will recognise unethical behaviour and have an ability to report it.

Integrity systems use a variety of institutions to accomplish their goals. They may be part of a larger agency (e.g. in Ministries of Justice, Comptrollers), a separate agency, or in some rare cases they are truly independent. Their authorities also vary widely. Some prevention systems are only responsible for civil servants. Other agencies have responsibility for political officials (both appointed and elected), and still others have oversight of legislative and judicial officials. There is no one dominant pattern. In some cases agencies exist with an appointed head and civil servants to carry out its functions. In some such cases, heads are appointed to serve at the request of the appointing authority, while others have lengthy fixed term appointments to assure independence. Other forms of prevention systems include commissions. Some commissions are comprised solely of individuals who are part of the government, some are comprised of external stakeholders (citizens, NGOs, economic interests) and still others have a mixed makeup.

Integrity systems also vary in terms of level of government. Some regimes cover all government employees within a nation state. Other programmes focus only on the national level, with the national government requiring each constitutional sub-national level (province, state) to have an integrity system. Other countries, such as the United States, have different integrity systems for each branch of the federal government, but do not mandate programmes at the state or local level. Nonetheless, the prolific growth of state and local ethics systems in the United States over the past twenty years suggests that national government mandates are not necessarily required.

2. Assessment: The Focus of this Study

The purpose of this study is to understand the assessment strategies currently employed by government integrity programmes. Within the term "assessment" is included any effort, quantitative or qualitative, to evaluate programme effectiveness. This study does not examine the actual methodology used nor the validity or reliability of the measures utilised. Instead it provides an overview of approaches governments or and public organisation have taken to evaluate ethics programmes. Interestingly, despite all of the emphasis on performance measures over the past decade, no prevention programme has attempted to evaluate overall performance. Rather, most programmes look only at pieces of the programme, and often use indirect measures to evaluate those elements.

² For purposes of this paper the terms integrity system, prevention system or ethics system are used synonymously.

While the findings of this analysis could also serve lessons for enforcement activities, this study focuses only on prevention. Thus, the purposeful omission of assessment tools for prosecution, investigation, audit, adjudication, penal institutions, or legislative oversight.

In the past, many programmes claimed that, because their focus was on the prevention of unethical or corrupt actions, they could not measure something that *did not happen*. Unfortunately, this perspective takes a very narrow view of evaluation. The effectiveness of most government programmes cannot be directly measured. Nonetheless, a number of indirect measures of programme and programme effect can provide reasonable understanding of programmatic outcomes. Importantly, if assessment is done regularly there can be both a contemporary assessment as well as comparative assessments over time.

The study, rather than using a random sample, researched a number of individuals and agencies that specialise in preventative programmes. These contacts were used to not only provide assessment examples, but also to recommend other programmes with which they were familiar. Despite the limitations, it cannot be considered as either exhaustive or wholly representative, this study does present a reasonable picture of the assessment landscape, pointing to some potentially exciting approaches and critical vulnerabilities.

3. *Types of Assessment*

Typically, there have been three types of assessments used to evaluate integrity programmes:

1. The first type is a *baseline perception survey*. Perception surveys focus on how a system is viewed by stakeholders -- citizens, business leaders, or foreigners doing business within the country. The best known in the anti-corruption area is Transparency International's annual Corruption Perception Index. This index ranks countries throughout the world in terms of the perceptions about corruption within the country. While this type of measure is an indirect way of evaluating integrity programmes, it could be argued that perception surveys and the effectiveness of ethics programmes are independent of each other.³
2. A second approach to assessment looks at the *general state of affairs*. For example the state of Queensland in Australia has sponsored this kind of assessment focused on singular measures, such as prosecutions for corruption, estimated economic losses due to corruption and some perception measures. Although there is no attempt to correlate these elements, or identify how they explain the success or failure of prevention systems, this type of assessment does provide potential comparative data that could be used to view changes across time.
3. Finally, there are *agency evaluations*. These are usually compartment evaluations rather than performance evaluations. They focus on whether ministries or agencies are comporting with legal or structural requirements. For example, they do not try to assess the effectiveness of ethics training programmes, but rather focus on the number of training classes, the percentage of employees took training, and what was the focus. One can be critical of the lack of impact

³. A hypothetical might explain how this could occur. The TI Corruption Perception Index is completed annually. Country X was ranked at number 55 because of the perception that it has a poor record of prosecuting corruption. For the next two years, it completely revamps its prosecution system, firing and trying corrupt prosecutors, and finds that in 1999 it is rank 68th in the TI rankings. Why? Because broad media coverage leads to the perception that corruption is actually more rampant rather than less. Secondly, other countries might also be getting "better." And, despite X's improvements, its progress is overshadowed.

assessment, but comporment is a critical element in understanding the efficacy of ethics programmes.

B. Integrity Framework

1. Overview

In designing integrity systems government officials must take into account a variety of concerns. Culture and type of government both have an impact, not only in terms of what are to be considered legitimate areas of privacy and personal issues, but also the influence of the media and NGOs. And, obviously the commitment of leadership will have a profound impact.

While acknowledging the differences between programmes, it is important to recognise that there are identifiable, general elements that can be found within integrity programmes. The following is a model framework that will be used to understand what is meant by a prevention system, as well as help for organising the analysis presented in this paper:

- a) Codes of Conduct
- b) Transparency systems
 - 1. Simplification of administrative procedures
 - 2. Elimination of secrecy
 - 3. Financial or interest disclosure / asset declaration
- c) Training Systems
- d) Communication Strategies
- e) Counselling
- f) Whistleblower hotlines & Help lines
- g) Control/Enforcement
 - 1. Criminal code
 - 2. Conflict of interest code
 - 3. Post-employment code
 - 4. Ombudsmen
 - 5. Audit agencies
 - 6. NGOs
 - 7. Media
- h) Independence

Each of these is a discrete element that can be found in an integrity system. However, it would be overstating to conclude that ethics programmes that do not include all of the elements are insufficient.

Many governments put elements of these programmes in other agencies, and in some societies, issues such as post-employment, are not terribly relevant.

The obvious problem with such a framework is that as it organises it can also limit it. The intention here is not to exclude other elements, but to organise the most common programmatic themes. The overall purpose of this paper is to raise issues and is not exhaustive in order to provide a starting point to understand the dynamics of evaluating an ethics programme. Future work building on the framework will rethink, modify and go beyond the framework presented here.

2. *The Content of the Framework*

Code of Conduct

Integrity systems often begin with a code of conduct, code of behaviour or code of ethics. No matter which term is used, they usually begin with either a series of principles or a delineation of behaviours that public servants are expected to avoid or observe. These codes are generally in addition to anti-corruption laws, and they attempt to refine behaviours in a broader and encompassing fashion. They are often helpful because they provide the basis for other ethics elements. For example, a counselling system needs to have guidelines -- usually law or code -- upon which to base advice.

Some governments supplement the code with a complex series of regulations and interpretations to ensure uniform application of the code. For example, the U.S. Office of Government Ethics (OGE) uses more than seventy pages of text to explain fourteen principles of public service. These regulations are in turn supplemented with Informal Advisory Opinions that are used to give guidance to both ethics counsellors and employees.⁴ Programmes stand on the simplicity of principles (e.g. fairness, objectivity) and rely on employees to behave in a way that reflects those principles and use them to both advise and, if necessary, punish civil servants. Some criticise the lack of specificity of such programmes as entrapping government employees by the whims of superiors. Others defend it on the grounds that simplicity offers far more clarity of expectations for the individual civil servant.

Transparency Systems

Perhaps the most misunderstood elements in integrity programmes are transparency systems. Often, transparency systems are considered only in terms of financial disclosure. Well-designed disclosure systems can work to maintain the confidence of citizens in governmental institutions. Having effective review of disclosures, and elimination of subsequent potential conflicts of interest or other ethics problems, can have a positive impact both within government as well as on public perception. Some programmes use disclosures for prosecution rather than counselling. This focuses on the issue of "illicit enrichment", which in most cases can be better detected in other ways. While disclosure is the most common transparency programme, the openness of procurement and contracting procedures should also be included. Even simplifying and clarifying administrative processes can be excellent ways of increasing transparency.

Training

Training is also a common element included in most integrity systems. Training on ethical principles and their application is diverse. Some governments require only new employees to undergo training, while

⁴ The Informal Advisory Opinions of the United States Office of Government Ethics, available on the USOGE website: http://www.usoge.gov/pages/advisory_opinions/advisory_opins.html. These documents were originally published in three volumes by the U.S. Government Printing Office covering the period 1979-1998.

others require regular training. Additionally, some ethics regimes focus on certain levels of employees -- senior political officials -- or positions that are considered particularly vulnerable, such as tax collectors or contracting officials. Types of training also vary. For some programmes all training is in person, while others use computer training. Some training is focuses solely on the “rules”, while other types of training use vignettes or actually have employees play ethics games.

Communication Strategy

Most effective ethics programmes have communication strategies. Often, the communication strategy is not planned, which leads to the accusation that it is “the best kept secret in government.” A dynamic communication strategy can range from broad media coverage to posters and/or speeches encouraging citizens to provide input on new regulations. Admittedly, many ethics programme officials are reticent to engage in broad communication for fear that it will unfairly draw the attention of the media to their limitations, rather than their successes.

Counselling

Most ethics programmes have counselling mechanisms through which they give employees advice in response to ethics questions. Such systems vary considerably from centralised to highly decentralised. The advice can be agency specific or government-wide. The counselling can be done verbally, or in writing. And finally, investigative authorities may question the advice, or it can bind employees to respect the advice given. The logic behind the latter reasons that if an employee has gone to an objective third-party for advice (appointed by the government for that purpose), it is unfair to punish said employee for following that advice.

Whistleblower Hotlines and Help Lines

Whistleblower programmes, or hotlines, are probably the most well-known prevention systems. In some cases, hotlines to report misconduct are supplemented with “help lines” that allow employees to ask ethics questions. Both require effective staffing and follow up. Often hotlines become vehicles for disgruntled employees, so hotline staff must be trained to separate the “wheat from the chaff.” Assessing the feedback provided through hotlines and “help lines” has become an essential tool in anticipating corruption and dealing with it before it becomes debilitating.

Control/Enforcement

It is important to recognize that an effective enforcement programme is an essential compliment to any prevention system. Effective enforcement deters those who would be corrupt and assures honest employees that they will not have to work in a corrupt environment. “Effective” should not be confused with “severe” enforcement. One can threaten someone with lengthy prison terms, but if no one ever goes to jail the penalty soon becomes ridiculed. Sureness of punishment for violators is a far greater deterrent than severity. As one official suggested, “rather than a ten year jail sentence that has never been imposed, I would get greater impact with a \$100 fine.”⁵

Independence

Finally, effective ethics programmes require independence. Independence can mean many different things. The key to understanding independence is not necessarily in terms of a separate agency or ministry, separate budget or limited reporting responsibilities. Rather, the foundation of independence is

5. Interview with an ethics official in one of the U.S. states, February 2002.

whether the prevention system can act as an objective, third party in judging a particular question, and whether those seeking the advice can ignore, or worse, change the advice to suit their own interests. Independence is probably one of the most critical features in assuring the effectiveness of integrity programmes. Although legitimate evaluation of independence is difficult, it is essential that it be addressed.

At this point we turn to assessment and evaluation instruments used by ethics programmes, focusing on the most effective techniques and interesting approaches. There is no single right way to design an integrity system. Many of the variations are designed to make programmes more effective. However, one would be naïve to think that some integrity programmes are not created to camouflage corruption, rather than prevent it. Some governments have created an ethics office, but then denied it the basic resources to make it successful.⁶ Ultimately, integrity systems are one of the most innovative and anti-corruption programmes developed by governments in the last one hundred years.

C. Measuring the Impact of Preventative Systems

This section describes methods of assessment for each component of an integrity system listed above, detailing strengths and weaknesses and listing criteria for success. The following overview in no way intends to be comprehensive. The examples presented below originate from many sources and include the efforts of international organisations such as Transparency International, the World Bank, Organisation of American States and the OECD.⁷ Other examples include programmes of a national or provincial co-ordinating ethics body, and still others are the work of an individual department within the national or provincial government. Examples are cited that refer to individual questions within a management assessment survey designed not to measure ethics specifically, but rather to assess the performance of department management practices. An attempt is made to select examples of assessment methods from a diverse range of sources and to focus on those that enable future assessment efforts.

The efforts of international organisations on this front are to be complemented. While most, to date, have concentrated specifically on baseline assessments and on anti-corruption systems, as opposed to ethics systems, the efforts that lead the way in demonstrating the importance of evaluation and assessment of anti-corruption systems are also to be commended.

1. Assessments by International Organisations

Transparency International⁸, for example, is engaged in a range of important efforts aimed at gauging the state of corruption in countries. Transparency International's Corruption Perception Index measures the extent to which corruption is perceived to exist in government. It is a composite index derived from seven separate surveys. This index measures perceived corruption rather than actual corruption. It aims to minimize possible biases, including differences in the notions of corruption and culture specific ethical standards across countries by pooling surveys from various sources. For example, the Bribe Payer's Index ranks countries based on the degree to which international companies pay bribes to foreign officials. TI's

^{6.} See Fredrick Hermann, "Bricks Without Straw: The Plight of Government Agencies in the United States," *Public Integrity Annual 1997*, The Council of State Governments, Lexington Kentucky, 1997, pp.13-21.

^{7.} For a more complete explanation of multilateral involvement see: Terry L. Cooper and Diane E. Yoder, "Public Management Ethics Standards in a Transnational World," *Public Integrity*, Fall 2002, Vol. IV, no. iv. pp. 333-352.

^{8.} TI emerged as the leading international NGO over the past decade. They have developed general tools for assessing perceptions related to corruption and bribery, such as the Corruption Perception Index (CPI).

index provides an external assessment based primarily on perception and a useful check for official government analysis on the health of their integrity systems.

The National Integrity Systems Country Studies outline the state of integrity systems and the political context for 18 countries. These reports focus on the presence and effectiveness of the institutions and laws that comprise an integrity system. They are unique in their comprehensive approach and provide a useful baseline description of how the government's integrity system is organized. They describe efforts to identify potential weaknesses in the system, as opposed to specifically assessing integrity system components.

The World Bank has developed an Anti-Corruption Toolkit, including a series of questionnaires designed for institutional assessment of policy-making institutions and the civil service, as well as surveys focused on corruption in civil service delivery and a country's commitment to reform⁹. The Organisation of American States has also engaged in efforts to help members assess the existence and adequacy of the legal framework and enforcement mechanisms related to corruption. It has developed a questionnaire as a follow-up instrument to determine the extent to which its member nations are working to improve their anti-corruption systems¹⁰.

The United Nations Global Programme Against Corruption, introduced in 1999, provides a framework for standardised assessment to document corruption in public administration and business. The four-part framework includes surveys of business, public administration, and media; focus groups including labour, parliament, media and prosecutors; an analysis of the legal and institutional framework; and finally an analysis of the societal context. A good example of such a study is the Country Corruption Assessment of South Africa.

The Organisation for Economic Co-operation and Development (OECD) has developed monitoring process to ensure the effective implementation of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions. The monitoring process, based on the OECD peer-review principles, is divided in two main phases, namely:

- Phase 1 evaluates whether relevant legal texts meet the standard set by the Convention.
- Phase 2 reviews, started in 200, studies the structures put in place to enforce the laws and rules implementing the Convention and to assess their application in practice. This includes reviewing national investigations and prosecutions and conducting "on site" interviews with government and regulatory authorities and other persons concerned with application of the Convention.

In the public governance area, a series of groundbreaking studies¹¹ from general approaches to ethics to a detailed analysis of conflicts of interest have been published in the last decade. Although these studies did not explicitly assess ethics programmes in OECD countries, rather that provide a detailed description

⁹. <http://www.worldbank.org/wbi/governance/pubs/govmatters3.html>

¹⁰. www.oas.org/juridico/english/followup.htm# Results listed by country with reports for 2002, 2003 and February of 2004.

¹¹. Managing Conflict of Interest in the Public Service: OECD Guidelines and Country Experiences (2004)
Public Sector Transparency and Accountability: Making it Happen (2002)
Trust in Government: Ethics Measures in OECD Countries (2000)
Public Sector Corruption: An International Survey of Prevention Measures (1999)
Ethics in the Public Service: Current Issues and Practice. OECD Public Management Occasional Paper No.14 (1996)

of the ethics regimes within a country. For example, the OECD¹² reviewed the application of the 1998 Recommendation on Improving Ethics in the Public Service. The resulting report “Trust in Government” provides standards against which ethics programmes can be evaluated.

The intention is to supplement the reports listed above by focusing on assessment of ethics systems, as opposed to corruption or enforcement systems. More specifically, focus is on methods used to assess the effectiveness of integrity system components on a more granular level than institutional analysis. While it is important for a country to take honest stock of its institutions, how they interact and where potential exists for inappropriate actions, it is essential to be armed with tools to assess specific integrity system measures.

Instead of describing criteria for success of a system component focus is on how one can assess the success of that component. Methods that a governing entity can use to discover whether or not a policy is accomplishing the desired results are addressed, rather than what specific considerations make a successful policy. It is also worth noting that a finite number of programme assessment methods exist. The discussion of the strengths and weaknesses of surveys to measure a code of conduct may well overlap with the strengths and weaknesses of surveying training systems. In the case of overlap those advantages or disadvantages unique to the relevant assessment method will be highlighted.

D. Performance Assessment

Before discussing measures that assess specific integrity system components, using the framework articulated earlier, it is important to note that no country was found to have all of these measures fully implemented and that the integrity systems of many countries are in the very early stages of programme development. As governments work to implement integrity systems, a parallel effort to improve performance and managerial assessment, in general, will help create work environments that encourage ethical behaviour. The management sciences literature and innovative efforts by organisations to improve their workplace environment on many levels is very much related to our discussion, as ethics exists within the context of a living workplace with human managers and workers.

An exceptional model for widening the framework of performance assessments beyond managerial results to include leadership, people management and organisational environment is provided by the Treasury Board of Canada Secretariat (TBS) Management Accountability Framework (MAF).¹ It is an encouraging trend that management can now address broader goals including ethics, but it is also important to note that in practice, the disruption caused by the ebb and flow of management approaches in the public sector has often adversely affected existing ethics programmes.¹³

E. Codes of Conduct

Measuring the success of a code of conduct is inherently difficult. However, a wide variety of assessment tools can shed light on the efficacy of this important integrity tool. By far the most common is the survey, which has the advantage of being relatively inexpensive and replicable. Of course, it matters who is surveyed and how, and it is helpful to compare survey results between organisational levels (i.e. management and employee level responses).

^{12.} Through its Public Management Service (PUMA) which was transferred to Public Governance and Territorial Directorate in 2002.

^{13.} See Stuart C. Gilman, “Effective Management of Ethics Systems: Some New Frontiers,” in Vusi Mavuso and Daryl Balia, *Fighting Corruption: Invitation to Ethics Management*, Unisa Press, Pretoria, South Africa, 1999.

1. *Code Assessment Method One: Surveys*

Surveys come in several forms including:

1. Ones that measure the “ethical climate” of the organisation;
2. Direct questions about the presence of misconduct, pressure to commit, reporting of and pressure not to report; and
3. Performance reviews with some ethics relevant questions.

Additionally, there is a range of variations and combinations of each form, as detailed below, can be helpful.

Management Surveys

Some management level surveys have been designed specifically to assess ethics programmes, but far more common are performance review surveys that happen to include a question or questions regarding ethics, and codes of conduct in particular.

Example: The U.S. Office of Government Ethics Reports (1992-1998)

Executive Order 12674 requires the Office of Government Ethics to do annual surveys on ethics in the executive branch of the federal government. For approximately a six-year period the results of these surveys were publicly reported. These reports focused on aggregate data reported by ethics officials in more than one hundred ethics offices. The types of data included items such as the number of full and part-time officials working on ethics, the number of advisory opinions issued, the number of financial disclosure forms filed (and their timeliness), the number of administrative and criminal actions taken against employees. Aggregate data is often not seen as relevant to assessment, yet it can be reasonably claimed that this kind of data – collected over time – can provide some strong indirect indicators of effectiveness.

Example: Survey of Top Management in Finland

This survey of management and personnel from 170 agencies focuses on changes in values of governance, principles of civil service ethics, unethical practices and factors affecting civil service ethics. The objective of the survey is to paint a general picture of ethics in civil service, specifically in public administration. Transparency of political decision-making and the operations of government enterprises are not included. Finland serves as an example for surveying both the employee and management level, allowing for a useful comparison of factors affecting civil service ethics. The Finnish survey also stands out in that the impetus for its undertaking was not the perception of high levels of unethical behaviour in government but rather the perception of risk for increasing levels of unethical behaviour.

Example: State of the Service Report in Australia

The Australian Public Service Commission uses an agency questionnaire as one source for its annual “State of the Service Report.” The survey intends to assess ways in which the code of conduct is communicated and implemented, internal issues (such as employee behaviour) and matters of external communication with Parliament and the public.

Example: Learning Advisory Panel Survey of Middle Managers in Canada

While not designed specifically for integrity system assessment, this survey targeted middle managers and its ethics related results could be compared to a survey of public servants undertaken by Canada’s

Treasury Board. For example, while managers recognised a need for accountability measures and assessment of those measures, they raised concerns that their departments do not have the “capacity to lead and sustain the dialogue.” In such an environment, the results of the public servant survey which indicated perceptions of unfairness in promotions are not surprising.²

Employee Surveys

Employee surveys are an effective way to determine if management has effectively implemented a code of conduct. Below, several examples are presented.

Example: Public Servant Survey in Puerto Rico

In 2003 the Ethics Resource Center worked with the Office of Government Ethics of Puerto Rico (OGE-PR) to survey all public sector employees¹⁴. Teams were created by both organisations to assure that the data would reflect the culture and institutions of Puerto Rico, while assuring the validity and reliability of the survey questions. The focus of the survey was on how employees “viewed” ethics in their own organisations, capturing ethics values as well as pressure to commit misconduct. The OGE-PR also recognised the necessity of a broad communications strategy to encourage a large response to the survey and as a result, 65,000 employees responded to the questionnaire.

Example: Survey of Public Servants by the Treasury Board of Canada

While not designed specifically to assess ethics practices, this survey of public servants was able to point out gaps in the Canadian integrity strategy. For example, in the 1999 survey, a significant number of employees claimed that they do not have a “fair chance of being promoted ... that they cannot disagree with their supervisor without reprisal ... and that senior management will not try to resolve concerns raised in the survey.”

Example: KPMG “Integrity Thermometer” in South Africa

Agencies in South Africa have used a survey, initially developed by KPMG for use in businesses, to gauge the existing ethical climate within an organisation. The goal is to identify gaps between official policy and company culture in a way that facilitates comparison between offices. The initial attempt to survey employees failed because of reliance on the Internet and employees simply did not have enough access to computers. Further, the question of whether business ethics surveys are directly translatable to the public sector is debatable.

Strengths of Employee Surveys

The importance of employee surveys in assessing the effectiveness of a code of conduct cannot be overestimated. Whether a code of conduct is just a document in the employee handbook or whether it has become part of the agency culture can be determined by understanding the “view from the trenches”. Employee surveys are an important strategy. The Ethics Resource Center’s (ERC) 2003 National Business Ethics Survey (NBES) is a good example of a study designed to understand how employees viewed ethics in their own organisations.

Example: ERC’s 2003 National Business Ethics Survey

¹⁴. Report to the Office of Government Ethics, Commonwealth of Puerto Rico: 2003 Employee Ethics Survey.

Although entitled a “business” survey, the data represents public and non-profit employees as well. Additionally, the data set was able to take advantage of the validity and reliability of other ERC surveys of specific organisations, as well as the two previous NBES surveys in 1993 and 2000. The NBES provides measures to understand the impact of codes of conduct, as well as their relationship to organisational culture, leadership and ethics systems, thus identifying strong relationships among these variables. For example, a robust ethics programme (defined by specific elements) is linked to both a reduction in perceived misconduct and an increase in the willingness to report that misconduct. In the review of assessment of employees there have been very few surveys that look for explanatory relationships between variables. Many organisations resist such studies for fear that some might view these as causal relationships. Although often lost on layman, this distinction is critical. It also demonstrated the greater vulnerability of young managers in organizations as well as a strong correlation between robust ethics systems and a decline in ethical misconduct.

Client Surveys

An alternate angle, most appropriate for agencies that directly serve the public and/or another agency in the government, can be provided through client surveys. While primarily designed to measure performance, surveys of the clientele of civil service agencies can shed light on integrity issues as well. The potential for politicisation of the process is very high, but intra-agency scorecards can be a useful check on activity that takes place at the depths of bureaucracy with little public exposure. No examples were found of interagency scorecards, although the Queensland NISA³ included an interagency questionnaire aimed at determining the level of co-ordination between ethics related bodies. More common are report cards or scorecards for agencies that directly serve the public.

Example: Civil Service Report Cards in Bangalore, India

The 1999 Civil Service Report Card survey in Bangalore, India is an example of a client survey aimed at assessing integrity. An important result of this survey was an indication of an increase in perceived corruption, as evidenced by the growth in both the numbers of respondents who paid bribes and the amounts they paid.⁴

Example: South Africa Country Assessment

The Public Service Commission of South Africa commissioned three surveys:

1. One measuring public perceptions of government corruption;
2. One of businesses; and
3. One regarding public administration.

A selection of four agencies participated in the Public Administration Survey that collected data from service users, managers and public officials. Where most surveys focus on public perception or of government corruption, this survey offered interesting insight into public corruption. It was shown that public officials perceive that clients often sought “back door” solutions to their issues⁵, suggesting that it is important to also measure public expectations and tolerance for corruption in addition to their perception of its existence.

Strengths and Weaknesses of Client Surveys

The public sector can learn from extensive work in private sector customer surveying. The strengths of client surveys in assessing the effectiveness of a code of conduct include:

1. Avoiding the conflation of output and outcome that often takes place in internal reviews;
2. Capturing public perception regardless of actual practice; and
3. Creating a benchmark against which change can be measured.

The primary weakness of client surveys is that their relevance is limited to service agencies. This limitation can be relaxed slightly by expanding the use of this tool to inter-agency assessment, but even then they are only relevant to agencies serving others. After that, a careful distinction must be made between the perception of code of conduct violations and actual violations. While an understanding of public perceptions of misconduct is fundamental to programme design considerations, the end goal is to eliminate actual violations of the code of conduct.

Media Surveys

Media plays an important role as agencies assess the effectiveness of a code of conduct. Negative attention can provide a powerful disincentive for transparency and co-operation with the media. At the same time, media provides an outlet for whistleblowers and momentum for investigations, reprimand and stronger ethics practices. The mantra “do nothing that you wouldn’t want on the front page of the Post” for some agency offices in Washington, DC, can be viewed as a positive.

Example: 2002 Country Assessment of South Africa

An example of the use of media coverage to characterise the success of a code of conduct are two complementary studies that formed part of the 2002 Country Assessment of South Africa. The studies measure the types of corruption reported by the media, who is responsible for bringing the corruption to light and which agencies are responsible for responding to the charges and following up.

Strengths and Weaknesses of Media Surveys

The weakness of using media surveys to measure the effectiveness of a code of conduct is that most violations of a code of conduct do not find their way to the media. Nevertheless, such studies provide a useful third party verification of the effectiveness of certain ethics programme instruments. Media participation may be more useful on expert panels and focus groups than surveys as discussed in a later section of this paper.

Institutional Framework Studies

Further discussion of what are referred to as “institutional framework studies”, such as the National Integrity System Assessment, is warranted as these comprehensive studies form the groundwork for ethics programme assessment. Collaboration between the Key Center for Ethics, Law, Justice, and Governance at Griffith University in Australia and Transparency International Australia is an important example of such a study. The two groups undertook an ambitious investigation of integrity system components in Queensland, Australia.

Their objective was to provide an in-depth understanding of the laws and institutions comprising the state’s integrity systems, to point out the strengths and weaknesses of these components and to identify gaps and areas of overlap.⁶

The undertaking included documenting the political context and history of the state as related to ethics, as well as a description of the specific laws and institutions. The main study was comprised of three bodies of information:

1. Interviews with senior executives of agencies;
2. Focus groups to discuss best practices; and
3. A survey aimed at establishing the effectiveness of interaction between agencies within the integrity system.

A parallel study of the private sector, assessments of other states and jurisdictions, attitude surveys among the public and business community and an international comparison of integrity systems were added to the initial study.

Mapping the integrity system landscape by using a framework study such as the NISA Queensland is a vital first step in establishing an effective integrity system. Framework assessments strive to “identify, analyse, and record institutions, laws, procedures, practices and attitudes”⁷ They primarily focus on questions such as, “Does a code of conduct exist?” But due to their comprehensive nature, such an assessment can only go so far in answering, “Has the code of conduct been effective?” The Queensland NISA questionnaire does distinguish between the two, asking respondents to document formal provisions related to each integrity system component and also “what actually happens?”⁸ The intention of this paper is to focus on the latter question by comparing assessment measures used internationally.

Strengths and Weaknesses in Using Surveys in Assessing the Effectiveness of a Code of Conduct

Surveys are a familiar tool that managers and personnel already use in many cases. Retooling human resource/performance related surveys to include ethical considerations is a feasible way to gather data. The strengths of surveys, in general, are that they can be replicated -- baseline can be established and comparisons can be made over time.

The principal challenge facing surveys is self-reporting. Collaboration is often required in cases of misconduct, thus almost guaranteeing underreporting. This limitation was noted in the documentation of South Africa’s National Victims of Crime Survey conducted by the Department of Safety and Security and it is applicable to surveys. Employees and managers may also be unlikely to indicate violations exist for fear of reprisal. Effective survey design can avoid the obstacle of self-reporting.

Other challenges surveys face are that they often reflect perception of misconduct as opposed to actual misconduct and cultural differences among organisations or jurisdictions may make comparisons difficult. The code of conduct is intended to standardise notions of acceptable and unacceptable behaviour, but answers to survey questions regarding the effectiveness of a code of conduct, just as actual compliance, may vary from place to place and agency to agency.

Finally, a weakness of surveys in general is a lack of an effort to correlate the perceptions described in surveys with empirical data such “complaints filed”, or the lack of aggregate data for overall reference. Presumably, progress made integrating a code of conduct should be reflected in frequency or output data.

Criteria for Success

Designing a survey that can adequately measure the effect of a code of conduct is extremely difficult, but some criteria will improve its validity:

- Ease of use.
- Anonymity.
- A mechanism in place to analyse results and feedback.

- Comparison -- Comparing management vs. employee or provider vs. client.
- A benchmark is set and surveys are replicated. An example of a survey created with this in mind is the Canadian Department of Defense survey of military and civilian employees, that provide a baseline assessment of values, used by employees, values respondents supported, respondent expectations of the ethics programme and an assessment of ethical concerns.⁹
- Good technique. E.g. ensuring the validity and reliability of the survey and that it is distributed in a way that encourages a high response rate.
- Revealing questions, ensuring that they provide insights into the effectiveness of the program, rather than program outputs. E.g. how many financial disclosures were filed.

2. Code Assessment Method Two: Focus Groups, Expert Panels and Interviews

Focus groups, expert panels and interviews provide an alternative to surveys and have the advantages of fomenting discussion and a more nuanced insight. For the purpose of this paper, all three situations are referred to as focus groups. Whereas surveys are extremely focused and limited to the research question and the imagination of the surveyor, focus groups leverage group dynamics to widen the discussion to include any consideration deemed relevant by participants. However, focus group conclusions are purely qualitative and, therefore, difficult to compare over groups or over time. Additionally, the selection of participants and moderator play an important role. Both a potential advantage and limitation is the group dynamic. Hearing other participants voice similar concerns could encourage others to voice their own or make others wary of openly discussing certain issues.

Employee focus groups

The Australian Public Service Commission's report "Embedding APS Values" documents the strategies of six case study agencies' efforts to embed the commission's code of conduct and then correlates them to views of employees that were collected in focus groups. As an example of findings from such a focus group, the following shows its importance and utility. Employee focus groups yielded the following conclusions, among others¹⁰:

- Leadership is crucial to ensuring that the Values and Code of Conduct are taken seriously.
- Unethical behaviour by leaders and managers would cause employees to consider the Values and Code of Conduct as rhetoric and to lose confidence in them.
- Leaders perceived to be modelling the Values are strongly supported.
- The Values and Code of Conduct as presented in some corporate documents are not made meaningful by corporate practice.
- The relevance of the Values and Code of Conduct to everyday duties is not widely understood.
- Some managers and leaders do not seem to be upholding the Values.
- The 15 Values are quite long. Some embody more than one concept, are difficult to remember and to put into context.
- Grouping the Values is a useful tool in helping to gain an understanding of the Values and making them relevant -- makes the Values come alive.

Strengths and Weaknesses of Employee Focus Groups

Focus groups have many benefits, however organisations must be cautioned not to over analyse the results. Focus group research is best used as groundwork for a scientific survey. It is very seldom the case that a focus group represents a scientific sample, and therefore it is wrong to conclude that the summary of the focus groups is representative of a population. Further, focus groups responses – no matter how well organised -- have a subjective element within them. There are judgments and interpretations of not only responses, but also body language, and the dynamics of interchange. This is not to suggest that these are necessarily bad, but rather that one must take into consideration the subjective nature of focus groups when reviewing summaries.

Management Focus Groups and Interviews

Management interviews represent one subset of focus group methodology. Usually, the management group in any organisation is relatively small and, as a result, the interview process is relatively uncomplicated. The key to doing this successfully is a fairly detailed research framework that clearly articulates issues, question sets, and links between questions. When these interviews are done well it allows the organisation to get a picture of how the managerial level views each other's ethical perspective as well as the ethical culture of the organisation.

Example: From the Private Sector -- One Company's Experience

In order to identify integrity issues among top management, the Ethics Resource Center conducted a series of interviews with over eighty executives at a multi-national corporation as a part of a 360-degree executive leadership review. Corporate officers and their direct reports were asked to describe their perceptions of the ethical leadership and overall ethical climate of the organisation. The exercise provides the information necessary to assess the integrity programme as viewed "at the top" and assisted in the development of reports for each member of the leadership team, as well as an overall organisational report. The information also provides foundation and direction for future surveys and assessments. This example from the private sector can serve as a model for government agencies, particularly at the executive level.

Example: Badaracco and Webb

Another example from the private sector, involving focus groups rather than interviews, is "A View from the Trenches" by Joseph Badaracco and Allen Webb. The work is based on in-depth interviews with Harvard MBAs in their first position out of business school. Emerging from the interviews is that intense focus on job and career goals allows pressure to exist. Getting ahead requires making your numbers no matter what; being a team player, and having a name clean of whistle blowing. The interviewees also stress that examples are more important than words when it comes to an ethics programme.

Strengths and Weaknesses of Management Focus Groups and Interviews

Management focus group methodology can help to gauge the impact of ethics programmes. However, conclusions from focus groups and interviews must be viewed in light of the limits of the methodology. In the review of public service ethics programmes no system was found that took advantage of this relatively inexpensive approach to understanding the ethical dynamics of organisations. There are several likely reasons why public agencies avoid their use:

1. First, they appear "too subjective". However, all methodologies -- including scientific surveys -- have an element of subjectivity.

2. Second, public agencies are sensitive to the politics of the results. Surveys can generally couch conclusions more generally; focus groups are far more personal.
3. Finally, most ethics programmes are too new to deal with new methodologies.

Client Focus Groups

Client focus groups are a common method used to collect public opinion, especially with regard to the provision of public services and ethics is only one among many considerations, including quality of service and efficiency. Northern Ireland's Review of Public Administration¹¹ uses focus groups to collect feedback on public service provision. As with survey's, public focus groups are limited in their reach to integrity issues involving service provision to the public.

Strengths and Weaknesses in Using Focus Groups, Interviews in Assessing Codes of Conduct

Focus groups provide a quick way to generate a qualitative comparison of stakeholder viewpoints. For example, in South Africa, under the UN GPAC framework, focus groups were conducted as part of its Country Assessment Report. Five focus groups were convened consisting of parliamentarians, prosecutors, magistrates the media and trade unions.¹² A discussion guide was used to focus the conversation on certain issues and elicit responses from the various representatives. While this particular set of focus groups was focused on corruption, it serves as an example for future investigations into a wider array of ethics related issues. Particularly useful were the immediate comparisons of the priorities of various stakeholders. Generating candid feedback from all relevant stakeholders helps minimise the chance that important issues are swept under the rug. Focus groups are a way to elicit candid responses from experienced professionals and the interplay between colleagues may spur ideas that would not surface in a paper survey.

On the other hand, focus groups are not meant to be a wholly representative sample and therefore, one must use caution in drawing valid generalisations from their results. The data gathered is qualitative and depends very much on who is involved in the focus group, who is conducting the focus group and what the goals of the discussion guide are. Focus groups rely heavily on the opinions of a few people and to that extent they work best as a means to point out problems or potential risks rather than to scientifically measure the effectiveness of integrity system components

Criteria for Success

In order to be successful, focus groups should be as representative as feasibly possible and steps should be taken to use an independent group leader. To assure independence, one can use an outside evaluator, as shown through the ERC Corporate Leadership review example presented above. As in all measurements discussed, the proper resources must be allocated to collect, interpret, and publish the results. Follow up focus groups are encouraged, to get a sense for what changes have taken place.

3. Code Assessment Method Three: Audits and Performance Reviews

Performance audits and reviews are another way to assess the level of compliance with codes of conduct. Two types of audits are distinguished:

1. An audit focused specifically on ethics related requirements; and
2. A more general performance audit that may indicate ethics related performance issues.

Output methods, in this case, provide the source for assessment. For example, the Disclosure of Wrongdoing and the Harassment Policy (including the numbers of complaints, types of cases, etc.) used in

Canada creates a baseline for understanding the state of affairs in this area. There are inherent problems with relying on output statistics as they do not illuminate the actual outcome of policies and therefore may be more misleading than helpful.¹³

Another example of an ethics related audit is the Operations Review Committee (ORC) of the Independent Commission Against Corruption in New South Wales, Australia which performs both internal and external management audits focusing on key elements of the ethics regime.¹⁴

Additionally, the United States Office of Government Ethics Management Audits primarily focus on the regulatory compliance of federal agencies under its responsibility. Within the regulatory regime every department or agency is required to have a Designated Agency Ethics Official (DAEO) who is responsible for the management of the agency's ethics programme. As examples, these audits review whether the DAEO complied with financial disclosure requirements (number, review and timeliness), training requirements, and even the accuracy of advice given to employees.

Strengths and Weaknesses of Using Audit and Performance Reviews in Assessing Codes of Conduct

The weakness of relying on output statistics to measure compliance with the code of conduct is that extreme detail allows one to "lose the forest for the trees." The importance of context makes the analysis of output statistics extremely tenuous. On the other hand, audits designed specifically to account for the integrity system components and procedures can be useful in measuring the success of a code of conduct. Perhaps more importantly, such audits can encourage compliance. Because regular audits of compliance will only promote the generation of audited paperwork and not actual ethical conduct, it is important that audits are not the only assessment of integrity system components. Another shortcoming of this method is the high cost associated with a detailed audit.

Criteria for Success

Ultimately, good management audits in the ethics area must focus on both compliance, and impact. The latter is harder to measure, but not as difficult as many assume. Effective management audits can take the form of perception measures, or correlate actually criminal or administrative violations with programme elements. Public agencies are reticent to undertake such evaluations because it makes them vulnerable to criticism. There is a certain amount of ethical courage necessary to say we are not perfect, we risk discovering weaknesses in a programme, but it is the only way to make them better. From outside government such a sentiment seems both rational and compelling. However, given the fury of political winds within some agencies, and certain governments, it might be perceived as a reasonable survival strategy.

4. Code Assessment Method Four: Public Hearings

Public hearings are a common top down approach to measuring agency heads accountability for compliance to the code of conduct and other ethics programme components. In Great Britain, The Committee on Standards in Public Life publishes an annual report on the conduct of public officials. Its methodology includes publishing a 'consultation paper' establishing the issues of principal concern, inviting submissions on the relevant issues, conducting informal interviews/meetings with stakeholders and finally public, formal hearings. The committee has published ten such reports focusing on a range of issues from conduct in the House of Lords to defining the boundaries of acceptable behaviour at the executive level.

Other examples include legislative hearings that focus on ethical accountability of individual agencies or ethics offices themselves. Such hearings are noteworthy because the legislative oversight is often an effective counterbalance to the tendency of some bureaucracies to interpret their responsibilities minimally.

Using oversight or budget authority, legislative committees can wield effective power in ensuring that executive agencies take their ethical responsibilities seriously.

Strengths and Weaknesses of Using Public Hearings in Assessing Codes of Conduct

The formal and legal nature of hearings brings this method of assessment a high degree of legitimacy. It should be noted that depending on the composition of the body conducting the hearing, political rivalry might encourage extremely rigorous examination. It is also significant that busy legislative calendars ensure that such hearings are limited in time and scope and that testimony is limited to the agency heads.

Criteria for Success

In order to be effective, hearings must recur at a regular frequency, attendance and candid answers must be required by law and enforceable, committee members must be representative of the government in place and not exclusively from one political group or another. Hearings should also be public because they serve both as an effective transparency mechanism and an essential element in a communications strategy. They add to transparency because the public has the ability to see into and understand the governmental process. They are an essential component of a communications strategy because hearings make the average citizen cognisant that ethics is important and that there are systems in place to ensure the ethical behaviour of public employees.

F. Transparency systems

Laws and processes that guarantee access to information about government decision-making are integral to an effective integrity system. Assessment of transparency measures can occur at the agency or programme level, or alternatively it can focus on individual transparency provisions such as interest and financial disclosure. Agency level assessments include framework analysis to determine the existence of and adherence to a range of international standards, the agency performance review or audit, and independent community oversight. Provision level assessments include process audits and surveys of officials that administer interest and financial disclosure regulations.

1. Transparency Systems Assessment Method One: Standards and Administrative Simplification

The development of standards for transparency in day-to-day public operations and output measures provide a baseline against which agencies can assess their activities.

Example: IMF ROSC Reports

The IMF publishes *Reports on the Observance of Standards and Codes*, which detail the level of compliance with internationally recognised standards including “accounting; auditing; anti-money laundering and countering the financing of terrorism (AML/CFT); banking supervision; corporate governance; data dissemination; fiscal transparency; insolvency and creditor rights; insurance supervision; monetary and financial policy transparency; payments systems; and securities regulation.”¹⁵ As such, the ROSC Reports provide a broad-based assessment of the transparency systems in place in various countries from a third party perspective. Measuring the absence of misconduct, while difficult, makes standards especially important. A related area where standards play an important role is in administrative simplification as shown in the example below.

Example: Trade and Transport Facilitation in Southeast Europe

Administrative simplification is an important element of a transparency system and one that lends itself to analysis through output statistics. An example is the Trade and Transport Facilitation in Southeast

Europe Programme, a coalition of area governments, the World Bank, US Government and the American College at Thessaloniki¹⁶. This organisation developed an administrative simplification manual for participating agencies. Specific measures include import and border entry clearance times, reported cases of corruption, and revenue and salary analysis. Setting a standard for administrative efficiency is an important step towards insuring that the public can fairly participate in the government decision-making process.

Example: Chilean Procurement process

Chile has created a state of the art procurement process by making it absolutely transparent to anyone who is interested. All procurements are announced, processed and awarded over a secure Internet site. Objections and questions about the process or awards are also co-ordinated through the web. This system not only provides integrity to the public tender process, but it also reassures the public of its fairness. "Public-ness" is an intriguing way of doing evaluation as it allows the public to provide the evaluation elements by way of their feedback throughout the process. This not only provides a unique evaluation perspective, but it is also relatively inexpensive.

Strengths and Weaknesses of Using Standards to Assess Transparency Systems

Administrative reform can be an important integrity tool if it is effectively implemented. Simplifying systems, writing regulations and policies in common, straightforward language, reducing the number of approvals for any process can have a positive impact on the integrity of government. This is appealing because it makes government both "citizen friendly" as well as gives the citizen more confidence in the integrity of government institutions.

Unfortunately, in many countries there is little effort made beyond modification of laws or policy. Administrative simplification can be viewed as an end in itself, and simplification does not necessarily lead to integrity. It can lead to a consolidation of power in a few hands, and if those few are corrupt the "cure can be worse than the disease."

Criteria for Success

Standards and simplification can be effective tools if there is a commensurate set of checks and balances. The tendency is to view all checks and balances as potentially redundant, and therefore unnecessary. In fact a few elements, that are independent from one another, and where there are reward systems for ensuring that the system both works and maintains integrity, can be successful. Ultimately, the tests for simplification are citizens who feel that there is both greater responsiveness to their requests and a sureness that the public servant is working on their behalf.

2. *Transparency Systems Assessment Method Two: Agency Audits and Performance Reviews*

Transparency issues will arise in both financial and performance audits. The GAO in the US conducts such audits. Hong Kong, along with many other countries has an Independent Commission Against Corruption to review procurement procedures of various departments.

Strengths and Weaknesses of Agency Audits and Performance Reviews in Assessing Transparency Systems and Criteria for Success

Many factors determine the efficiency and effectiveness of agency operations, but in some cases such measurements indicate institutionalised misconduct. Of course, the usefulness of output measurements is limited to the evaluation of those agencies with measurable outputs and even then must be considered relevant only in so far as output is a reliable proxy of outcome. Careful interpretation of the outputs of

procurement divisions, customs agencies and law enforcement agencies can shed light on the extent to which transparency requirements are effective.

3. Transparency System Assessment Method Three: Community Visitors or Advisory Committees

Directly involving the public in the role of an advisory committee improves the dissemination of information to the public, which is particularly useful in the case of technically complex regulation that affects large numbers of people, such as public health and communications policy. In Canada, The Public Advisory Committee of the Health Products and Food Branch reports directly to the Assistant Deputy Minister and the Branch Executive Committee. The Public Advisory Committee was established to improve the flow of information to citizens about health protection issues and facilitate public involvement in the policy making process.¹⁷ Especially in the developing world, NGOs often act independently to monitor large government contracts.¹⁸

Strengths and Weaknesses for Community Visits or Advisory Committees in Assessing Transparency System and Criteria for Success

Community visitors or advisory committees can be very effective in lending voice to the average citizens concerns. Their success really depends on how they are selected, their independence, effective resources, and clear authorities. Unfortunately, it is seldom the case that governments will cede these necessary ingredients to committees or commissions.

4. Transparency System Assessment Method Four: Surveys

In the case of assessing the effectiveness of specific transparency related measures, such as financial and interest disclosure requirements, surveys provide a useful tool. For example, the US Office of Government Ethics surveyed ethics officials about the workflow and effectiveness of the financial disclosure process.¹⁹ One issue to consider while implementing effective transparency measures is that regulations must be understandable. This is significant because surveys can also help determine the extent to which participants understand and interpret reporting requirements and gauge the need for training.

Strengths and Weaknesses of Surveys in Assessing Transparency Systems and Criteria for Success

These surveys can contribute in an important way to understand the administrative processes and problems in asset declaration systems. The weaknesses of such surveys is that they generally ask output questions, for example how many disclosures were collected, how questions were asked or answered based on the disclosures. In the limited sample, no government had ventured to ask questions about the outcome of disclosures. Examples of such measures would include a correlation between the number of negative administrative actions taken because of ethics problems and the number of cleared financial disclosures.

The criteria for success should be both administrative and policy based. Surveys can ensure that ethics asset declarations are being collected and reviewed. As importantly, there should be an assessment that the declarations are revealing and addressing ethics questions that are raised by them. As an example, too often such surveys ask how many declarations were collected, but don't ask how quickly they were reviewed, and how many problems were identified and resolved.

5. Transparency System Assessment Method Five: Process Audits

In addition to soliciting feedback from ethics officials about the efficacy of the financial disclosure process, the US Office of Government Ethics audits this process in all agencies. To ensure the effectiveness of the process, the agency has legislative authority to issue orders of corrective action to agencies. Such orders are not issued to the ethics official, but to the head of the agency who is ultimately

responsible for the ethics programme. If ignored, Office of Government Ethics can hold an administrative hearing examining the inaction of the agency official, and making recommendations to the President (and ultimately Congress) about the suitability of the agency head.

Strengths and Weaknesses in using Standards and Outputs in Assessing Transparency Measures and Criteria for Success

Standards and output statistics, as measurement tools, are less relevant for transparency systems, such as financial disclosure and freedom of information statutes. Submission rates for financial and interest disclosure, the number of requests and the turnaround time for requests under the freedom of information guidelines, for example, may be relevant performance assessments, but understanding the effect of such statutes on the behaviour of government employees is much more difficult. Output statistics fail on several accounts. The context of the output is extremely important because if procedures or regulations change, comparisons are not possible. More importantly, what is captured is output and not outcome. Other methods of assessment are more relevant for financial disclosure.

Perhaps the most important assessment measure is the institutional framework study, which identifies the existence and enforceability of disclosure statutes. The existence of such regulations, the existence of a review and audit body, frequency of filing, counselling on problems, the existence of real deterrence in the form of jail terms or extensive fines etc. are all involved in the development of an international standard for disclosure regulations.

The primary obstacle to effectiveness access to information is the oversupply of information. Often, agencies will collect large amounts of irrelevant information that will overwhelm any attempt to do a manageable analysis. It is simply not feasible for any public body to adequately analyse all of the information available. In this sense, public scrutiny is an effective method of assessment. The media and interest groups play an important role here by analysing voting records, campaign contributions and financial statements.

G. Training Systems

Training provides employees with the decision-making tools to deal with situations that fall outside of the most common case studies. Again, the concern here is not specifically what makes up an effective training programme, but rather how an institution knows if its training programme is effective. Assessing the effectiveness of training programmes can be done on several levels:

1. Testing the trainee's understanding of the programme objectives;
2. Trainee's evaluations of trainers;
3. Trainer's evaluations of trainees;
4. Surveys of ethics officials.

1. Training Assessment Method One: The Trainers and/or Exit Quizzes

To the extent that ethics training is done in person and on an ongoing basis, trainers provide an important source for the evaluation of training programmes. Trainers have the ability to perform qualitative assessments of the participation they receive in classes. Do the participants take the issue seriously? Do participants believe managers take the issue seriously? Are participants simply developing the skills to choose the right answer on an ethics test, or are they gaining a better understanding of the values underlying ethical decisions? Post session feedback from trainers provides an important source of training programme evaluation criteria.

Because of its ease of use and cost effectiveness, online ethics training has become popular. Providing exit quizzes and maintaining minimum requirements is an effective way to ensure that a participant has not just clicked “next” a dozen times until the training session is complete. In researching this paper, it was possible to do just that and “complete” a training session without reading a word of it. A review of unobtrusive measures, such as time per question, could provide an indication of whether participants are taking the training seriously. Alternatively an exit quiz could signal a passing or failing grade. Some online training programmes include an exit feedback questionnaire.²⁰

Strengths and Weaknesses in Using Trainers and/or Exit Quizzes in Assessing Training Systems and Criteria for Success

It has been suggested that ethics training should be done early in an employee’s tenure and is integrated with other socialisation and training activities. It also stands to reason that one-time training is probably insufficient when it comes to instilling core values. Measuring compliance with timing and frequency standards is a good place to start, however these measure should not take the place of qualitative assessment of the training programme.

The Office of Government Ethics in the U.S. conducted a survey of 175 ethics officials in various departments regarding ethics training including:

1. Programme successes, problems, and solutions;
2. Satisfaction with guidance and assistance provided by the Office of Government Ethics;
3. Satisfaction with executive branch agency senior management support;
4. Employee satisfaction with ethics training; training objectives; measures of compliance;
5. Effectiveness of training methods; and
6. Effects of budget cuts.²¹

Not surprisingly, most ethics officials reported that their programmes were successful. More interestingly, officials rated the effectiveness of certain training methods and reported that videos and case study discussions were the most effective, whereas distribution of regulations was the least effective measure. They also noted that they had more success when training methods were interactive, fun and convenient.

H. Communication Strategies

The role of communications strategy of an integrity system is to provide ethics “marketing” on an ongoing basis to all stakeholders. Training programmes can be thought of as a subset of communications efforts and as formal educational opportunities targeting specific employee groups at specific times with specific objectives. In comparison, communications strategies may entail:

- The issuing of ethics related documents;
- Posting related documents in the workplace;
- Reference to the code of conduct in speeches and day-to-day operations;
- Press conferences and any other ongoing effort to elevate and maintain awareness of the organisation’s values.

Assessing the effectiveness of a communications strategy is similar to assessing training effectiveness in that compliance with frequency and timing standards can be measured, but surveying to determine the extent that understanding and internalisation of core values is more important.

For example, South Africa instituted The National Anti-Corruption Initiative in 1999 resulting from the National Anti-corruption Summit and the Public Sector Anti-corruption Conference.¹⁵ This led to a series of legislative and administrative initiatives but lacked the effort to assess the effectiveness of communicating these issues to the public or public servants. However, it did lead to the creation of a number of innovative offices, including the Public Protector and the Registrar of Assets.

In 2002, the Office of Government Ethics of Puerto Rico surveyed all of the public employees in the Commonwealth. As part of their strategy to increase the response rate to the survey the OGE PR engaged in a broad media campaign. Using radio, television and newspapers the office did interviews and placed ads to emphasise the importance of getting accurate survey data. In so doing, they also raised significant awareness among non-government employees about their concerns towards the integrity of public servants and a significant increase in telephone calls to their hotlines. The questions were both about reporting suspicious actions and general questions about ethics in government. This was an unanticipated, but potentially effective way of measuring the impact of a communications strategy.

1. Communication Strategy Assessment Method One: Surveys

Communications strategies generally focus on communicating core values and norms and the application of relevant regulations²². To begin with, an organisation must determine if a coherent communications strategy exists at all. Once in place, surveys are a commonly used method of assessment, as seen in Finland, South Africa and Canada. Each of these includes questions aimed at whether employees understand departmental values and reporting procedures on general management performance questionnaires. Some of the relevant survey questions follow:

1. Rate the clarity of the principles of ethics. (Finland 1998)
2. Who would you report problems to? (South Africa)
3. I can clearly explain the values of my department. (Canada)
4. How did you become aware of the Ethics Information Center?²³ (US OGE)

Other questions regarding the modelling of ethical behaviour by management, frequency of impact with tenets set forth in the code of conduct, and the extent to which day to day practices embody company values may also indicate the extent to which a communications strategy has worked.

Strengths and Weaknesses of Using Surveys in Assessing a Communications Strategy

Surveying to determine the effectiveness of a communications strategy has the same strengths and weaknesses as surveying to assess the effectiveness of a code of conduct as described previously. In this particular case, it can be especially difficult to disentangle the effect of a communications strategy from the effect of a training programme on public servants. However, surveys can provide a distinct perspective from citizens or key NGO private sector groups.

¹⁵. Selby A M Baqwa, SC, "Anticorruption Efforts in South Africa," The Journal of Public Inquiry, Fall/Winter, 2001, pp. 21-24.

Criteria for Success

As mentioned above, the criteria for success for communications is often tangled in the training strategy. However, if there is an expansion of the survey group to include both stakeholders as well as civil servants, the comparative data will allow a meaningful differentiation between the training and communications strategy.

I. Counselling

Ethics counselling services include counselling on conflicts of interest and opinions clarifying statutes. The extent to which ethics counselling services are successful can be assessed several ways including independent review of output and client satisfaction surveys.

1. Counselling Assessment Method One: Independent Review

When an independent ethics body offers opinions on conflicts of interest or interpretation of a statute for a concrete case, a sample of the advice should be tracked and audited. The US Office of Government Ethics does do a sample audit of the advice given on the basis of asset declarations, but this is done only in terms of legal accuracy. There is no attempt to find out if the advice was followed or whether the employee followed the advice. This study did not find a formal process for the review of ethics body counselling, although this is most certainly performed by personal attorneys and the press.

2. Counselling Assessment Method Two: Surveys

The feedback of those who solicit the advice of counselling agencies is important to assessing their effectiveness, although no survey examples of this type are available to share. For example, was the request turned around in a timely manner? Was the advice given relevant, helpful and objective?

Strengths and Weaknesses of Assessing Counselling Programmes and Criteria for Success

Counselling should be the critical element for any integrity programme. These programmes are designed to prevent corruption, or the perception of corruption, before it occurs. If effective personal counsel counselling is not available the overall effectiveness of the programme is in question. The strength of such programmes is their ability to provide timely and consistent advice for government officials.

The criterion for success is whether public employees believe that they can rely on the advice that is given them. Further, a good counselling system should create an environment of ethics, where employees both know that it is legitimate to ask ethics questions and see it as a regular part of the management system.

J. Whistle blower Hotlines and Help lines

Whistleblower hotlines and help lines are meant to provide a safe, independent outlet for reporting misconduct and receiving ethics advice. The existence of a hotline alone is presumably preventative, but as in other cases discussed above, measuring the overall efficacy of whistle blower hotlines as a preventative measure is extremely difficult. It is possible, however, to determine if:

1. There is willingness to use the hotlines or if they exist in name only;
2. The cases reported are fairly and efficiently dealt with.

1. *Hotline and Help line Assessment Method One: Surveys*

Generally, surveys play an important role as an indirect measure of the effectiveness of ethics programmes. Ethics surveys can take two different forms. The first is the general societal perception survey. This type of survey emphasises the perception of citizens, groups, or key stakeholders about ethical values and corruption in a country (or state). The more widely used survey targets the ethical culture of the organisation in which people work, exploring the ethical culture and pressures to commit misconduct. These types of surveys can be very useful in targeting the effectiveness of key components of the ethics programme such as hotlines and help lines.

Example: South Africa's Country Assessment 2002

One of the component surveys of South Africa's Country Assessment of 2002 asked employees and managers about their understanding of whistle blowing procedures and their own willingness to report. Willingness to report is an indicator of the perceived level of protection afforded whistleblowers. Training and communication strategies can directly address any gap between perception and actual procedure.

Example: ERC's National Business Ethics Survey 2003

As previously mentioned, the Ethics Resource Center's general U.S. perception survey, despite the title, does include private and public sector, as well as the non-profit community. The survey looks at the role of leaders, supervisors and peers, as well as focusing on how often employees see misconduct, feel pressure to commit misconduct and their willingness (or ability) to report misconduct, thus provides crucial feedback on programme elements such as help lines or hotlines. Variations of this survey have been used by ethics centres in South Africa and Turkey.

In addition, this perception survey can be used as a benchmark for government or agency specific surveys. Although this is common in the private sector, it is seldom used in the public sector. The one major exception was the Puerto Rico's Office of Government Ethics 2003 survey. The agency wanted to consciously benchmark in order to better understand the dynamics of ethics on the island.

2. *Hotline and Help line Assessment Method Two: Stakeholder Analysis*

Stakeholder analysis is used to identify and assess the importance of key actors that may affect the programme in question. More specifically, the expectations, perceptions and constraints of each stakeholder are documented and analysed. Such analysis is often done informally as a starting point for any evaluation. A formal and detailed stakeholder analysis can be extremely useful, especially in cases where confidentiality is of the essence. For example, tracking the complaints that enter a hotline system may illuminate how many complaints are being elevated and to whom, on a post hoc basis. A more proactive review of the system would identify the actors in the process and assess their expectations, perceptions and constraints.

A detailed analysis of callers, operators and any actors involved in the various levels of review of complaints can illuminate the observed outputs of the system. For example, a low rate of complaints elevated for review could be due to caller misunderstanding of the purpose of the hotline, limitations on elevation options available to operators, or simply a lack of cases requiring elevation. Stakeholder analysis, not output statistics, will illuminate the answer.

Example: Public Service Human Resource Management Agency of Canada

Stakeholder analysis is particularly useful where surveys and other quantitative analysis is not possible. Canada's Public Service Human Resource Management Agency conducted stakeholder analysis

of issues surrounding the disclosure of wrongdoing²⁴. Their discussions with complaint processors indicated the need for independent and confidential investigations, as well as improved protection for whistleblowers and measures to protect the accused.

Stakeholder analysis is an important first step to an in depth process review. By analyzing the perceptions, expectations and constraints on the relevant actors, it is possible to understand how the participants in a process are shaping the outcome of it. Furthermore, by identifying gaps between perceptions and expectations and by documenting the constraints on actors this tool provides the foundation for a plan of action for managers wishing to improve the process in question.

Strengths and Weaknesses of Assessing Help Lines and Hotlines and Criteria for Success

Assessing the effectiveness of the hotlines in terms of either providing counselling to whistle blowers or efficiently and responsibly investigating the issue reported can be done in a number of ways. First, client feedback, while complicated by the anonymous nature of some reports, can be collected. Next, many unions encourage members to file a simultaneous report with them in order to maintain an independent record for comparison with official action. Other, perhaps even more independent, tracking procedures could be devised. In fact, for high profile cases, the press often plays this role.

K. Co-ordinating Ethics Bodies

The existence of a co-ordinating ethics body in itself can be an assessment of the effectiveness of a country's integrity system. However, even when such a body exists, determining a reliable method to assess the assessors is critical. Co-ordinating bodies often fill a number of roles, including acting as a watchdog agency, counsellor and promoter or marketer of ethics standards.²⁵ Having already discussed counselling and communications strategies, focus is on assessment of the co-ordinating body's role as a watchdog agency and their overall assessment.

1. Co-ordinating Ethics Bodies Assessment Method One: Legislative Oversight

Ethics bodies must be accountable to a legislative body with respect to operational and financial performance. Legislative hearings, where the ethics body reports on its progress toward its performance goals and its budget performance, should be held regularly and publicly. Most co-ordinating bodies are obligated to publish Annual Performance Reports and/or testify before a legislative body regarding their performance. For example, the U.S. Office of Government Ethics issued public annual reports to Congress from 1989 to 1999. Since that time data has been gathered but not publicly released. Canada's Ethics Counsellor regularly reports to Parliament, as does the Committee on Standards in Public Life in the United Kingdom.

2. Co-ordinating Ethics Bodies Assessment Method Two: Self-Assessment

The US Office of Government Ethics publishes a self-assessment of their progress toward reaching their annual performance goals in the aforementioned Annual Performance Report. In the United Kingdom the Committee on Standards in Public Life has its own code of conduct, publishes performance goals and progress, and publishes its financial performance in an annual report.

3. Co-ordinating Ethics Bodies Assessment Method Three: Independent Audits

New South Wales' Independent Commission Against Corruption appoints independent auditors every three years to assess processing of complaints, financial performance and the control of formal investigations.²⁶ In many countries around the world, inspectors general (or those who are responsible for such a function) do management audits of ethics programmes. In Turkey and the United States this is done

through the individual agency responsibility of each Inspectors General, while in Chile government wide inspectors general do this. Sometimes supplementing this oversight is the supreme auditor in a country who takes legislative responsibility for auditing ethics agencies.

4. *Co-ordinating Ethics Bodies Assessment Method Four: Public Scrutiny*

Common to most co-ordinating bodies is a commitment to detailed reporting of activities online. This enables media and public scrutiny of the agency's activities. Most government ethics offices have a presence on the worldwide web. However, there has been no attempt to evaluate these, or create a portal to take advantage of cross-government institutional knowledge.

5. *Co-ordinating Ethics Bodies Assessment Method Five: Surveys*

One goal of a co-ordinating body is to facilitate the process of harmonisation among agencies regarding ethics related procedures. The only method uncovered that is used to systematically assess progress on this front is the interagency questionnaire discussed previously, the Queensland National Integrity Systems Assessment (NISA) report. Intended to assess the effectiveness of Australia's National Integrity Systems at Commonwealth, state and territory level and also in the business sector, NISA was launched first in Queensland and findings have been published on the Internet as the Queensland NISA Handbook¹⁶

Strengths and Weaknesses in Assessing Co-ordinating Ethics Bodies and Criteria for Success

There is very little attempt to assess the various co-ordination roles among the integrity functions and other anti-corruption agencies despite what seems to be an obvious area for evaluation. There are obvious issues of competition for scarce resources, but it would seem that everyone benefits from a clearer picture. In more complex systems there are competing integrity systems, and there appears to be little interest in evaluating how they impact one another. For example, in one agency in a large government there is a government ethics office, a research ethics office, business compliance and integrity office, and a clinical ethics office.

L. Control and Enforcement

While this paper focuses on preventative measures, the effectiveness of any integrity system component is dependent on the likelihood of punishment for misconduct and the enforceability of statutes once a violation is known. The Ethics Resource Center's NBES 2003 found that employees were more likely to report ethical misconduct if they thought something was going to be done about it. Thus, if employees feel that those who violate the code will be punished, compliance with an organisation's code of conduct will increase. Often this discussion of punishment is mistaken for severity. Actually, it is the sureness that a penalty will occur and how quickly it occurs that affects behaviour. The Philippines has capital punishment for "public plundering" but as it is never enforced it provides little deterrence. On the other hand, governments that punish misconduct immediately with penalties such as reduction in pay or a day off without pay, appear to have more success with compliance.

A discussion of the methods to measure the effectiveness of control and enforcement mechanisms deserves its own work. Comments are limited to the obvious; for each case or type of violation, it should be clear who will conduct investigations, how they will go about it, how administrative violations will be distinguished from criminal violations, and in what way violations will be punished. The goal of an integrity system is to instil shared values that will prevent misconduct, but to achieve this goal control and

^{16.} <http://www.transparency.org.au/NISA.html>

enforcement mechanisms must be present and effective. Unfortunately, much of this falls outside the scope of the discussion.

M. Report Cards

External reviews and report cards provide an important check on the potential bias of internal assessments. The Maxwell School Government Performance Review provides a good example of a review that rates the management capacity of city, county and state governments in the U.S.²⁷ however; none of these report cards include ethics or integrity. In a recent article published in the Public Performance and Management Review titled *A Report on Report Cards*, over forty different report cards, assessing various government programmes and policies, were critiqued with equally disappointing results.¹⁷ Report cards could serve as ideal vehicles for external assessment if governments could get researchers interested in issues of integrity.

N. Conclusion

There are many obstacles to the successful assessment of integrity system components. The nature of these obstacles is such that there is an important role for multilateral organisations. However, there first must be recognition of the importance of assessments to integrity programmes, and how to communicate this need to governments. Consensus, rather than mandate, is critical to the success of such an endeavour. Experience has shown that mandates produce iconic measures designed to please the external evaluators rather than measure the actual effectiveness of the programme. If ethics programmes are to be of value, internal evaluation measures should be part of on going operational processes and seen as a natural part of programme management.

In outlining some of the assessment methods that are currently being used around the globe, several challenges to effective evaluation have become apparent.

1. First, the ethics practice is young. For most countries in the world it is little more than a decade old. For that reason there is no general agreement on a common language¹⁸, or a broad concurrence on set of standard system components. Within this discussion there must be a recognition that a broad based integrity system -- with prevention as it's focus -- is a recently arrived at paradigm. For that reason, the concept of evaluating the components is even newer. So it is not surprising that evaluation instruments, as well as what is to be evaluated, vary widely in the international community. Where one country emphasises evaluating the effectiveness of training, another will focus on how effectively public servants understand the code of conduct. Even within each of these evaluation issues there is wide variance as to *how* a component should be measured. For example, training is measured through questions that emphasise technical understanding, application, and even whether the individual enjoyed the course. Therefore, it is also clear that there is not one, uniform system of evaluation even within governments, and sometimes ministries. The variance is in some large part due to a lack of consensus as to what government agencies are trying to measure. Because of this there is an emphasis on discrete elements of the programme, rather than having an evaluation that takes into account how all of the pieces of an integrity programme fit together.

^{17.} Public Performance and Management Review, *A Report on Report Cards* by Charles K. Coe, December 2003, Volume 71, Number 2.

^{18.} The recent OECD report, *Managing Conflicts of Interest in the Public Service*, is an attempt to develop a more common vocabulary.

2. Secondly, as is the case in most countries, responsibility for evaluation is decentralised. In all of the research no one, single entity responsible for the evaluation of all elements of an integrity system was found. Even the “governing” agencies such as ICAC in Hong Kong and Australia, the US Office of Government Ethics or the Registrar of Assets in South Africa are only responsible for a part of the overall evaluation. And often, even in the most sophisticated systems, there is very little actual evaluation.
3. Third, the incentive structure for integrity systems is often upside down. That is, in many ways it is in an agency’s best interest not to know whether they are effective or not. Any critical report can bring unwanted legislative or executive oversight, and in the worse case a reduction of funding. For this reason, care must be taken to ensure that the incentives for valid evaluation outweigh the incentives for the appearance of success to any overseeing body.
4. Fourth, there is a persistent belief that given the nature of ethics programmes effective evaluation is not possible. The argument generally made is that since ethics programmes are designed to prevent something before it occurs, one cannot measure something that does not happen. This is a variation on the proverbial “if a tree falls in the forest and no one is around, does it make a sound?” So the conclusion drawn from this belief system is that gross measures of corruption (arrest rates, monies recovered, etc.) are not meaningful measures of the effectiveness of ethics programmes. This myth usually persists because of a lack of evaluation skills and the false assumption that if something cannot be directly measured, it cannot be measured at all. In fact there appear to be a number of robust indirect measures that, collectively, give a clear picture as to the success of ethics programmes, including surveys, stakeholder analyses and public hearings.
5. Finally, organisations continue to focus on observable outputs as opposed to outcomes in their evaluation of programme effectiveness. It is much easier to count how many people received training, how many asset declarations were filed and how many hotline calls were received. This echoes of the analogy of a man who lost his car keys in a dark alley but insists on only searching for them directly under the streetlamp. Outcome measures would redirect attention to more appropriate concerns, such as whether public officials could apply ethical principles they learned to specific circumstances. What is needed is a much more nuanced approach that addresses the relationship between outputs *and* outcomes in order to get an effective understanding of the successes and vulnerabilities of ethics programmes.

Of the challenges mentioned above, lack of a standard, the disincentive to succeed (i.e. an incentive not to uncover and/or publish ethical issues, particularly if solutions are not readily available), and over reliance on observable outputs all point to an important role for multilateral organisations. This paper has identified only some of the key assessment strategies in use, but there remains an important gap between what is described here and a reliable plan of action for assessment. With the wide variance within integrity programmes it would be impossible to develop a set of standard measures. However, this problem does not preclude developing a framework that identifies the critical institutional elements of an ethics programme and examples of efficacious measures.

O. Recommendations

Ethics programmes seem to be struggling around the issue of effective evaluation. If they are to survive as deterrence systems, they must be able to demonstrate their efficacy. Multilaterals can provide a lifeline so that the organisational leaders, as well as the political leadership, can better understand how to measure impact, to distinguish success from failure. The potential role for multilaterals in this regard is multifold:

1. The first responsibility for a multilateral is to provide a primer for governments that describes legitimate methods for using secondary measures of performance of anti-corruption systems -- their advantages and disadvantages. Until there is common acceptance of the advantages of such measures, they will never be put into place and, without them, there is little chance of evaluating the various elements of an integrity system.
2. Second, multilateral organisations can help to eliminate the dangerous misconception that integrity programmes cannot be accurately evaluated. In so doing they can help identify valid and reliable indirect measures thereby promoting the secondary measures as legitimate techniques for evaluating integrity systems.
3. Third, they can use this paper as a starting point for developing a catalogue of effective evaluation techniques. Such a catalogue would emphasise that no “one size, fits all”, yet programmes can learn from how other programmes have approached evaluation problems.
4. Next, there would be considerable value in creating evaluation instruments that can be modified for use in a variety of settings. Such instruments should contain concrete examples of evaluation frameworks for each of the elements of an integrity programme and explain interrelations between elements (e.g. the importance of a code of conduct to inform effective reviews of asset declarations) as well providing examples of surveys and aggregates analyses.
5. To accompany the above resources, it would be useful to provide an in-depth analysis of effective evaluation strategies along with case studies would allow others to learn the details programme evaluation elsewhere. For example, a systematic analysis of survey methodology intended for the assessment of an organisation’s ethical climate could allow organisations to learn from past successes and failures. Such an endeavour should highlight failed and ineffective methods of assessment by way of providing bureaucracies with a list of methods to avoid.

The goal would be to prepare a toolkit of evaluation instruments that could be modified for use in a variety of settings. This toolkit would include a discussion of how to determine which method is appropriate for each setting. For example, the Puerto Rico Public Servant Survey of 2003 is an excellent model for the evaluation of ethics in public service provision but may not be appropriate for a particular agency. Evaluation techniques will differ from programme to programme and agency to agency. A multilateral could play an important role in helping organisations navigate this decision-making process and providing model programmes for consideration.

Improving the value of integrity systems requires evaluation of their effectiveness, which, in turn requires willingness to self-evaluate, and the implementation of secondary methods of assessment. The OECD and other multilateral organisations have a singular and critical role to play in facilitating the sharing of information about successes and failures in integrity system assessment and providing a framework for implementation.

The OECD, among other multilateral organisations, has a unique position and capability to accomplish this. Because it has a finite set of members, most of which have robust integrity systems, it can easily develop the critical components discussed above. In addition, because of the existence of SIGMA (Support for Improvement in Government and Management), it can simultaneously use these newly developed integrity systems as laboratories for testing effective evaluation.

For a number of reasons citizens, governments, NGOs, and multinational organisations have an investment in the success of integrity programmes. They are the natural compliment to anti-corruption

enforcement, and arguably effective enforcement cannot occur without an effective ethics programme. Knowing what is effective is the key here. And evaluation is the only way to open that door into insight.

For that reason, assessment should be a natural part of any integrity programme, but currently it is seldom the case. Multilaterals can provide the tools and the discipline to achieve this, and avoid the degeneration of these corruption prevention programmes. As Victor Hugo wrote:

He who every morning plans the transaction of the day and follows out that plan, carries a thread that will guide him through the maze of the most busy life. But where no plan is laid, where the disposal of time is surrendered merely to the chance of incidence, chaos will soon reign.

Multilateral Reports and Websites
<p>OECD Ethics and Corruption Prevention in the Public Service http://www.oecd.org/gov/ethics</p> <p>TI Sourcebook http://www.transparency.org/sourcebook/index.html</p> <p>Queensland NISA, July 2001 http://www.transparency.org.au/documents/QNISA_report.pdf</p> <p>Business Integrity Systems in Australia http://www.transparency.org.au/documents/Bisareport.pdf</p> <p>International Institute for Public Ethics www.iipe-online.org</p> <p>Word Bank www.worldbank.org/publicsector</p> <p>IMF - Reports on the Observance of Standards and Codes http://www.imf.org/external/np/rosc/rosc.asp</p> <p>UN www.undcp.org/crime_prevention.html</p>
Australia
<p>Annual State of the Service report includes an evaluation of compliance with code of conduct and implementation of values statement. http://www.apsc.gov.au/stateoftheservice/2002/chapter03.htm</p> <p>Department of Health and Ageing focus groups on code of conduct http://www.ageing.health.gov.au/workforce/code.htm</p> <p>Focus groups test “Embedding APS Values” http://www.apsc.gov.au/conduct/</p> <p>Public Service and Merit Protection Commission is responsible for monitoring agency performance and ensuring compliance with the code of conduct. ??? (APSC)</p> <p>Legislation co-ordination division of Attorney General’s office is responsible for promoting the anti-fraud policy and the Commonwealth legislation enforcement commission submits an annual report on agency fraud prevention efforts http://www.tbs-sct.gc.ca/veo-bve/theethicsinfrastructureinthepublicadministration_e.asp</p> <p>Annual NISA maps the elements of an integrity system “Identify analyze and record the institutions, laws, procedures, practices and attitudes which increase transparency and accountability and inhibit corruption” http://www.transparency.org.au/documents/QNISA_report.pdf</p>
Canada
<p>Treasury Board of Canada Secretariat (TBS) Management Accountability Framework (MAF) The management accountability framework is a framework for assessing the quality of management results, leadership, people management and organisational environment. Here in addition to building a healthier more effective workplace, the idea is that a broader assessment of management ‘performance’ could go a long way toward eliminating abuses before they start.</p>

<p>http://www.tbs-sct.gc.ca/maf-crg/maf-crg_e.asp#Introduction .</p> <p>Treasury Board of Canada Office of Values and Ethics http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/tb_851/siglist_e.asp</p> <p>Office of Public Service Values and Ethics, Human Resources Management Agency of Canada http://www.tbs-sct.gc.ca/veo-bve/index_e.asp</p> <p>Report of the Working Group on the Disclosure of Wrongdoing 2004 that was issued by the Public Service Human Resource Management Agency of Canada -- A report on the findings of a working group investigating the effectiveness of the 'whistleblower' reporting procedures in Canada in the wake of several high profile incidents. The group conducted stakeholder analysis including members of the public service executives' professional organisation, senior officials in foreign governments http://www.tbs-sct.gc.ca/pshrmac-agrhfpc/rep-rap/wgdw-gtdaf_e.asp</p> <p>Learning Advisory Panel survey of middle managers – ethics related results are in the Auditor General's report Specific methods to assess the risk of privacy violations -- privacy impact assessments http://www.tbs-sct.gc.ca/pubs_pol/ciopubs/pia-pefr/paipg-pefrld2_e.asp#2.Purpose. Link to a list of resources used by the working group on whistle blowing: http://www.tbs-sct.gc.ca/pshrmac-agrhfpc/rep-rap/wgdw-gtdaf10_e.asp#8 .</p> <p>Department of Defense Ethics Programme - 2000 survey of military and civilian personnel seeking to provide a baseline assessment of values used values that personnel think ought to be used, personnel expectations of the ethics programme and an assessment of ethical concerns. http://www.dnd.ca/ethics/pages/home_e.htm</p> <p>Office of Ethics Counsellor http://strategis.gc.ca/ethics. Annual report - http://strategis.ic.gc.ca/epic/internet/inoc-bce.nsf/vwGeneratedInterE/oe01417e.html</p> <p>Overview of Values and Ethics in the Public Sector in the annual report of the Auditor General http://www.oag-bvg.gc.ca/domino/reports.nsf/html/0012ce.html</p> <p>Tait report provided an overall "state of ethics in Canada's government" and made recommendations. An important outcome of the Tait report was a 'dialogue initiative' promoting dialogue about ethics and values within the government http://www.ccmd-ccg.gc.ca/Research/publications/html/tait_e.html</p>
<p>Columbia</p> <p>2002 Integrity Index for Public Institutions - measures the risks of corruption in various institutions on a 0 – 100 scale</p>
<p>Finland</p> <p>OECD and Finland surveyed public employees and managers as to the effectiveness of ethics related measures. 1998 Survey of top management and personnel from 170 agencies focusing on changes in values of governance, principles of civil service ethics, unethical practices and factors affecting civil service ethics (1998)</p>
<p>United Kingdom</p> <p>Committee on Standards in Public Life Reports generated from committee hearings and independent scrutiny http://www.public-standards.gov.uk/</p> <p>Focus group assessment of conduct in public life http://www.natcen.ac.uk/publications/Final%20draft23.pdf</p>
<p>Puerto Rico</p> <p>Survey of public servants – http://www.ethics.org/releases/nr_20031027_prsurvey.html</p>

South Africa
<p>Corruption Assessment Report by UN and Department of Public Service Administration http://www.gov.za/reports/2003/corruption.pdf</p> <p>Manikor Omnibus Study Measures perception of “maintaining transparency and accountability”</p>
United States
<p>Official Site www.usoge.gov</p> <p>Overview of US OGE http://www.tbs-sct.gc.ca/veo-bve/theethicsinfrastructureinthepublicadministration_e.asp</p> <p>Ethics Resource Center http://www.ethics.org</p>



ENDNOTES

1. http://www.tbs-sct.gc.ca/maf-crg/maf-crg_e.asp#Introduction
2. <http://www.oag-bvg.gc.ca/domino/reports.nsf/html/0012ce.html#0.2.0AKH9E.78C5D1.D0582G.4F>
3. http://www.transparency.org.au/documents/QNISA_report.pdf (p. 146)
4. <http://www.worldbank.org/participation/web/webfiles/cepemcase9.htm>
5. PSC News December 2003 / January 2004 “Turning the Tide on Corruption”
6. http://www.transparency.org.au/documents/QNISA_report.pdf
7. http://www.transparency.org.au/documents/QNISA_report.pdf (Section 2)
8. Queensland NISA p. 139
9. http://www.dnd.ca/ethics/pages/home_e.htm
10. <http://www.apsc.gov.au/values/values6.htm>
11. <http://www.rpani.gov.uk/>
12. <http://www.gov.za/reports/2003/corruption.pdf>
13. http://www.tbs-sct.gc.ca/pshrmac-agrhfpc/rep-rap/wgdw-gtdaf2_e.asp
14. [http://www.icac.nsw.gov.au/go/the-icac/what-is-the-icac/independence/-accountability/the-operations-review-committee- \(orc\)](http://www.icac.nsw.gov.au/go/the-icac/what-is-the-icac/independence/-accountability/the-operations-review-committee- (orc))
15. <http://www.imf.org/external/np/rosc/rosc.asp>
16. <http://www.ttfse.org/>
17. http://www.hc-sc.gc.ca/hpfb-dgpsa/pac_announcement_200211_e.html
18. <http://www.greensalvation.org/English/Partners/transparency.htm>
19. http://www.usoge.gov/pages/forms_pubs_otherdocs/fpo_files/surveys_ques/srvy450questions_03.pdf
20. <http://www.tdcj.state.tx.us/ace/ethics/ethics-feedback-form.htm>
21. http://www.usoge.gov/pages/daeograms/dgr_files/1997/etsurvey.pdf

22. OECD Public Management Occasional Papers No. 14, "Ethics in the Public Service: Current Issues and Practices" 1996 at <http://www.oecd.org/dataoecd/59/24/1898992.pdf>
23. http://www.usoge.gov/pages/daeograms/dgr_files/1997/survey.pdf Ethics Information Center Survey
24. http://www.tbs-sct.gc.ca/pshrmac-agrhfpc/rep-rap/wgdw-gtdaf5_e.asp#34
25. Ibid.
26. http://www.icac.nsw.gov.au/files/pdf/pub2_15a.pdf (p.77)
27. <http://www.maxwell.syr.edu/gpp/about/goals.asp>