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Towards a Sound Integrity Framework: Instruments, Processes, Structures and Conditions for Implementation

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For further information, please contact Mr. János Bertók. E-mail: janos.bertok@oecd.org, tel. +33 1 45 24 93 57.

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TOWARDS A SOUND INTEGRITY FRAMEWORK: INSTRUMENTS, PROCESSES, STRUCTURES, AND CONDITIONS FOR IMPLEMENTATION

INTRODUCTION

1.   This document presents key components of a sound Integrity Framework in public sector organisations. Based on lessons learned in the past decade, it provides a comprehensive approach to review and modernise instruments, procedures and actors for fostering integrity and preventing corruption. In addition to these core elements of integrity management, the paper also offers an analysis of relevant factors and conditions in the public management and governance context that provide supportive environment to maintain a culture of integrity in public organisations.

2.   The draft report[1] was reviewed by the Expert Group on Conflict of Interest on 2 October. The Public Governance Committee approved this report under written procedure in November 2008.

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[1]   The draft report GOV/PGC/GF(2009)1 was prepared by Prof. Dr. Jeroen Maesschalck, Leuven University, Belgium, in close co-operation with János Bertók of the OECD Secretariat. The author would like to thank Kim Loyens K.U.Leuven for her helpful comments.

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ACRONYMS

AUCPCC	African Union Convention on Preventing and Combating Corruption
CBSS	Council of the Baltic Sea States
CoE	Council of Europe
CSO	civil society organisation
GRECO	Group of States Against Corruption
HR	human resources
IACAC	Inter-American Convention Against Corruption
NGO	non-governmental organisations
NIS	National Integrity System
OAS	Organisation of American States
PPP	public private partnership
TI	Transparency International
UNCAC	United Nations Convention Against Corruption
US	United States

EXECUTIVE SUMMARY

3.   Public sector integrity management – often also called ethics management – has been high on the agenda in many OECD countries for over a decade now. Underlying this evolution is a **growing understanding that integrity is a keystone of good governance,** a condition for all other activities of government not only to be legitimate and trusted, but also to be effective. Indeed, the pioneering work of, among others, the OECD[2] shows that investing staff and financial resources in integrity may also increase the effectiveness of government policies. This fundamental need for integrity is strengthened by recent developments in wider society, in particular increasingly demanding citizens, as well as changes within the public sector itself. The latter include "new public management" innovations and emerging grey areas and risks that call for important changes in the way in which integrity is managed in the public sector.

4.   These developments have resulted in a wide range of **innovations and reforms** as well as in a significant body of prescriptive literature about the different elements of an integrity management framework and how they should be integrated.

5.   At the **international level**, the OECD 1998 Recommendation on Improving Ethical Conduct in the Public Service that includes the Principles for Managing Ethics in the Public Service[3] (see in Annex 1) developed a comprehensive approach in identifying key elements for building a sound framework for promoting ethics in the public service. This paper also builds on other international instruments, including anti-corruption conventions that have taken a broader approach to address prevention of corruption at the global level – the United Nations Convention Against Corruption (UNCAC) dedicates its second chapter to preventive measures, including codes of conduct, conflict of interest, training, etc.[4] – and at regional level, such as the Inter-American Convention Against Corruption and the Council of Europe Conventions on corruption[5].

6.   This paper aims to take stock by building on this accumulated knowledge and emerging data to **propose an overall Integrity Framework** for fostering integrity and resistance to corruption in public sector organisations in which the existing knowledge can be integrated.

7.   Preliminary choices that underlie the paper will be indicated in the introductory chapter. One of the main choices is the aim to design a framework on the **organisational level**, which is the level where implementation of measures for integrity and prevention of corruption actually take place. The assumption

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2   See in particular OECD (1996) and OECD (2000).

3   The Policy Brief on the 1998 OECD Recommendation and Principles can be consulted at *www.oecd.org/dataoecd/60/13/1899138.pdf*.

4   The   full   text   of   the   UNCAC   can   be   consulted   at *www.unodc.org/pdf/crime/convention_corruption/signing/Convention-e.pdf*.

5   See prevention measures in Article III of the Inter-American Convention Against Corruption at *www.oas.org/juridico/english/Treaties/b-58.html*; the CoE Civil Law Convention on corruption (see at *http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=174&CM=1&DF=9/5/2008&CL=EN G*) and the Criminal Law Convention on corruption (see at *http://conventions.coe.int/Treaty/Commun/QueVoulezVous.asp?NT=173&CM=1&DF=9/5/2008&CL=EN G*).

is that this will be of use to both managers at the organisational level and policy makers at the national level. The paper also explicitly opts for a **systemic approach**, assuming that all aspects of the Integrity Framework are interdependent and that the framework as a whole is dependent on its context. This paper aims to translate this abstract assumption into functional policy recommendations and also provides a complementary Checklist as a hands-on diagnostic tool for managers (see in Annex 2). This paper also aims to address the recurring problem of the **implementation-deficit** in integrity management: how to ensure that the often lofty ambitions of integrity management are actually implemented and make a real difference on the work floor? Finally, the paper also adopts the widely shared assumption that integrity management does not imply a choice between **rules-based and values-based** approaches, but an adequate and flexible balancing of both.

8.   The second chapter addresses the important question about the need for integrity management. In recent years, public managers and policy makers have been flooded with recommendations to introduce all types of innovations in the public sector and understandably wonder whether integrity management is not yet another fad that will blow over soon to make place for the next one. The paper argues that, rather than yet another management fad, **integrity management is an essential response to many of the recent public management innovations** as well as to some wider societal changes. It also addresses some recurring argument against integrity management and provides counterclaims, thus aiming to convince those who doubt the need for integrity management or supporting those who want to convince others of the need for integrity management.

9.   The third and fourth chapters focus on key components of the integrity management framework, the heart of an Integrity Framework. An integrity management framework consists of three essential pillars and two layers. As for the pillars, the first and most obvious pillar consists of the **instruments** to stimulate and enforce integrity and prevent corruption and other integrity violations within a particular organisation. The Integrity Framework promotes a forward-looking approach to address emerging concerns and grey areas. The integrity instruments are organised into the **four main functions** of integrity management:

- determining and defining integrity;

- guiding towards integrity;

- monitoring integrity; and

- enforcing integrity.

10.   Yet, however important these instruments are, they are essentially only a list of intentions. They will only have an impact when they are brought to live and kept healthy through processes and structures. The latter then constitute, respectively, the second and the third pillar of the integrity management framework. **Processes** particularly refer to development process, both continuous processes of planning, implementing, evaluating and adapting, as well as one-off projects, *e.g.* to reform the overall integrity management framework or, more modestly, to introduce or update a particular integrity instrument. **Structures** refer to the organisational aspect of integrity management: who is responsible for what in integrity management and how to co-ordinate the initiatives of the many actors whose activities have an impact upon the organisational members' integrity? The paper addresses a set of typical dilemmas one faces when attempting to structure an integrity management framework.

11.   The three pillars can be subdivided in two layers. At the central part of the integrity management framework are the **core integrity instruments** (*e.g.* ethics code, conflict-of-interest policy, whistle-blowing arrangements, etc.), core development **processes** and core **actors** (*e.g.* "integrity actors") with the primary aim to foster integrity in public sector organisations. However important they might be, these are

not sufficient to achieve the goals of strengthening integrity in public sector organisations. The second layer contains the **complementary integrity instruments**, **processes and actors** of integrity management. These are fundamental instruments, processes and actors for sound management. Although they do not have integrity as their main aim, they do play a crucial role in integrity management and core integrity instruments (*e.g.* public procurement and contracting primarily aim at value for money).. Such complementary instruments are typically part of adjacent management fields such as personnel management, procurement and contract management or quality management. Important complementary instruments are discussed in this paper in order to ensure synergies in daily functioning. To avoid any misunderstanding, it is useful to emphasise again that, although these instruments, actors and processes play a complementary role in the Integrity Framework, they can be as important in shaping the organisational members' integrity as the instruments, actors and processes at the core.

12.   Experience shows how much context matters in fostering integrity and preventing corruption. This paper takes a holistic approach and addresses not only the core and complementary building blocks of the Integrity Framework but also those actors and factors in the surrounding **context**. The paper distinguishes between the inner and outer context. The inner context refers to the context within the organisation: all those actors and factors that might impact the integrity of organisational members, but cannot be considered part of integrity management *per se*. The outer context refers to actors and factors in the wider public sector and governance environment that are beyond the control of a specific organisation, but can have an important impact upon its integrity management and the integrity of its members. Examples include laws on political party and election financing, regulations on lobbying, integrity laws, involvement of stakeholders in the development and implementation of integrity measures to enable public scrutiny, integrity watchdogs outside the organisation, etc.

13.   The integrity management framework and the inner and outer context together constitute the **Integrity Framework**: all instruments, process, structures and factors, both within and outside public sector organisations that influence the integrity of the members of an organisation.

14.   This paper is complemented by a "**Checklist**" for diagnosing the elements of the Integrity Framework in a particular organisation. It summarises the conclusions from the paper and translates them into a diagnostic instrument. This is intended as a practical tool for policy makers and managers to help them review and update existing integrity management solutions for fostering integrity and preventing integrity violations such as corruption in public sector organisations.

1. BUILDING A SOUND INTEGRITY FRAMEWORK FOR PUBLIC SECTOR ORGANISATIONS: PRELIMINARY OPTIONS

15.   Fostering integrity and resistance to corruption in public sector organisations is essential to maintain public confidence in government and public decision making, as well as to support a level playing field for businesses. Achieving a culture of integrity – a keystone of good governance – requires coherent efforts at organisational, public management and governance levels in establishing a sound Integrity Framework and supporting its effective functioning in the daily practice.

16.   This first chapter provides an overview of options underlying the proposed Integrity Framework that deserve some explanation or justification.

1.1. Defining "Integrity Framework"

17.   The term **"integrity"**[6] is derived from Latin and literally means not (*in*) touching (*tangere*) (Nieuwenburgh, 2002). It refers to something or somebody who is not contaminated, not damaged. In the context of this paper "integrity" will refer to the application of generally accepted values and norms in daily practice (van den Heuvel & Huberts, 2003: 19). "Public integrity" then refers to the application of generally accepted public values and norms in the daily practice of public sector organisations. The question then of course becomes what those values and norms are[7]. Determining and defining these norms and values will be the first of the four main functions of an integrity management framework (see below).

18.   **Integrity management** refers to the activities undertaken to stimulate and enforce integrity and prevent corruption and other integrity violations within a particular organisation. The **integrity management framework** of an organisation then refers to the whole of those instruments within that organisation, taking into consideration their interdependence, as well the processes and structures that bring those instruments to life. The **integrity context** of an organisation refers to all the factors, other than the integrity management framework, that can have an impact upon the integrity of the members in public sector organisations. This includes factors and instruments both within (the inner context) and outside (the outer context) the organisation. The integrity management framework and the integrity context together constitute the **Integrity Framework**: all instruments, factors and actors that influence the integrity of the members of an organisation. Table 1 below represents the relation between these core concepts. Table 2 in chapter 3 further develops the components of the integrity management framework.

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[6]   While many earlier publications refer to "ethics" (OECD, 1996, 2000), more recent publications tend to prefer the term "integrity" (OECD, 2005, 2007). This may well indicate a shift to be more associated with modern styles of integrity management that combine rules-based with values-based approaches. These conceptual debates are difficult and complicated, particularly in an international, multilingual environment where terms like "ethics", "integrity", "deontology", "accountability", "morality" and the like have very different connotations in different languages. An elaborate discussion of these conceptual issues would not be appropriate in the context of this paper. Suffice here to point out that the choice for the term "integrity" is more pragmatic than principled. What matters much more than the term is the definition of the concept (as provided above) and its further operationalisation in the course of the remainder of the paper.

[7]   For discussion on values see *Components of integrity: Data and Benchmarks*, OECD 2008, GOV/PGC/GF(2009)2 and OECD 2000: 31. *Trust in Government: Ethics Measures in OECD Countries*. OECD, Paris.

Table 1. The Integrity Framework

Integrity Framework							
Integrity Management Framework						Context	
Core			Complementary			Inner context	Outer context
Instruments	Processes	Structures	Instruments	Processes	Structures		

1.2. Focus on implementation

19.   Experience shows that integrity management is very sensitive to implementation deficits: the often lofty ambitions are not implemented on the work-floor. This is problematic for at least two reasons:

- The first one is the obvious problem with all implementation deficits. If an instrument is not implemented, it will **not have any desired effect** and all the efforts to design it will have been in vain.

- In the context of integrity, there is a second even more serious reason why policy makers and managers should worry about implementation deficits. If organisational members observe that integrity policies are not implemented, they might perceive the integrity management framework as **mere window-dressing**: a way for senior management to give the impression that they consider integrity as important, but without being serious about actually acting on it. Such a perception, caused by inconsistency between words and deed for implementation, might in fact increase cynicism and, through that, even increase integrity violations. Thus, the integrity policy would not only be ineffective, it would in fact achieve the exact opposite of its original goal. This is particularly important for the enforcement function of the integrity management framework. If employees perceive that, in spite of the lofty declarations, integrity violations are not acted upon and the perpetrators are not punished, this is likely to have a negative impact upon their own ethical behaviour (Trevino & Weaver, 2003).

Avoiding the implementation deficit is therefore a core aim of the integrity management framework that will be proposed in this paper.

1.3. Focus on the organisation

20.   Many of the well-known frameworks for integrity focus on the national level (*e.g.* the OECD's ethics infrastructure (OECD, 1996) and Transparency International's National Integrity System (Pope, 2000)) or on the regional and local level (*e.g.* Huberts et al.'s Local Integrity System (Huberts, Anechiarico, & Six, 2008)). They provide a broad overview of the crucial elements of the Integrity Framework for that governmental level as a whole, thus including several organisations and other actors. With such widely acclaimed broader frameworks available, it is now time to focus on public sector organisations themselves and to **direct attention to the actual implementation** of the instruments in daily practice at **the organisational level**.

21.   That is indeed the perspective of this paper. It aims to offer policy recommendations to integrity actors as well as managers who want to review and modernise an integrity management framework *within* their organisation. This approach could not only support implementation of integrity efforts in the field, but also help managers in assessing the results, *e.g.* by using the Checklist that is provided as a complement to this paper (see Annex 1). Such organisational-level data will then, in turn, constitute invaluable sources of

information for policy makers to verify the implementation and functioning of a national or regional Integrity Framework.

1.4. Integrity in public life as a crucial condition

22.   The previous paragraph explained the focus on public sector organisations. This choice also implies a primary focus on public servants as the main target in integrity management, not on politicians. Yet, it is essential to emphasise that this does not imply that integrity management towards politicians would not be possible or important. Rather the opposite, the integrity of politicians is of crucial importance, both in its own right and because it is a very important contextual factor for the integrity of public servants. However, politicians constitute a different category of actors who require specific types of integrity management that are partly similar to, but also partly different from what is presented in this paper. A discussion of these types is beyond the scope of this paper.

1.5. Organisational fairness as a crucial condition

23.   There is a growing understanding that "perceived organisational fairness" is a crucial variable in explaining the integrity of organisational members (Trevino & Weaver, 2003). Staff members will be more likely to behave unethically when they perceive their environment to be unfair. Equity theory (Adams, 1965), for example, suggests that people who perceive injustices in their environment (*e.g.* they have the feeling that they earn significantly less than they think they deserve) will look for ways to balance that injustice, including potential integrity violations against their organisation (*e.g.* stealing). Conversely, in an environment that is considered to be fair, staff members will be more likely to behave with integrity. Trevino and Weaver (2003) found, for example, that people were more likely to report unethical and damaging behaviour by colleagues if they perceived their environment as fair.

24.   For all these reasons, the Integrity Framework pays much attention to the importance of fairness. This will be addressed for the **integrity management** itself, *e.g.* are the sanctions for unethical behaviour applied fairly? It will also be addressed for HR processes in general, *e.g.* are staff hired on the basis of their competencies, rather than their network or their family connections?

1.6. Systemic approach

25.   This paper takes a systemic approach towards the integrity management framework. This has two important implications:

- First, this means that the paper will not only focus on individual instruments of integrity management, but also on the integrity management **framework** (or "system") **as a whole**. The underlying assumption is that the effectiveness of integrity management depends as much on the synergies between the instruments as on the effects of the individual instruments separately. An ethics code by itself will not have much impact; an integrity training session will not really make a difference; one inspection will probably not leave a lasting impression. It is the combination of such measures that will have a significant effect, a joint effect that is much larger than the mere sum of the effects of the individual instruments. Therefore, instruments should always be assessed together, with particular attention to their synergies.

- Second, the integrity management framework (or "system") will not be considered a closed system, but an **open system** that is embedded in a wider "integrity context". This means that integrity management instruments should not only be co-ordinated with each other, they should also be co-ordinated with other, related actors and factors that might have an impact upon the organisational members' integrity (see wider context of the Integrity Framework in 3.3).

1.7. Beyond focus on instruments

26.   This paper will not only focus on instruments of integrity management and their mutual dependence. It will be argued that, in addition to instruments, an integrity management framework also has two other equally crucial pillars:

- The first is the development process through which integrity management is introduced, implemented and evaluated.

- The second additional pillar refers to the **structural** dimension of the integrity management framework and puts the emphasis on the role of actors in the Integrity Management Framework.

1.8. Combining the rules-based and values-based approaches

27.   This is a fundamental distinction in the literature on integrity management (OECD, 1996; Lewis, 1991; Paine, 1994; Paine, 1994; Maesschalck, 2005). The **"rules-based"** approach to integrity management emphasises the importance of external controls on the behaviour of public servants. It prefers formal and detailed rules and procedures as means to reduce integrity violations and prevent corruption. The **"values-based"** approach focuses on guidance and ''internal'' control, *i.e.* control exercised by the public servants on themselves. This approach aims to stimulate understanding and daily application of values and to improve ethical decision making skills through interactive training sessions, workshops, ambitious codes of values, individual coaching, etc.

28.   Lessons learned in the past decade show that a modern integrity management framework aims at both:

- Preventing corruption, reducing integrity violations through mapping integrity-risks and installing counter measures; and

- Promoting integrity through stimulating understanding, commitment and capacity for ethical decision making.

29.   Consequently, a modern integrity management framework judiciously combines both the rules-based and values-based approaches and ensures the coherent balance of their components within one Integrity Framework. The 1998 OECD Recommendation takes this approach and recommends countries to combine "judiciously those aspects of ethics management systems based on ideals with those based on the respect of rules" (see also Principle 9. OECD, 1998). The rules-based component will then constitute the elementary legal framework and will provide the "teeth" of the system that are essential to ensure minimal ethical behaviour. The values-based approach, on the other hand, will ensure that one is ethically more ambitious than this minimum of simply avoiding integrity violations. This recommendation is also reflected in the empirical research that has been done until now.

Box 1. Combining rules-based and values-based approaches: Empirical support

The following two studies on the daily application of rules-based and values-based approaches in organisations provide an illustration of the limitations of focusing on one approach and the potential of combining both.

First, Anechiarico and Jacobs' study "The Pursuit of Absolute Integrity" (1996) presents a well-documented critique on what they describe as the "panopticon vision on corruption control". This vision emphasises laws and rules as well as elaborate procedures of control and inspection. The authors extensively discuss the deficiencies as well as the indirect costs of these strongly rules-based instruments: delays in decision making, over-centralisation, defensive management, low morale, barriers against inter-organisational co-operation and "adaptive strategies" like the creation of (semi-)privatised entities to avoid red tape. As a solution, they argue for a more values-based approach that gives more responsibilities to public servants and builds more on their professionalism.

Second, Trevino and Weaver (2003: 191-230) conducted a survey among around 10 000 respondents in six companies from different sectors. Although the study was not conducted in the public sector, the results do provide an idea of the impact of different integrity management approaches. In general, Trevino and Weaver observed that both the rules-based and the values-based approaches to integrity management had a positive impact upon ethical behaviour of the organisational members, but that the effect of the values-based approach was stronger. They also analysed the impact of specific instruments of both respective approaches. Through this analysis they particularly observed negative effects of too much emphasis on the rules-based approach. For example, when employees perceive that they are expected to show unquestioning obedience, they are less likely to perform ethically desirable behaviour such as the reporting of integrity violations by colleagues. Thus, too much emphasis on the rules-based approach is not only costly, as Anechiarico and Jacobs (1996) showed, it is also counterproductive, because it could have a negative impact on employees' integrity.

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30.   Inventories of **actual practices** (OECD, 2000) suggest that public sector organisations indeed increasingly adopt this recommendation and make efforts to achieve an appropriate balance between both approaches. Because most governments traditionally emphasised the rules-based approach, this often implies a move towards a values-based approach. Yet, the balance should be maintained and one should also beware of a too enthusiastic and radical switch towards the values-based approach, particularly in a culture that is traditionally rules-based. Staff members might feel uncomfortable with the higher degrees of discretion in ethical decision making that are typical for a values-based approach. As a consequence, they might either not be strong enough to resist the temptations that come with more discretion and less strict controls, or they might voluntarily reduce the discretion by simply maintaining the old regulations, thus also undermining the intended move towards a more values based approach (Maesschalck, 2005).

31.   In sum, integrity management can be seen as a complex and never-ending balancing exercise between the rules-based and the values-based approaches. The exact relative importance as well as the actual shape of both approaches will depend on the actual social, political and administrative context, as well as on the history of the organisation concerned.

1.9. Ensuring sufficient co-ordination

32.   Because integrity management involves many different actors in very different positions with different perspectives and interests, co-ordination is an essential condition for success. It is through the co-ordination of the integrity management instruments that synergies will be allowed to occur and that the risk of instruments contradicting each other will be reduced. This co-ordination should not only occur in **structural** terms - ensuring sufficient co-ordination between the many actors involved in integrity management - but also in terms of the **content** of the instruments. Yet, it is important to emphasise that the latter does not imply perfect consistency between the instruments. Some diversity and perhaps even some

ambiguity are inevitable and usually also advisable, given the recommendation (see 1.6) to combine two very different approaches to integrity management. Most important is that that there is a clear vision that buttresses the integrity management and that, if there are ambiguities, one is aware of them and takes a conscious decision to manage them.

2. WHY INTEGRITY MANAGEMENT?

33.   An important preliminary step is to address the concerns public servants, managers and policy makers may have concerning the need for integrity management. This chapter first addresses two fundamental questions about the need for integrity management. The second part of this chapter reviews arguments often expressed against integrity management by public sector managers.

2.1. Integrity management: Two fundamental questions

34.   There are fundamental reasons for investing in integrity management as integrity is instrumental for achieving primary policy goals. However, significant changes in public management in the past years also provide additional reasons for reviewing and modernising integrity management.

Question 1: Why integrity management?

Why would policy makers spend time and money on integrity management, while real problems like poverty, crime and pollution are yearning for policies? Is this not just another fad in public management that will easily blow over?

35.   Thompson masterfully formulated his answer to this question as one of his "paradoxes of government ethics": "Because other issues are more important than ethics, ethics is more important than any issue" (1992: 255). Indeed, integrity is not a primary public policy domain like defence, environmental protection or public health. It does not produce any immediate goods and services that are tangible for citizens. It is only instrumental for those primary goals. Yet, the fact that it is instrumental does not imply that it is less important. It is a necessary instrument for at least two reasons:

- First, a well-developed integrity management framework increases the chances that public servants will take decisions on the basis of the advantages and disadvantages of the policy alternatives, not on the basis of their own self-interest or the interests of their (political) friends. It thus increases the **quality of the decisions** in primary policy fields.

- Second, integrity management might help to increase **public trust** in government. Naturally, it is too simplistic to think trust will automatically increase when an integrity management framework is installed. Yet, an increase in public trust is very unlikely if citizens are regularly confronted with integrity violations by public servants. Even if those violations are in the short term benefit of a particular citizen (*e.g.* in the case of corruption), they will only lead to some kind of cynical trust in the individual public servant, not to fundamental trust in the public sector.

36.   In sum, it is better to pay sufficient attention to integrity management in advance, than to be forced, after the fact, to spend much more to prosecute corruption and repair unjust decisions or to control the damage to the public sector's image.

Box 2. Why is the need for integrity management increasing?

While there always have been fundamental reasons for integrity management, the need for new approaches towards integrity management has been growing in recent years due to significant changes both in governments and in societies across OECD countries.

First, public sector reforms, often brought together under the umbrella-concept of "**New Public Management**" (Hood, 1991), attempt to improve the quality, efficiency and effectiveness of government's service delivery by adopting techniques from the private sector. The public sector environment has considerably evolved by these reforms resulting in more efficient and effective public services. However, these reforms also raised concerns about emerging grey zones and risks to integrity in the absence of adjustments to control discretionary power. With the weakening of barriers between the public and private sectors – *e.g.* through privatisation of public services, PPPs, sponsoring, concessions, contracting out, etc – risks for integrity violations changed and increased. Thus, however well-intended and beneficial such innovations might be, they do create new situations, risks to integrity and dilemmas, in particular at the private and public sector interface that require appropriate counter measures in an updated integrity management framework:

- *How can we avoid that entrepreneurship and innovation in the public sector get out of hand and lead to breaches of the integrity code?*

- *What should a public servant do when what the performance management system expects him to do differs from what the integrity code expects him to do?*

- *How can employees working in semi-autonomous governmental organisations that have to survive in a competitive market still manage to strive for the public interest?*

- *What does it mean to take a "customer service orientation" for a police officer who has to arrest a suspect?*

A good and well-balanced integrity management framework will help to find an answer to these and similar questions. Hence, rather than yet another new fad in public management, integrity management should be seen as a way to deal with all these fads and innovations. It provides tools to avoid their excesses.

In addition to these internal changes, there are also important changes in the **wider society**. Citizens become more informed and demanding and are less tolerant for integrity violations, in particular to corruption. At the same time societies become more diverse, making it more difficult to identify what the "generally accepted norms and values" are, that are at the core of the definition of integrity (see 1.1). Again, a good integrity management framework will support public officials in dealing with these new situations and dilemmas.

Question 2: Why consider integrity management as a separate management domain?

Is it really necessary to consider "integrity management" as a separate management domain with its own identity and visibility? Would it not be sufficient to simply review the existing instruments in fields like personnel management, financial management and information management from the perspective of integrity and adapt them if necessary?

37.   A separate identity is very useful for, at least, two reasons.

38.   First, **labels** can be very important in the agenda setting process, because they tend to make a certain set of problems or solutions visible for the decision makers, public officials and the wider public. The mere fact that the label of "integrity management" exists, helps to make "integrity" visible as an issue that deserves attention. The fact that this label covers a separate management field and thus a clearly identifiable set of measures ensures that, if a scandal breaks out, decision makers will be able to make well-informed decisions, prepared by a clearly identifiable group of experts in integrity management. Without such a label and without such a self-conscious delineated management field, it will be much more difficult to ensure attention from decision makers for the topic. The issue would only suddenly emerge when there is an integrity scandal, but then no coherent set of policy measures would be readily available and there would be no self-conscious group of integrity actors to propose them.

39.   Second and more importantly, bringing instruments together under an overall umbrella-concept allows for a more **systemic approach**. It allows for looking at all the instruments together in their interdependence, making the whole more than the sum of the different parts. It allows for identifying the overall goals of the integrity management framework and then systematically designing and implementing instruments to realise these goals. This is hardly possible when the instruments simply co-exist in separate policy domains without ever being brought together and considered part of an overarching management domain.

40.   It is important to emphasise that this idea of integrity management as a separate management domain is entirely consistent with the idea that integrity management is an "**inclusive**" management domain that will only be successful if it is being integrated with other management domains such as financial and personnel management. In order to explain this, it might be useful to distinguish between core integrity instruments on the one hand and complementary instruments on the other:

- The main goal of the integrity management framework's **core integrity instruments** is to foster integrity and prevent integrity violations. Typical examples are codes of conduct, specific integrity training and advice, whistle-blowing arrangements, etc.

- The **complementary instruments** do not have integrity as their primary aim, but they are important instruments to realise the goals of the integrity management framework. Typically, they are instruments that fit in other supportive functions such as personnel management or financial management: staff recruitment, staff rewarding systems, procurement and contract management procedures, etc. It is important to emphasise that, although complementary instruments do not have integrity as their main aim, they are at least as important and might even be more important to foster integrity in public organisations. For example, if the HR-processes are not run fairly or if the procurement procedures do not favour the best contracts to ensure value for money, this could undermine the legitimacy and efficacy of other efforts to improve core integrity management instruments.

41.   Both types of instruments are part of the integrity management framework in the sense that they should be co-ordinated with each other and together contribute to the realisation of the overall goal of the integrity management framework. They only differ in their primary aim. This content-wise division also has implications for organisational responsibilities. It is primarily the "integrity actors" (ethics officer, integrity bureau, ethics committee…) who are responsible for the core integrity instruments. Complementary instruments are not their primary responsibility, but they should have their say concerning the ethical aspects of those instruments. For example, the personnel department should involve the integrity actor when they are designing their recruitment system so as to make sure that integrity is sufficiently addressed in the recruitment and selection process. This distinction between core and complementary instruments will be further explained and expanded in the following chapter. It will also be explained that, in addition to the core and the complementary instruments, there is of course also a wider context that should be taken into consideration and with which the core and complementary instruments should be co-ordinated to ensure their synergy.

2.2. Integrity management: Unfounded mental barriers

42.   When discussing the use of integrity management with public sector managers, there are some typical mental barriers that seem to block them from being convinced of the use of integrity management. This section discusses three such barriers and proposes some arguments against them.

Barrier No. 1. "We do not have any significant integrity problems in our organisation."

43.   It might of course be possible that there are virtually no integrity violations in an organisation, but the question is how the manager can be so sure about the truth of this claim. It is only through an **appropriate detection system**, as part of a wider integrity management framework, that one can have a reasonable certainty about the prevalence of integrity violations.

44.   Yet, even if there would be no integrity violations, every public sector organisation will still face many of the developments that were discussed above. Public sector reforms and changes in society create new kinds of ethical dilemmas and thus create the need for a sound integrity management framework that supports public servants in dealing with those dilemmas. Moreover, there have **always been integrity dilemmas** in the public sector, even before these more recent developments:

- *The counter clerk who is asked by a citizen to add an important form to the stack even though it is submitted one day late because of illness.*

- *The policy advisor who receives a telephone from the minister's political office with a request to rewrite the policy advice for party political reasons.*

- *The city manager who is obliged to sack a colleague who is one of his best friends.*

45.   Public servants of all ranks have always had some discretion that could lead to dilemmas. From this point of view, the question is not so much whether there are integrity problems and dilemmas; it is obvious that any public sector organisation has such risks and problems. The question now becomes how one develops an appropriate integrity management framework that supports public servants in identifying and resolving such problems and dilemmas. The advantage of this perspective is that it does not represent integrity dilemmas as nuisances that have to be oppressed or ignored, but as challenges that are faced by any organisation and to which any organisation will have to develop an appropriate response.

Barrier No 2. "Introducing integrity management will only reinforce the lack of trust in our organisation and in the public sector in general."

46.   This statement is the counterpart of the previous one. The assumption here is that there are integrity violations, and the fear is that they will be made public because of the installation of an integrity management framework, which might in turn lead to reduced trust. Before delving into the deeper argument, it is useful to emphasise that the primary aim of an organisational integrity management framework is not so much to identify integrity violations, including corruption, from the past (although this might sometimes be necessary), but rather to prevent integrity violations in the future. Nevertheless, it is not impossible that an improvement of the integrity management framework, and particularly of the detection system within it, might in the short term increase the number of observed violations. Yet, even if such an increase in revelations in the short term might occur, the above statement still remains highly questionable. It betrays both a very short-sighted vision and a strong underestimation of citizens:

- First, it is **short-sighted** because ignoring integrity violations might indeed reduce their actual chances of becoming reported scandals in the short run, but it drastically increases the risk that the problems will emerge in a much stronger and damaging form in the future. Integrity violations have a tendency to expand. If one inspector is allowed to accept substantial gratuities from the companies he inspects, then his colleagues might feel after a while that they are allowed to do the same. Likewise, if public servants are allowed to commit a small violation, then they might decide to commit a violation that is slightly larger next time, which in turn makes them feel they can commit a yet slightly larger violation the subsequent time, etc. Thus, tolerating integrity violations in the short run strongly increases the chance that there will be more violations in the future.

- Second, this statement also indicates **low trust in citizens' capacity to judge** public policy. If one believes in democracy, then one should also believe that citizens (and hence also voters) are capable of distinguishing between an integrity violation that has come to light thanks to a well-functioning integrity management framework on the one hand and a scandal that has exploded because the situation had been neglected for a long time and necessary prevention measures were not in place on the other.

Barriers No 3 "My staff will consider it an insult when I would introduce an integrity management framework. They will think that I do not trust them."

47.   This statement is not about fear of the public's reaction, but of the reaction of one's own organisational members. Among all three barriers, this seems to be the most grounded one. Yet, it is not convincing enough to conclude that a public organisation should therefore not develop proper integrity management. As explained above, integrity management not only has a rules-based, controlling dimension, but also a **values-based, stimulating** dimension. If the latter and its concomitant instruments (integrity dilemma training sessions, coaching, ambitious integrity codes, open organisational climate to raise integrity issues, etc.) are sufficiently emphasised, then the message towards the organisational members is one of trust, not of distrust. An interactive dilemma training session, for example, assumes that the organisational members are responsible people of integrity and wants to provide them with additional support in dealing with that discretion, rather than limiting it.

Barrier No. 4. "Integrity violations such as corruption are so deep in our culture that it is not possible nor desirable to attempt to change anything about this."

This argument in fact contains a normative and en empirical component.

The **normative argument** is that corruption can be more acceptable if it occurs in a culture where this is more tolerated. This type of contextual reasoning is not only ethically weak, it also goes against worldwide efforts of various treaties that were signed by many states across continents, including states where this argument has been used. Over the past decade a series of regional conventions were developed starting with the 1996 Inter-American Convention against Corruption (IACAC) of the OAS in the Americas, the Council of Europe Criminal Law Convention on Corruption and Civil Law Convention on Corruption, the European Union Convention on the fight against corruption involving officials of the European Communities or officials of Member States[8], and the African Union Convention on Preventing and Combating Corruption[9]. At the global level the United Nations Convention against Corruption (UNCAC) came into force on 14 December 2005.

The statement above also contains an **empirical assumption**: integrity management has no effect in a cultural environment where integrity violations are more tolerated. This of course has some truth. Culture, both in the organisation's environment and within the organisation is an important antecedent of the organisational members' integrity. However, culture is not the only impacting factor and a systematic, well-considered and well-balanced application of the recommendations in this paper can make a difference, even in a challenging environment where corruption is more tolerated. One particularly effective measure is to analyse what function the corrupt activities perform and to analyse whether this function cannot be performed in another, more legitimate, way. A case in point is "middle-men": intermediary actors between citizens and officials to whom citizens turn if they want to influence or speed the decision making process concerning their case. One way to push these middle-men out of business and thus reduce the risk for corruption is by replacing them with legitimate actors that perform the same function, but without the corruption, e.g. citizen support centres. Of course this is just one example and to achieve change in such a culturally challenging environment one will need a co-ordinated battery of instruments.

Conclusion

48.   With these thoughts, this paper definitely does not want to dismiss the managers' doubts and concerns. Integrity is and remains a sensitive area and integrity management can have undesirable effects, particularly if it is not introduced carefully. Yet, this paper does want to argue that these objections are not convincing as reasons for not introducing an integrity management framework at all. A modern integrity management framework that thoughtfully balances rules-based and values-based approaches can provide an appropriate and positive response to the challenges and concerns mentioned above. The following chapter presents the building blocks of a sound integrity management framework and offers advice for constructing such a framework.

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[8]   http://europa.eu/scadplus/leg/en/lvb/l33027.htm

[9]   See at *www.africa-union.org/Official_documents/Treaties_%20Conventions_%20Protocols/ Convention%20on%20Combating%20Corruption.pdf*.

3. INTEGRITY FRAMEWORK FOR PUBLIC SECTOR ORGANISATIONS: OVERVIEW

49.   This third chapter provides a brief overview of the main two components of the Integrity Framework, as they were already mentioned above: the integrity management framework at the centre and the inner and outer context around it. These two main components will be highlighted in the two following sections of this chapter. The subsequent chapter 4 will further zoom in on the first component and discuss the instruments, processes and structures in detail within an integrity management framework.

50.   This framework supports organisations in dealing with the challenges mentioned above (box 2). First, there is growing recognition that "new public management" innovations and reforms to increase the responsiveness of the public service are not without their risks. Second, meeting expectations of more informed and increasingly demanding citizens has become a world-wide concern of modern governments to maintain trust in government and public decision making. Consequently, the Integrity Framework proposes a pro-active approach to address emerging concerns and grey areas. It considers the analysis of integrity risks and integrity dilemmas as a cornerstone and starting point of an Integrity Framework. The Framework also takes forward a systemic approach with a strong ambition to move beyond lofty statements and make an actual difference on the work-floor.

3.1. The integrity management framework

51.   The integrity management framework contains all those instruments, processes and structures that directly stimulate and enforce integrity and prevent corruption and other integrity violations within a public sector organisation. This framework consists of three pillars, each consisting of two layers. The **three pillars** are considered essential parts of a sound integrity management framework:

- The first pillar consists of the actual integrity management **instruments** themselves. These constitute the actual tools of intervention that are used to shape the organisation's integrity and resistance to corruption in the desired direction. They can be divided into four groups, which match the following four functions that should be fulfilled by an integrity management framework:

    - determining and defining integrity;

    - guiding towards integrity;

    - monitoring integrity; and

    - enforcing integrity.

- Even if one manages to design appropriate instruments, nothing will be achieved if this is not being institutionalised in the daily functioning of the organisation. That is why a second pillar is needed, specifying the **development process** through which the integrity management framework is developed and maintained within the organisation. This development process should be **continuous**, with a recurring cycle of planning, implementing, evaluating and adapting, both at the level of the integrity management framework as a whole and that of the individual integrity management instruments. In addition to these continuous processes, there are

also one-off, temporary processes, such as the introduction of a new approach to integrity management in a particular organisation. Given their one-off nature and the fact that they are limited in time, these will be described as "**projects**".

- The third pillar concerns the **organisation** of the integrity management framework: how are the responsibilities distributed over the different actors and how are they co-ordinated again to ensure consistent policy and practice?

52.   These three pillars consist of two layers:

- At the heart of the integrity management framework are the **core instruments**, such as ethics codes, conflict-of-interest policies or whistle-blowing arrangements, core change **processes** and core **actors**, such as "integrity actors" or managers.

- The second layer contains the **complementary instruments, processes and actors**. These are as crucial for integrity management as the core integrity instruments, but they do not have integrity as their main aim.

Together, the core instruments and the complementary instruments constitute the **integrity management framework**. Table 2 presents an overview of this framework with the three pillars, the two layers and illustrations of each of them in the cells.

Table 2. Integrity management framework: Three pillars and two layers

	Instruments	Processes	Structures
Core measures	Codes, rules, guidance, integrity training and advice, disclosure of conflict of interest, etc.	Overall continuous integrity development process, continuous development processes for individual instruments, one-off projects to introduce or change instruments, etc.	Integrity actor, management
Complementary measures	Integrity as criterion in personnel selection and promotion, integrity aspects of procurement procedures and contract management, including integrity in the quality assessment tool, etc	Processes in personnel management, procurement and contract management, financial management, etc.	Personnel management, contract management, financial management, etc.

3.2. The inner and outer context

53.   The integrity management instruments do not exist in a vacuum. They exist in a broader **context** with many other factors (including both consciously designed management instruments and unplanned factors) and actors that have an impact upon the organisational members' integrity. Although, for the designers of an integrity management framework, they present themselves as givens that cannot be changed, it is important to take them into consideration because of their impact upon the organisational members' integrity. This context can be divided into two layers.

Inner context

54.   The first layer is described as the "inner context" and refers to factors and actors *within* the organisation that do not directly relate to integrity management, but might have an impact on it. For example, literature (Trevino & Weaver, 2003) suggests that perceived organisational **fairness** can have an important impact upon the organisational members' integrity. If staff members perceive their environment as unfair, they are more likely to commit integrity violations. Hence, all instruments in the organisation that contribute to perceived fairness (*e.g.* recruitment, reward and promotion systems) can act as important contextual factors for integrity management. The crucial impact of this management context is recognised by international instruments. UNCAC Article 7 on Public Sector, for example, promotes transparent procedures for recruitment and promotion while IACAC (Article III, Point 5) advocates "openness, equity and efficiency" in government hiring. The OECD Principles for Managing Ethics in the Public Service underline that "[m]anagement policies, procedures and practices should promote ethical conduct" as they "demonstrate an organisation's commitment to ethical standards" (Principle 9. OECD, 1998).

55.   The analysis of the impact of the elements in the inner context will be **integrated in the integrity management framework** through the assessment of the fairness of the HR-processes (see 4.1.2.F). Although this is proposed as an instrument of integrity management, it is in fact a way of analysing the inner context of the organisation, by assessing its impact upon a crucial intermediary variable (organisational fairness).

Outer context

56.   The second layer is described as the **"outer context"** and refers to actors and factors outside the organisation. A culture of integrity in public service organisations is the result of coherent efforts, not only at the organisational, but also at public management and governance levels. Because elements in the outer context are beyond the organisation's control, they are not discussed at length in this paper. Yet, at the same time, since they do impact the organisation's integrity management framework, it is useful to pay attention to them. This paper distinguishes between three types of relevant phenomena outside the organisation. Each of them is of a different nature and will thus also be treated differently, both in this paper and in the Checklist.

57.   First, one could refer to the many potential **factors** in the economic context (*e.g.* poverty), , political context (*e.g.* pressure to reform the administration), criminal context (*e.g.* organised crime trying to infiltrate the public sector), etc. that might influence integrity management. However as important as these factors might be, these contextual factors are manifold and a general recommendation to take them all into consideration would not be very helpful for practitioners. Instead this paper aims to integrate the consideration of the most important contextual factors into the integrity management framework itself as discussed in chapter 4. Thus, if the integrity management framework for a particular organisation is appropriately designed and implemented, this will automatically imply that the most important contextual factors are taken into consideration. This is done in many ways. For example, a thorough risk analysis (see 4.1.1.A) ensures that the main risks in the organisation's environment are taken into consideration. Likewise, regulations to disclose conflicts of interest (4.1.1.F) are ways to avoid interests outside the organisation impacting the integrity of the organisation.

58.   A second and very important category consists of the many **instruments** outside the organisation that might impact the integrity management framework. These could constitute integrity instruments in the strict sense (*e.g.* national ethics laws or national whistle blowing policies), but also other types of instruments, such as instruments intended to increase accountability and transparency, which also impact, either directly or indirectly, the integrity of the organisation and its members. They are discussed each in turn.

59.   A number of these instruments often also exist within organisations (and are therefore discussed in the next chapter), but might also have a **counterpart outside the organisation**. They provide either directly applicable mandatory standards (e.g. for disciplinary action) or a national framework, for example a model code of ethics, for developing specific solutions at various public organisations that can take into consideration the particular context of individual organisations. Examples include:

- government-wide code of conduct or code of ethics;

- government-wide conflict of interest regulations and financial disclosures;

- government-wide post-employment arrangements; and

- government-wide disciplinary code for public service.

60.   A disciplinary code for the public service, for example, provides baseline standards to employees across public sector organisations with reference to what is considered irregular conduct and what are the disciplinary procedures and sanctions that apply in case of breaches to integrity. It is the responsibility of the managers in the organisation to interpret the provisions of the disciplinary code and take timely action if they witness a breach of integrity among its employees. On the other hand, national governments may provide a model code for the public sector that would guide individual organisations to develop their own codes that could better reflect the specific contexts (*e.g.* mission, activities, expectations, stakeholders, vulnerabilities, etc.) of particular public organisations.

61.   A number of these instruments typically only exist **outside the organisation**. They are not discussed in chapter 4, but are mentioned in the Checklist, because of their potentially important impact. Examples of these include:

- Mechanisms of external control and audit used to detect irregularities and systemic failures as well as to recommend measures for improvement.

- Mechanisms used for external investigation and prosecution of misconduct, in particular corruption.

- Ethics laws to provide standards elaborated on the basis of core public service values and principles. To complement general administrative regulations for the public service, ethics laws provide more stringent standards and define baseline standards as the boundaries for acceptable behaviour for public servants.

- Government-wide financial disclosure mechanisms for public officials to prevent potential conflict-of-interest situations. Such disclosure may also help detect and prosecute illicit enrichment.

- Laws on party and election financing to prevent eventual bias in decision making by increasing transparency on political donations.

- Government-wide rules for enhancing transparency and accountability in lobbying, in particular by requiring registration of lobbyists and disclosure on lobby activities. They could also imply

the approval of a code of conduct for lobbyists[10] in order to shed light on the 'mystery' of lobbying carried out behind closed doors.

- Mechanisms for information, consultation and participation of citizens both in the design and implementation of public policies and services. International instruments – such as the UNCAC Article 13 on Participation of society – promote measures for participation of civil society, NGOs and community-based organisations "in the prevention of and the fight against corruption" and to raise public awareness, while IACAC promotes establishment of "[m]echanisms to encourage participation by civil society and nongovernmental organizations in efforts to prevent corruption"[11].

- Appropriate control of public finance.

- Administrative simplification, in particular by using new information and communication technologies, such as e-government single portal solutions (e.g. e-procurement portal) for reducing red tape and processing applications quickly and transparently.

62.   Interestingly, while these instruments usually positively impact the integrity of organisational members, they could also create **new dilemmas**. The participation of citizens, for example, makes decision making more complex and more prone to dilemmas than the closed decision making of traditional bureaucracies. They could even create **new risks** for integrity violations. An appropriate integrity management of those innovations – for example through adjustments in the Integrity Framework – will therefore also be essential. The OECD has provided some guidance for this with its "guiding principles" for engaging citizens in policy making. [12]

63.   There are also many potential **actors** outside the organisation that might have an impact upon its Integrity Framework. A comprehensive classification of integrity actors is the one that is at the core of the "national integrity system" concept developed by Transparency International. Transparency International distinguish between different types of actors that can have an impact upon an organisation's integrity management framework[13]:

- legislature;

- political parties;

- electoral commissions;

- supreme audit iInstitution;

- judiciary;

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[10]   The OECD Framework for Enhancing Transparency and Accountability in Lobbying and an overview of country solutions can be consulted in the publication *Lobbyists, Governments and Public Trust: Building a Legislative Framework for Enhancing Transparency and Accountability in Lobbying*, at *www.oecd.org/gov/ethics*.

[11]   IACAC Article III, Point 11.

[12]   The ten guiding principles for engaging citizens in policy-making can be found in *Citizens as Partners: Information, Consultation and Public Participation in Policy-Making* (see at *www.oecd.org/gov/citizens*).

[13]   *www.transparency.org/policy_research/nis*.

- public sector;

- police and prosecutors;

- public procurement;

- ombudsman;

- anti-corruption agencies;

- media;

- civil society;

- private sector;

- regional and local government; and

- international institutions.

64.   Another approach is to focus on functions, rather than on the actors who perform the functions. For example the global anti-corruption framework – UNCAC Article 6 – identifies the following key functions for preventive anti-corruption bodies:

- Implementing "effective, co-ordinated anti-corruption policies that promote the participation of society and … proper management of public affairs and public property, integrity, transparency and accountability".[14] The preventive anti-corruption body may also play a role in "overseeing and co-ordinating the implementation of those policies".[15]

- "Increasing and disseminating knowledge about the prevention of corruption".[16]

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[14]   See Article 1. (a) and Article 1. of UNCAC.

[15]   See Article 1. (a) of UNCAC.

[16]   See Article 1. (b) of UNCAC.

4. INTEGRITY MANAGEMENT FRAMEWORK: INSTRUMENTS, PROCESSES AND STRUCTURES

65.   This chapter further develops the building blocks of a sound integrity management framework (see section 3.1 above). It is structured around the three pillars that are at the heart of the integrity management framework: instruments (4.1), processes (4.2) and structures (4.3). Within each of these pillars the following sections will also address the two layers that were also identified above: the core and the complementary instruments.

4.1. Instruments: A balanced mix of integrity management instruments

66.   Many integrity management instruments have been developed in recent years and they have been classified in many different ways. Based on the review of the literature (*e.g.* OECD (2007) and experience of OECD countries, this paper proposes to organise these instruments according to **four functions** that should be fulfilled in a sound integrity management framework, namely:

- determining and defining integrity;

- guiding towards integrity;

- monitoring integrity; and

- enforcing integrity.

67.   This section discusses, for each of these functions, the most common management instruments that have been developed to fulfil the four functions. Table 3 below visualises that discussion by presenting the key instruments in a single table. In fact, this table further develops the second column "instruments" of Table 2. It also adds the rules-based/ values-based distinction to the rows[17] and develops this for the four functions of a sound integrity management framework (columns). It also promotes a forward-looking approach by putting the analysis of risks to integrity at the starting point of the integrity management framework.

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[17]   It should be noted that the distinction "rules-based"/"values-based" is not always as clear-cut and will largely depend on the specific implementation of the instrument. This table will emphasise the dominant tendency of an instrument. The checklist for empirical use will allow for more subtle ways of indicating instruments along the values-based/rules-based continuum.

Table 3. A classification of integrity management instruments

		Determining & defining integrity	Guiding towards integrity	Monitoring integrity	Enforcing integrity
Core	**Rules-based**	- Risk analysis - Code of conduct - Conflict of interest policy - Gifts and gratuities policy - Post employment arrangements - Structural measures (*e.g.* function rotation)	- Rules-based integrity training - Oath, signing an "integrity declaration" - Advice, counselling	- Whistle-blowing policies - complaints policies - Inspections - Integrity testing - Early warning systems - Systematic registration of complaints, investigations, etc. - Survey-measurement of integrity violations and organisational climate	- Formal sanctions - Procedure for handling integrity violations
	Values-based	- Analysis of ethical dilemmas - Consultation of staff and stakeholders - Code of ethics - Non-written standard setting	- Values-based integrity training - Integrating integrity in the regular discourse (*e.g.* announcing the integrity policy through channels of internal and external communication) - Exemplary behaviour by management - Coaching and counselling for integrity	- Survey measures of integrity dilemmas - Informal probing for ethical dilemmas and issues among staff	- Informal sanctions
Complementary		- Assessing the fairness of reward and promotion systems - Appropriate procedures for procurement, contract management and payment - Measures in personnel management (*e.g.* integrity as criterion for selection, evaluation and career promotion) -- Measures in financial management (*e.g.* 'double key', financial control,) - Measures in information management (*e.g.* protecting automated databases) - Measures in quality management (*e.g.* reviewing the quality assessment tool)		Internal control and audit, External control and audit	

68.   This section will review each of the instruments addressed in Table 3, organised around the four functions. This review is guided by two general principles that were already discussed above as preliminary choices:

- First, the discussion will constantly emphasise the need for a **balance** between the **values-based and the rules-based approaches** to integrity management. This balanced should be assessed at the level of the Integrity Framework as a whole, not at the level of the individual integrity management instrument, nor even at the level of the integrity management framework. In other

words, one should not only take into consideration the core and the supportive measures (*i.e.* the integrity management framework), but also the inner and the outer context.

- Second, the discussion reflects the **systemic approach**: the interdependence between the instruments of the integrity management framework and, hence, the need for co-ordination amongst them, but also the dependence on the contextual elements and hence the need for co-ordination with these.

4.1.1. Determining and defining integrity

Two minimal criteria

69.   The first function of an integrity management framework is to determine the expectations for behaviour: which values are important for the organisation, which rules should be obeyed? There are various instruments that can be used in different combinations to determine and define integrity and the actual mix of instruments will depend on local circumstances. Yet whatever combination one chooses, the two minimal and closely related criteria that should be satisfied if one is to say that this first function is performed sufficiently are clarity and accountability:

- First, there should be **clarity about the minimal expectations** from public servants in public organisations. It should be clear to public servants what is really expected of them. The extent of this clarity can differ, depending on the local circumstances and strategies. Organisations emphasising a rules-based approach by definition aim for more explicit and written out clarity than organisations emphasising values-based approach. Yet, even in the latter, there will always be a minimal explicit framework and the instruments of a values-based approach also aim at clarity, be it with more individual discretion.

- Second, however the integrity standards are determined and defined, this should be done in such a way that public servants can be **held accountable for their actions**. Clearly stated standards make it possible to approach staff members who break the standards and point them at their violations. The standards thus act as a common framework, a common language that can facilitate discourse about integrity and makes it easier to express disapproval with violations of the integrity standards.

The importance of consultation: Both "determining" and "defining" are necessary

70.   To satisfy these criteria, it will be important to first determine and then define integrity expected of public servants in public organisations.[18] Both steps are essential. Some organisations decide to limit themselves to the second step, which is defining integrity, without organising a preliminary process of determining integrity. However, these two steps are interdependent. This can be illustrated with the example of an integrity code. An organisation might decide to simply copy-paste an existing code or a national model code and then modify it to become the organisation's code: integrity is defined, but this has not been preceded by a process of determining the contents of that code. The choice to **skip the stage of determining** carries with it **three important risks**:

- First, if the code is not the result of an organisations-specific standard-setting process, there will be significant risks for its **relevance**. It might emphasise aspects that are not relevant, while ignoring aspects where guidance is needed.

- Second, as mentioned above, a code is just one element in a complex of standard-setting instruments that require an appropriate balance. If one uses an off-the-shelve code that is not carefully situated in this overall framework, then one might generate **undesirable results**, *e.g.* because there are inconsistencies between the contents and the style of the code on the one hand and those of other standard-setting instruments in the organisation on the other.

- While the previous two reasons concern the quality of the code, the third reason is of a more psychological nature. If staff members were not involved in the process of developing the code and everybody knows that the code is just a reproduction of an existing document, then this might drastically reduce staff-members' feelings of **ownership** of the code. This problem is expressed in the maxim "a code is nothing, coding is everything" (Kaptein & Wempe, 1998). Although the maxim is of course exaggerated, it does catch the psychological **importance of involvement** in the design of a code.

An overview

71.   Having argued that instruments for both determining and defining integrity are necessary, we now focus on the discussion of each in turn. As for the former, we distinguish between two types of instruments: risk analysis (A), the analysis of dilemmas (B), and the consultation of staff and stakeholders (C). As for the instruments for defining integrity, it is useful to distinguish between writing codes (D), ways of standard setting that do not involve written codes (E) and more specific structural measures. As for the latter, a distinction can be made between structural measures in the core of the integrity management framework such as conflict of interest policies or post-employment regulations (F) and complementary structural measures such as measures within personnel management, procurement and contract management or financial management (G).

72.   Before turning to the discussion of the instruments, it is important to emphasise that these instruments constitute only the first of four functions of the integrity management framework. Determining and defining integrity is just the beginning. The following three functions that are subsequently discussed are just as important.

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[18]   Of course, this is not a one-off, but a continuing process where standards are adapted to evolving circumstances.

A. Risk analysis

73.   One increasingly popular way to determine integrity is by focusing on the risks to integrity. In a process of risk analysis one would map sensitive processes (*e.g.* procurement, promotion of staff members, inspection, etc.) and sensitive functions (typically staff-members with a responsible role in the sensitive processes or in decision making in general) and identify the points where there is a significant vulnerability for integrity violations (*e.g.* selection of method for tendering or modification of rewarded contract). This analysis would then be the basis for recommendations to the organisation on how to increase the organisation's resilience towards these vulnerabilities, in particular its resistance to corruption. Given that the analysis focuses on risks that are embedded in the structure of the organisation (processes and functions), the solutions are also typically of a structural nature, *e.g.* function rotation, conflict of interest regulations, regulations about the acceptance of gifts and gratuities, etc.

74.   These structural measures will be discussed later in more detail (see sections C, E and F). At this point the paper limits itself to the warning that, however useful such risk analyses and subsequent recommendations for structural measures might be, it is important to be aware that, as measures that **typically fit in a rules-based approach** to integrity management, they also have both the advantages and disadvantages of this approach as mentioned above. They provide a clear framework for public servants and reduce the immediate risks for integrity violations, but their control-bias might also lead the organisational culture in undesirable directions. If the risk-approach is taken too far it might be seen as a sign of distrust by management, thus undermining employees' intrinsic motivation, which might in turn reduce their tendency to behave ethically.

75.   In sum, like all other possible instruments, risk analyses (and the subsequent measures) should be situated in a careful balance between rules-based and values-based instruments that is sensitive to the specific context of the organisation.

B. Analysis of ethical dilemmas

76.   Although widely known, risk analysis is not the only instrument to determine integrity. There are other techniques to find out what kind of ethical guidance the organisational members need. These techniques are often not considered techniques in their own right and are typically only cursorily mentioned as preparatory steps in the development of integrity codes. Yet, they can be very useful as an alternative or, even better, a **complement to the traditional risk-analysis techniques.**

77.   This section focuses on one such analysis technique: dilemma analysis. Dilemmas are "situations where values and norms are at stake and where a choice has to be made between several alternatives, while good reasons can be given for each of these alternatives" (translated and adapted from Karssing (2001: 93)). In other words, whatever one does, there will be a moral cost: certain values, norms or interests will not be respected. An inventory of such dilemmas provides very useful information about the areas where guidance and support are needed.

78.   As for the practical approach, Kaptein proposes to organise two types of workshop-sessions:

- First, organisational members list their work-related dilemmas in "dilemma gathering sessions".

- In the second session, the identified dilemmas are discussed in "dilemma analyzing sessions". In the latter "a discussion panel of employees will analyze the obtained range of actual dilemmas to determine:

  - which norms and values are in conflict;

- which risks are related to the options;

- which principles, core values or considerations merit precedence;

- what demands this makes on the employees; and

- what organisational provisions are necessary" (Kaptein, 1998: 130).

79.   There are similarities between such a dilemma analysis and the **risk analysis** that was discussed above, but there is an important difference in the overall philosophy. Dilemma-analyses tend to have a bias towards the values-based approach to integrity management and that will be reflected in the analysis itself as well as in the recommendations that are drawn from it. **Three differences** are particularly notable:

- First, although there will be some overlap, there will also be significant differences in the situations that will be identified as problematic. There are ethical dilemmas that would not be considered organisational risks and certain risks would not be identified as dilemmas.

- Second, while risk analysis focuses on problematic situations ("risks") that should be reduced, dilemma analysis starts from the assumption that dilemmas are inevitable and that it is not always desirable to try and avoid dilemmas. Sometimes it is better to accept that there are areas where dilemmas might occur and to trust and support employees in dealing with them.

- Third, and perhaps most importantly, like all rules-based instruments of integrity management, risk analysis shows some distrust in the organisational members. The organisation has to be protected from employees who might abuse weaknesses in its risk-resistance. Dilemma analysis, on the other hand, tends to be more trustful. The organisation should know what the dilemmas are, so as to better support its members in dealing with those dilemmas.

80.   The conclusion of course is, as usual, that both types of analyses are important and that a balance between both has to be maintained. Yet, in a time where the emphasis tends to be on risk analysis, it might be useful to consciously counterbalance this with a dilemma-analysis.

C. Consultation of staff and stakeholders

81.   While the previous two instruments include some consultation of staff and, possibly stakeholders, this instrument refers to consultation that does not only concerns risks or ethical dilemmas but all aspects of integrity. The aim here is to make an inventory of the concerns and expectations of staff and stakeholders and use this as an input for the definition of integrity (*e.g.* in the form of an integrity code). Particularly the consultation of stakeholders is a fairly recent development, but its benefits are increasingly understood and emphasised. Stakeholders include all actors with an interest (a 'stake') in the organisation: the clients of a social service organisation, the inspected companies of an environmental inspection agency, detainees of a prison, etc. Stakeholders often represent a certain value or set of values that deserve attention in the organisation's code or in other integrity-defining instruments.

82.   Yet, however useful consultation of staff and stakeholders might be, it is important to keep **two warnings** in mind:

- First, while staff and stakeholders might help to define the organisation's mission and integrity standards, **they should not have the final word**. Ultimately the mission of a public sector organisation is defined through a political-democratic-administrative process. Sometimes such an organisation will have to go against its staff and stakeholders to achieve its democratically

defined mission. Thus, staff and stakeholders' input is very useful and important, but not the ultimate criterion.

- The second warning is of a more practical nature as consultations may require substantial resources. Wide consultations, for example, can take a lot of time and, if stretched too long, the process of determining integrity might lose momentum, **thus reducing its impact**. Some pragmatic limitation of the consultation process –considering the best use of available resources – might therefore be appropriate.

D. Code of conduct or code of ethics

Introduction

83.   Integrity codes are probably the best-known instruments of integrity management. They form an essential part of existing international instruments, including Article 8 of UNCAC that refers to the International Code of Conduct for Public Officials[19] and the Model code of conduct for public officials[20] of the CoE.

84.   This subsection first clarifies some conceptual issues concerning integrity codes and some research findings about their impact. This is followed by some more specific policy recommendations related to the scope and content of integrity codes, in particular:

- Is it better to choose one code covering all integrity-related guidance or opt for specific codes to provide specific guidance for particular topics, situations and functions?

- Are there any content-wise guidelines for drafting a code?

Conceptual issues

85.   A distinction is often made between a "code of conduct" and a "code of ethics". This distinction usually refers to both the contents of the code and the way in which it is enforced:

- The "**code of conduct**" is a typical instrument of a rules-based approach to integrity management. Like that more general approach, it starts from the assumption that people are essentially self-interested and that they will only behave with integrity when this coincides with their self-interest. Hence, a preferably detailed code of conduct will describe, as specifically and unambiguously as possible, which behaviour is expected. Such a code of conduct will also establish strict procedures to enforce the code: systematic monitoring and strict punishment of those who break the rules.

- A "**code of ethics**" on the other hand is rooted in the values-based approach. It focuses on general values, rather than on specific guidelines for behaviour, thus putting more trust in the organisational members' capacities for independent moral reasoning. Rather than telling what to do, the organisation provides its members with a general framework that identifies the general values and provides support, training and coaching for the application of these values in daily real-life situations.

86.   As for the choice between the two types of codes, the recommendation is to situate this in the **broader question about the balance between the rules-based and the values-based approaches**, a balance that should also take into consideration the outer context. If there is already a very detailed and well-developed legal framework outside the organisation but applicable on the organisation, then one could argue that there is no need for detailed rules-based codes within the organisation. Instead one could argue

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[19]   The International Code of Conduct for Public Officials was approved by the UN General Assembly. The Code can be consulted in the Annex to General Assembly Resolution 51/59 on Action against corruption of 12 December 1996 (see at *www.un.org/documents/ga/res/51/a51r059.htm*).

[20]   The Model code of conduct for public officials can be found in the appendix to the CoE Recommendation No. R (2000)10 of the Committee of Ministers to Member states on the code of conduct for public officials.

that there is a need for a values-based code (a code of ethics) that could restore the overall rules-based/values-based balance in the organisation's Integrity Framework. If, on the other hand, there are only a few guidelines outside the organisation, then the organisation might need to compensate for this lacuna by developing a more detailed and directive rules-based code ("code of conduct").

87.   Most organisations find themselves somewhere in the middle between both conditions and might therefore choose for a **hybrid** between both types of codes. They could then for example opt for a code that is organised around a number of values, where each of these values is further specified in more specific principles and standards to provide guidelines for applying values where necessary.

88.   A second conceptual confusion involves the relationship between **codes** on the one hand and related instruments like **mission statements, value-statements, regulations,** etc. on the other. Literature suggests some classifications for these different instruments (*e.g.* Kaptein (2003), but there is no wide agreement about their meanings. Similar confusion exists on the ground in real-life organisations, where all these concepts seem to be used in very different meanings, depending on the organisation. Rather than trying to impose a theoretical distinction, it might be more commendable to pragmatically follow the definitions that are already in use in particular public organisations. Based on an inventory of the needs (using risk analysis and/or dilemma analysis) and existing instruments, one could then decide what additional instruments (be it a code of ethics, a code of conduct or another integrity-defining instrument) are necessary.

Box 3. Impact of ethics codes: Research and empirical findings

There has been much research about ethics codes, but most of it tends to be descriptive rather than assessing the codes' impact (Cleek and Leonard (1998: 619); Plant (2001)). Loe et al. (2000: 194) dentified 17 studies that assessed the impact of codes of conduct and found that a majority of these "revealed that codes influence ethical decision making and assist in raising the general level of awareness of ethical issues". Several of these studies found that the effect was stronger when sanctions were coupled with codes of conduct, as this implied top management's commitment to the code (Ford & Richardson, 1994: 216). Others found that many codes were quite vague and that simply having a code is not sufficient for improving ethical behaviour (Collins, 2000: 16). On the basis of research in the private sector, Doig and Wilson conclude that "the use of codes alone in defining conduct, culture and performance (…) may be less effective than their proponents think" (1998: 148): "their use to define an ethical environment and their effective implementation, must be as part of a learning process that requires inculcation, reinforcement and measurement" (Ibid.: 140). Likewise, Cleek and Leonard (1998: 628) found no effect of an ethics code in their study, but suggested that it could be effective in combination with other instruments.

Research in public administration into ethics codes has been very limited. In his surveys among members of the American Society for Public Administration (Bowman & Williams, 1997; Bowman, 1990), Bowman found that practitioners tend to think positively about codes and tend to believe that they have desirable effects. Flake and Grob (1998) performed content analyses on public sector ethics codes and found that they were "dramatically skewed in the low-road direction," *i.e.* emphasising compliance with rules and laws. These and other analyses are interesting, but "a relationship between codes and *actual* behaviour in fact still awaits examination" (Gilman & Lewis, 1996: 522). One public administration study (among city and county managers) into the topic found "no significant difference in the mean response scores [on a moral reasoning test] that can be attributed to whether or not a jurisdiction has a code of ethics" (Stewart & Sprinthall, 1993: 211). An interesting descriptive study is the 2007 survey of the New Zealand State Services Commission, which was conducted by the Ethics Resource Centre[21] among 4,642 State servants. 96% of the responding state servants reported that their agency has written standards of integrity and conduct. Half of surveyed state servants reported that their agency has a specific person, telephone line, email address, or website where they can get advice about integrity and conduct issues.

In sum, the findings are very mixed. This is consistent with the hypothesis that an integrity code will only have a significant impact when it is embedded in and consistent with a wider integrity management framework.

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[21]   The State Services Integrity and Conduct Survey available at: *www.ssc.govt.nz/upload/downloadable_files/Integrity_and_Conduct_Survey__Summary_of_Findings.PDF*

One code or several codes?

89.	Some organisations decide to bring all integrity-related guidelines together in one overall code. Other organisations decide to have an overall code, but complement this with more specific guidelines. These could focus on particular topics (*e.g.* conflict of interest, the use of information, particular financial aspects) or on particularly vulnerable functions or actors within the organisation (*e.g.* procurement and contract management, inspectors, employees who handle cash money, employees who handle confidential information, etc.). Yet other organisations decide not to have an overall ethics code at all and only provide specific codes for particular topics and particular functions.

90.	All three situations could be defensible, depending on the circumstances. Yet, keeping the goals of clarity and accountability (see above) in mind, a minimal requirement should be that all the integrity-related guidelines should be **easily accessible**, ideally from one place or source, *e.g.* on the organisation's intranet. One particularly attractive option is to develop a general, rather slim overall code, but consider this as a portal for all the other integrity-related guidelines in the organisation. Take the following example: the general code could have as one its core values "transparency". The code would then briefly explain this value and also refer to freedom of information legislation as an important source of regulation to apply this value in practice. It would probably be too cumbersome to include all those detailed regulations in the code, but, if the code is available electronically, one could include a hyperlink to that legislation and its implementing regulations. If this referencing would be done systematically, then the code would act as a genuine portal, the place of reference for all integrity-related questions and issues to provide standards and guidance for integrity.

Box 4. Drafting an integrity code: Guidelines for process and content

Literature has produced various criteria and guidelines for the drafting of integrity codes[22]. What follows is a selection of recommendations, based on those guidelines and lessons learned by experience:

- It is an important preparatory step to have the code preceded by a **letter** by top management (political and/or administrative) that explains the reasons for developing the code and emphasises its importance.

- The code itself should begin with an **introduction** that addresses the aims and characteristics of the code. Below is a non-exhaustive list of aspects and questions that might be addressed:

  − Objectives: What expectations is the code addressing?

  − Scope: To whom is the code applicable?

  − Enforcement: Is the code enforceable and, if so, how?

  − Contact: Who can the staff members approach if they have questions about the contents or the application of the code?

  − Hierarchy of values and rules: Should the readers of the code attach any importance to the order in which the values/rules are presented?

  − Conflicting values: How should one act if the values addressed in the code clash with each other? Does the organisation provide support to staff members that find themselves confronted with such dilemmas (*e.g.* through training, coaching, counselling, etc.)?

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[22]	Two particularly useful guidelines are in a condensed but very useful manual of the Ethics Resource Center (*www.ethics.org/resources/code-construction.asp*) and an article by Kaptein and Wempe (1998)

Box 4. Drafting an integrity code: Guidelines for process and content (*cont.*)

    −   Consistency: The code is embedded in a broader integrity management framework. What are those other instruments and how do they link with the code?

The introduction is followed by the **actual code**. The following guidelines (Maesschalck & Schram 2006) might increase the quality and relevance of a code that goes along with the following model: it consists of a limited number of core values that are each defined and then further specified in specific rules that might in turn be illustrated with examples:

- **Clear**: Make the text as clear and legible as possible. The code should be clear for all staff members who are expected to apply it.

- **Simple**: Make the text as simple as possible, but not too simple. Integrity is a complicated topic and one should not neglect that in a code. Yet, there is no reason to make things more complicated than necessary.

- **Concrete**: Avoid empty generalisations. Vague statements are not always avoidable, particularly in (values-based) "codes of ethics". Nevertheless, it is important to try and make the values as concrete as possible, *e.g.* by specifying them in specific rules and guidelines or by illustrating them with concrete examples.

- **Structured**: Make sure that the code is constructed logically, centred on a number of core values that do not overlap. If the values are thus truly mutually exclusive, it will become easier to identify the tensions between them. These tensions are typical for ethical dilemmas and a code with clearly delineated values thus becomes a very useful tool for dealing with ethical dilemmas or teaching dilemma training sessions.

- **Consistent**: Use concepts in a parsimonious and consistent way. It is not a good idea to use different terms for the same concept within the same code (or in different documents within the same organisation). Likewise, avoid using the same term in different meanings. Decide on the term that is most appropriate and use it consistently throughout the different documents in the same meaning. This will strongly increase the chance that all staff members use the same language, thus allowing the code and related documents to become truly useful tools in training and daily conversation.

- **Linked**: Include sufficient cross-references in the code to other documents, guidelines and codes where staff members can find further details about specific themes (see the abovementioned idea of a code as a "portal" for all relevant integrity-related information).

- **Relevant**: The code should move beyond the obvious and particularly focus on those issues where guidance is needed. The chances for this will increase if the above-mentioned techniques are used in preparation of the code: risk analysis and dilemma analysis.

E. Non-written standard setting

91.   Some form of formalisation of integrity standards is necessary in public sector organisations to ensure accountability. The most basic standards and regulations will have to be written down to ensure some predictability in governmental action. However, a written code or set of codes is not the only way to define integrity. There remains a considerable margin for more values-based, non-written ways of formulating integrity standards, particularly in highly professional public sector organisations with strong ethical cultures. It might be advisable to opt for informal ways of standard-setting, through regular discussions and peer review that do not necessarily result in written-out formal texts. This approach could also be useful in particular sub-fields of integrity management. A case in point would be arrangements concerning the acceptance of gifts or gratuities. Instead of opting for detailed regulations in a code, one could rely more on group discussions, focusing on particular cases and thus developing common understanding and views that could be considered as some kind of collective jurisprudence (see also below).

F. Structural measures in the core of the integrity management framework

92.   This subsection refers to specific measures that add rules or make other changes to the structure of the organisation. They are described as core integrity instruments because they have integrity as their main goal. It is also often the actors at the core of the integrity management framework (management and the integrity actor) that are responsible for them.

Conflict of interest policy

93.   Personal bias by private interest of public officials in the decision making particularly weakens citizens' trust in government and public institutions. Standards and measures for preventing and managing conflict of interest are crucial to ensure that the integrity of decision making is not compromised by public officials' private interests. Preventing conflict of interest in the public service is a shared objective of international instruments, including Article 7 on the Public Sector of UNCAC, Art III of IACAC and the CoE Model Code of Conduct for Public Officials.

94.   A conflict of interest "involves a conflict between the public duty and private interests of a public official, in which the public official has private-capacity interests which could improperly influence the performance of official duties and responsibilities" (OECD 2004). In its 2003 OECD Recommendation on Guidelines for Managing Conflict of Interest in the Public Service and the concomitant comparative study on country experiences, the OECD recommends its member countries to develop and implement a policy to manage conflict-of-interest situations. The Guidelines list core principles for managing conflict of interest such as serving the public interest, supporting transparency and public scrutiny, individual responsibility and personal example, and the need for an organisational culture that is intolerant of conflicts of interest. Many of the recommended instruments indeed are very useful at the organisational level.

Box 5. Managing Conflict of Interest in the Public Service: OECD Guidelines

This box lists relevant instruments from the OECD Guidelines, the OECD (2003) report, the related OECD Toolkit (2005) [23] and the progress report (OECD 2006):

- Organisations should provide their members with enough **information** about the conditions that create conflicts of interest (by means of examples, checklists for individual decision making, etc.).

- Organisations should provide **procedures for declaring** private interests that might create potential conflict of interest situations. This disclosure can be formal (by means of registration in writing at certain intervals in the career), but also informal. The latter can include a practice where employees report *ad hoc* a potential conflict of interest when it arises to their supervisor.

The simple declaration of a conflict of interest does not in itself resolve the conflict of interest. Whatever the procedure for declaring might be, it will be insufficient if it is not complemented with guidelines for **acting upon these declarations**: review of the registration forms, guidelines for supervisors on how to react when a conflict of interest emerges among employees, etc. The following list provides some examples of specific measures that can be taken when a conflict of interest emerges (OECD, 2004):

- divestment or liquidation of the interest by the public official;

- recusal of the public official from involvement in an affected decision-making process;

- restriction of access by the affected public official to particular information;

- transfer of the public official to duty in a non-conflicting function;

- re-arrangement of the public official's duties and responsibilities;

- assignment of the conflicting interest in a genuinely 'blind trust' arrangement;

- resignation of the public official from the conflicting private-capacity function, and/or

- resignation of the public official from their public office.

Gifts and gratuities policy

95.   Policies about the acceptance of gifts and gratuities (*e.g.* invitations for meals, events, trips) are often considered an integral part of wider conflict of interest policies. Because of their importance in impacting both actual and perceived integrity of public servants, they are treated separately in the proposed integrity management framework.

96.   The general principle is that public servants **are expected not to ask for or accept gifts or gratuities** from individuals or organisations that may influence their impartiality. Yet, in practice is not always realistic and sometimes even not desirable to strictly prohibit all types of gifts and gratuities. One could imagine situations where a citizen would be deeply insulted when he offers something of limited

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[23]   The OECD Toolkit addresses a number of other instruments such as whistle-blowing arrangements or the integrity code that are discussed in other parts of this paper because of their broader impact.

value that he made him/herself as a token or signal of his/her appreciation for the public servant's efforts. Inspectors who accept a drink or a sandwich on the premises of a company that they are inspecting might argue that this informal contact will allow them to acquire important and relevant information. Moreover, by strictly prohibiting such small gifts, one runs the risk of trivialising and even ridiculing integrity management. A "zero gift policy" also increases the risk for hypocrisy and might undermine the efforts to create a culture of open debate about integrity issues. Street-level bureaucrats who face the dilemma whether or not to accept the gift, may feel uncomfortable discussing this openly and may try to 'solve' the issue by themselves, thus potentially increasing the problem (Hoetjes 2000: 144). Thus, instead of opting for a strict 'zero gift policy', organisations are encouraged to choose to develop a more nuanced policy.

97.   As for the specific form of a gift policy, there are several options that one could combine. They represent a broad variation of instruments along the rules-based/values-based continuum and the actual instrument or mix of instruments one chooses will of course depend on the local circumstances.

98.   One particular example of a formal policy would be to determine a **maximum amount** of value for acceptable gift or gratuity (*e.g.* € 25, Yen 5000, CAN$ 200). Additional regulations and guidelines will then have to ensure that the rule cannot be sidestepped by accepting a series of small presents that are individually under the threshold, but together add up to a significant value. More generally, one should be aware of the typical risk of strongly rules-based instruments: they tend to weaken the individual's capacity and readiness for ethical decision making. When people are confronted with rules, there is a significant risk that they would focus on a rigid application of the rule, rather than on the underlying ethical considerations.

99.   In its Toolkit for managing conflict of interest, the OECD (2005) proposes to keep a **register** for gifts of a certain value. This is a useful way to increase transparency. However, the very act of registering a gift does not by itself resolve potential conflict of interest.

100.   Organisations could also decide to collect all presents that were given to members of the organisation and distribute them among all staff (*e.g.* through organising a yearly **lottery** for all staff, perhaps excluding management and other decision makers that might have the power to influence conditions for those who offered the gifts). This policy reduces the risk that the objectivity of individual public servants would be brought into danger, but it does not automatically dissolve perceived conflict of interest.

101.   Alternatively, organisations could decide to offer the gifts to **charities**.

102.   Organisations could also opt for less formal options. Rather than having a general, written-out policy, they may develop a **policy-in-practice** around *ad hoc* cases in regular staff meetings (see also paragraph E: non-written standard setting). This approach has the strong advantage of genuinely involving employees to develop common understanding and making maximal use of their moral decision making skills and commitment to comply with agreed solutions. However, it also has its limits: if it is applied in inappropriate circumstances (*e.g.* no open culture to admit mistakes, open discussion on equal footing is not possible), then it might increase confusion among staff and even lead to integrity violations.

Post-public employment policy

103.   Leaving public office raises legitimate questions about the potential use of the special knowledge and insights acquired in public office. The knowledge of commercially sensitive information, for example, could provide unfair advantage over competitors. Suspicion of impropriety, such as the potential misuse of "insider information" for the illicit benefit of former public officials is a widely shared concern across OECD countries, as it could endanger confidence in public decision making. Post-public employment

could become a particularly sensitive issue during government transitions or periods of outsourcing and downsizing. More frequent interchange of personnel between sectors makes it crucial that:

- **Standards** for preventing conflict of interest properly reflect public expectations; and

- Existing **instruments and mechanisms** enable the effective application of these standards.

104.   Major post-employment **problem areas** involve public officials seeking future employment, post-employment lobbying, switching sides, the use of insider information and re-engaging former officials. Post-employment instruments should take into consideration the particular problems public organisations face. Managing post-employment offences is particularly difficult as most post-employment offences are committed by public officials who, by moving out of government, move somewhat beyond the control of public sector organisations.

Box 6. Principles for post-public employment

The *OECD Principles for Post-Public Employment*[24] address identified problem areas in the following four aspects, namely:

i.   *Problems arising primarily while officials are still working in government*

- Public officials should not enhance their future private sector employment prospects by giving preferential treatment to potential employers.

- Public officials should notify the appropriate government authority if they receive offers of employment that could constitute a conflict of interest.

- Public officials should give notice to the appropriate government authority of their intention to accept an offer of private sector employment that could constitute a conflict of interest.

- Public officials who have decided to take up private sector employment should, where feasible, be excused from any current duties that could constitute a conflict of interest with their likely responsibilities to their future employer.

- Before leaving government, public officials who are in a position to become involved in a conflict of interest should have an exit interview with the appropriate government authority to discuss possible conflicts of interest and, if necessary, determine appropriate remedies.

ii.   *Problems arising primarily after public officials have left government*

- Public officials should not use confidential or other "insider" information after they leave government.

- Public officials who leave government should be restricted in their efforts to lobby their former governmental colleagues and subordinates. An appropriate time limit or "cooling off" period (*e.g.* one or two years) may be imposed.

- Public officials who leave government should be restricted in their acceptance of appointments to such entities as boards of directors of business firms or non-profit organisations with which the officials had significant official dealings before they left government. This is another instance in which a cooling-off period may be required.

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[24]   *Post-Public Employment: Good Practices for Preventing Conflict of Interest* GOV/PGC/GF(2009)3.

Box 6. Principles for Post-Public Employment (*cont.*)

- Public officials should be prohibited from switching sides after they leave government.

iii.   *Duties of current officials in dealing with former officials*

- Current public officials should be prohibited from granting preferential treatment, special access or privileged information to former officials.

- Current public officials who engage former public officials on a contractual basis to do essentially the same job as the former officials performed when in government should ensure that the hiring process has been appropriately competitive and transparent.

- Former public officials who are re-employed after receiving a redundancy payment should usually be required to return the payment.

iv.   *Responsibilities of organisations that employ former public officials*

Private firms and non-profit organisations should be restricted in using officials who have left government to lobby former coleagues, acquire confidential information, or switch sides.

Source: *Post-Public Employment: Good Practices for Preventing Conflict of Interest* GOV/PGC/GF(2009)2

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105.   To support the implementation of the *Principles,* the OECD also developed a *Post-Public Employment Good Practice Framework[25]* and identified good practices to provide public sector organisations with examples of instruments and mechanisms for preventing and managing conflict of interest after officials leave public office.

Measures focusing on organisational structure

106.   In addition to the typical integrity management instruments discussed above, there are a number of other instruments that particularly target the structure of the organisation:

- *Separating functions* - Particularly vulnerable tasks could be split up in several sub-tasks that will be performed by different staff-members, thus increasing the number of people that would need to be involved if one wants to commit an integrity violation. It is expected that this will increase oversight and control, thus reducing the risk of integrity violations. Yet, having too much division of tasks could also lead to undesirable effects in terms of integrity, because this could reduce organisational members' sense of responsibility. As with all other instruments in building an Integrity Framework, it will be a matter of balancing and finding an appropriate optimum given the specific circumstances.

- *Rotating functions* - If employees perform the same vulnerable task for a long time, the risk will increase that they will develop undesirable routines and relations with clients, providers or other stakeholders, which might in turn increase the risk for integrity violations. It could therefore be appropriate to systematically rotate those employees between different regions, specialties or

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[25]   *Post-Public Employment: Good Practices for Preventing Conflict of Interest* GOV/PGC/GF(2009)3.

functions. At the same time, one should also attempt to ensure knowledge management and maintain appropriate capacity in key functions (*e.g.* in bid formation and contract management).

G. Structural measures in the complementary part of the integrity management framework

107.   As mentioned above, complementary instruments are crucial for integrity management, but integrity is not their primary goal. This section presents a non-exhaustive list of instruments in personnel management, procurement and contract management, financial management, information management and quality management that are also important for the ethics management framework. Although most of these instruments are indeed "integrity defining" instruments, some of them could also fit under the second function "guiding integrity." For reasons of clarity, they are all discussed here.

Personnel management

108.   Personnel management contains a number of important tools for integrity management. Any actor responsible for designing an integrity management framework should therefore analyse the different available instruments of the "HR cycle" (hiring, training, promoting, and firing) so as to assess to what extent they support the wider objectives of the integrity management framework, in particular:

- **Integrity emphasised in the recruitment stage** – Are the organisation's values or standards referred to in the recruitment campaign?

- **Integrity as a criterion in the selection stage** – Is integrity really taken into consideration as a criterion in the selection process? There is a wide debate to what extent integrity can be measured at the individual level and what predictive value this kind of measurement will have for future behaviour. The extent of the assessment and the types of selection techniques used will of course largely depend on the type of function and the type of organisation. There are some very intrusive techniques that might be useful for some particularly sensitive functions (*e.g.* contract officer, police officer), but could also have negative effects upon mutual trust between management and future employees. The following list provides a few techniques to assess integrity among job applicants:

  - Double-checking the statements made by the candidate in the applicant's CV (checking references, asking for original degree certificates, etc.).

  - Checking the candidate's background, particularly looking for previous incidents of relevant misconduct and for living conditions.

  - Probing for moral judgment capacities in the job-interview, *e.g.* by asking whether the candidate has been confronted with an ethical dilemma and how the applicant has dealt with it or by asking how they would deal with a hypothetical dilemma that is typical for the job.

  - Presenting the candidate with a questionnaire with questions concerning integrity.

  - "Integrity testing": confronting the candidate with an offer to behave unethically and assessing how he/she would react.

- **Ensuring sufficient diversity among staff** – This criterion might sound a bit unusual. Diversity is often mentioned as a cause of integrity problems because it tends to reduce the consensus about what is acceptable, thus making the formulations of ethical expectations more ambiguous. This is indeed an important risk of which one should be aware. Yet, if it is kept at its optimal level,

diversity could help to increase integrity. It helps to avoid cultures that are too strong and could thus function as "a catalyst for the scrutiny and critique of norms and practices" (Sinclair, 1993: 63).**Clear job descriptions** - job description delineates tasks and responsibilities and thus helps avoiding ambiguities that could lead to integrity violations. Yet, a job description that is too precise might reduce discretion and capacities for mature moral decision making. Again, the challenge will be to find an appropriate context-sensitive balance between a rules-based approach that would argue for a detailed job description and a values-based approach.

- **Integrity as a criterion in the evaluation and the promotion of staff** -- By including integrity as a criterion for evaluation and promotion, management gives a clear signal that it considers integrity important, thus increasing the chance that staff will consider integrity important and behave with integrity. Research in business ethics literature indeed suggests that ethical behaviour that is rewarded tends to be continued (Ford & Richardson, 1994: 215; Loe et al., 2000: 198) One crucial condition, of course, is that employees have to perceive that this assessment is done fairly. This is not always easy, particularly in functions where people act as "street-level bureaucrats" (Lipsky, 1980) implying that they have a large degree of discretion, which they often exert without close supervision (*e.g.* police officers, teachers or social workers).

- **Integrity as a competency in the competency management system** -- Public sector organisations that apply some form of competency management within their personnel management should include aspects of integrity as important competencies. Karssing (2001) talks about "moral competency" which he describes as "the capacity and willingness to implement tasks adequately and carefully, taking into consideration all relevant interests, based on a reasonable assessment of the relevant facts" (p. 39, translated).

Public procurement and contract management

109.   Public procurement is a crucial economic activity of public sector organisations. The financial interests at stake and the close interaction between the public and private sectors provide enormous potential for waste and corruption and make public procurement a major risk area. Many international instruments promote transparency in tendering, including the IACAC that requires "systems of government hiring and procurement of goods and services that assure the openness, equity and efficiency of such systems" (5. Article III. Preventive Measures) and the UNCAC that dedicates a specific article to public procurement and management of public finances (Article 9).

110.   However, risks to integrity exist in the whole public procurement cycle, starting from the needs assessment, which is particularly vulnerable to political interference, to the contract management. For instance, frequent modifications of contracts in the execution stage and late payments could signal mismanagement and potentially fraud or corruption in public procurement. In addition, exceptions to competitive tendering such as emergency contracting and defence procurement may be abused. Under the cover of national security interests, countries can bypass transparent tendering to buy clothes, boots, food and other everyday items for the military.

Box 7. OECD Principles for Enhancing Integrity in Public Procurement

The OECD *Principles for Enhancing Integrity in Public Procurement*[26] take a forward-looking approach to prevent risks to integrity in the entire procurement cycle, from needs assessment to contract management and payment. Developed on the basis of acknowledged good practices, the Principles help policy makers and managers apply **good governance elements** to enhance integrity in public procurement, namely:

i.   *Transparency*

- Provide an adequate degree of transparency in the entire procurement cycle in order to promote fair and equitable treatment for potential suppliers.

- Maximise transparency in competitive tendering and take precautionary measures to enhance integrity, in particular for exceptions to competitive tendering.

ii. *Good management*

- Ensure that public funds are used in procurement according to the purposes intended.

- Ensure that procurement officials meet high professional standards of knowledge, skills and integrity.

iii. *Prevention of misconduct, compliance and monitoring*

- Put mechanisms in place to prevent risks to integrity in public procurement.

- Encourage close co-operation between government and the private sector to maintain high standards of integrity, particularly in contract management.

- Provide specific mechanisms for the monitoring of public procurement and the detection and sanctioning of misconduct.

iv. *4. Accountability and control*

- Establish a clear chain of responsibility together with effective control mechanisms.

- Handle complaints from potential suppliers in a fair and timely manner.

- Empower civil society organisations, media and the wider public to scrutinise public procurement.

Source: *Principles for Enhancing Integrity in Public Procurement* (OECD 2008).

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111.   Options for concrete reform measures and guidance in implementing the *Principles* are provided by the *Checklist for Enhancing Integrity in Public Procurement*[27]. Specific measures to prevent misconduct in public procurement in relation to the third pillar of the OECD Principles include:

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[26]   The OECD *Checklist* and *Principles for Enhancing Integrity in Public Procurement* can be consulted at *www.oecd.org.gov/ethics*.

[27]   The *Checklist for Enhancing Integrity in Public Procurement* is available at *www.oecd.org/gov/ethics*.

- **Mapping out risks** to integrity in public procurement. For instance, an anti-corruption agency could draw a "risk map" that identifies the positions of officials who are vulnerable, activities in the procurement where risks arose in the past, and the particular projects at risk due to their value or complexity. These risks can be addressed through mechanisms that foster a culture of integrity in the public service such as integrity training, financial disclosure, or the management of conflict of interest.

- Developing **"red flag" indicators** that help track decisions and enable the identification of irregularities and potential corruption in public procurement. For example, a public procurement agency could have "blinking" indicators that track decisions and identify potential irregularities by drawing attention to transactions departing from established norms for a project or excessive use of exceptions to competitive tendering and modifications of awarded contracts.

- Encouraging close **co-operation with the private sector**. This is key in maintaining high standards of integrity, particularly in contract management. Governments should also set clear integrity standards for the private sector and ensure they are followed, for example through a specific code of conduct for procurement officials, which guides them in their relationships with potential suppliers.

Financial management

112.   Many integrity violations concern money (corruption, fraud, theft, etc.) and integrity in financial management should therefore be an important part of an integrity management framework. In fact, many procedures in financial management (*e.g.* procedures for filing expenses, policies concerning the use of air bonus miles) or techniques in financial management (*e.g.* certain types of financial control systems or financial audits) are particularly designed to reduce the risk for integrity violations.

113.   Recognising the immense potential risks in financial management, international anti-corruption instruments dedicated a specific place to prevent corruption in this risk area. For example, the UNCAC dedicates a specific article to public procurement and financial management (Article 9). Recognising that the full disclosure of all relevant fiscal information in a timely and systematic manner is an essential element of good governance, the budget is considered as the single most important document of governments and public organisations where policy objectives are reconciled and implemented in concrete terms. Consequently, the OECD developed Best Practices for Budget Transparency[28] to provide a reference tool for increasing transparency.

Information management and privacy

114.   Protecting the privacy of citizens is a core value of any public sector organisation and integrity management should contribute to this value. Public sector organisations should therefore be aware of the risks to citizens' privacy and take appropriate measures. Examples include protecting automated databases, clean desk policy, etc.

Quality management

115.   If the organisation uses a (self-) assessment tool for its quality management (*e.g.* EFQM, Common Assessment Framework, etc.), then it would be particularly useful to review the indicators and to check, in particular, whether:

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[28]   See more details of the OECD Best Practices for Budget Transparency and collected data at *www.oecd.org/LongAbstract/0,2546,en_2649_34119_1905251_119814_1_1_1,00.html.*

- Relevant instruments of integrity management are translated into the indicators.

- All the other indicators are consistent with the integrity standards of the organisation.

4.1.2. Guiding towards integrity

116.   Determining and defining integrity is a just first step for building a sound integrity management framework. Experience and literature abound with warnings that the mere formulation of values and rules and the mere creation of structures and procedures are insufficient to ensure behaviour of integrity among organisational members. All of this has to become part of daily practice in the organisation,requireing three additional functions, the first among being the object of this section: guiding towards integrity. How can the organisational members be guided and coached so that they know what is expected from them in terms of integrity and that they feel stimulated to act accordingly?

A. Exemplary behaviour by management

117.   Managers are of course absolutely crucial for the integrity management framework as a whole. That is why they are listed as the first (before "integrity actors") in the list of actors of integrity management (see 4.3.1). That section discusses the importance and the different roles of management at length. The current section emphasises one particular aspect that is so important it deserves to be considered as a management instrument in its own right: the importance of exemplary behaviour by management. Through their own behaviour, managers give an important message about what is acceptable and what is not acceptable that is at least as important as the official communication.

B. Integrity training

118.   Integrity training is probably one of the most often used and advertised instruments of integrity management.[29] Yet, it is also a very broad concept that includes a wide variety of types of training that can be situated along the continuum of the values-based and compliance-based approaches to integrity management. This paragraph will briefly discuss three such types, situating them along the continuum.

119.   At one side of the continuum is the purely "**rules-based**" type of training. A typical format for this would be a classroom setting where the trainer would be talking most of the time, explaining what is expected from the organisational members according to the laws, rules and codes and what the consequences are if one does not follow these directions. The main aim of this training is to transfer this knowledge and the assumption is that this will then influence the trainees' attitudes and, ultimately, behaviour.

120.   On the **values-based** side of the continuum are purely inductive training sessions that are better described as discussion sessions. The trainees will do most of the thinking and talking and the trainer is only there as a facilitator, stimulating discussion, provoking thinking, playing the devil's advocate. A well-known example of this type of training is the Socratic Method.

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[29]   It might be useful to take a look at the existing, albeit limited, research into the effectiveness of integrity training. Delaney and Sockell (1992) and Kavathatzopoulos (1994) found that it had a positive effect on ethical behaviour. Researchers have found very mixed evidence about the effect of business ethics courses at university, varying from effectuating substantial improvements to no effect (Collins, 2000: 15). One study is particularly interesting as it focuses on the impact of ethics training in MPA-programmes (Menzel, 1997). The evidence provided moderate support for the hypothesis that ethics training makes a difference. Among those alumni who had received such a training course 43% indicated that their training helped them with dealing with particular ethical dilemmas and 31% indicated it did not. Among the latter, many referred to the training as too academic.

121.   In-between these two types are many other types that combine rules-based and values-based elements. One example of this would be **dilemma training sessions**. As already defined above, dilemmas are "situations where values and norms are at stake and where a choice has to be made between several alternatives, while good reasons can be given for each of these alternatives" (translated and adapted from Karssing (2001: 93)). The aim of dilemma training is to recognise that such situations are inevitable in public sector organisations, to send the message that organisational members are not alone when they face these dilemmas and to provide them with techniques and advice on how to deal with these situations. Typically, these techniques would include a stepwise model for ethical decision making (*e.g.* Cooper (1982), Lewis (2005: 119-181) or van Luijk (1996)). Ideally, the training also has an effect beyond that of the individual. It is thought that the discussion, under the guidance of a facilitator, of dilemma situations among colleagues will increase the chance that such situations and problems will be discussed openly in the future, thus helping to create a culture of open communication, supportive of ethical behaviour.

122.   Within the category of "dilemma training sessions" there is still a wide variety of **subtypes**. Close to the rules-based side of the continuum are largely deductive approaches that would start from an elaborate explanation of the written normative framework (laws, rules, codes) and only then focus on specific dilemmas that are discussed against the background of that framework. Much closer to the values-based side of the continuum are more inductive training sessions that start from integrity dilemmas and then look for behavioural solutions without explicitly referring to laws, rules and codes, unless really necessary.

123.   As with all integrity management instruments, the choice for a particular training type will depend on local circumstances and on the overall balance of rules-based and values-based instruments. **Two general recommendations** can provide additional help for this choice:

- First, it is important **not to limit** integrity training to **the introduction of new employees**. The starting point of the career is a very appropriate moment for introducing the new recruits to the organisation's expectations in terms of integrity, but this is not sufficient. Laws, rules, codes and expectations from stakeholders change over time and a regular update in training sessions would be useful.

- Related to the latter is the second recommendation. It will drastically increase the effectiveness of an integrity training session if there is some kind of **follow-up** for the integrity training. This could consist of a regular update-training where the new elements of the normative framework are presented and where the techniques are practiced again. Yet, the follow-up could also be of a more structural nature. For example, the trainers could be asked to assemble all integrity problems and suggestions that emerge from the training sessions and report them to management (if the trainees agree, of course). Management could then commit to respond to these concerns and adapt the integrity management framework if appropriate. Another type of follow-up would be to institutionalise integrity-discussions in daily communication, *e.g.* by regularly discussing an ethical dilemma in staff meetings, while using the techniques learned in the training session for this.

C. Oath, signing an "integrity declaration"

124.   In some administrative systems, public servants are still expected to swear an **oath** in which they commit to perform their duties with integrity. This symbolic act can constitute an important element in a wider integrity management framework, on the condition that it is taken seriously by both the organisation and those who take the oath. For this purpose one could decide to embed the ceremony of oath-taking in a longer process. For example, it could be the culmination of an introductory training that also addressed topics of integrity.

125.   Those organisations that do not use the oath could instead require their members to sign a **declaration** in which they commit themselves to respect the integrity code of the organisation. The legal value of such an act is usually limited (organisational members usually accept to respect the organisation's rules and procedures by accepting their position), but its symbolic meaning can be considerable. Again the condition will be that the instrument is taken seriously and embedded in a wider process.

D. Integrating integrity in the regular discourse of the organisation

126.   One of the key success-factors for an integrity management framework is the impact it has on the workfloor, the extent to which it stimulates employees to act with integrity in their day-to-day activities. One crucial road to achieve this consists of integrating the integrity discourse (the term "integrity" itself, the values and prescriptions in the code, the techniques offered in ethics training, etc.) into the daily discourse of the employees. Language shapes thinking and the mere fact of using an integrity-discourse will have an important impact.

127.   There are many instruments to achieve this. In fact, most of the integrity management instruments will have this as one of their effects. This paragraph will focus on a number of instruments that are particularly effective in achieving this goal.

Announcing the integrity policy and the contents of the code through channels of external communication

128.   Examples of this include the organisation's magazine, website, newsletter, targeted mailing (*e.g.* to suppliers or clients), etc. This is of course a useful tool for ensuring trust among the organisation's stakeholders, but it could also have an important indirect effect upon the integrity of the organisational members themselves. The fact that the external stakeholders are now better informed could help to prevent certain types of integrity violations or problems. Stakeholders might now be less likely to bring public servants in difficult situations (*e.g.* suppliers might have learned from the code that sending gifts will not be appreciated) or be more critical of organisational members' behaviour, because they know what is expected from them.

Regular discussions of ethical dilemmas or other ethical questions and issues in the official internal communication channels of the organisation

129.   Examples of this include the organisation's internal magazine, intranet, newsletter, etc.

Institutionalising regular discussions of ethical issues in staff meetings

130.   One could agree that, at a regular interval, part of the staff meeting would be devoted to discussions of integrity dilemmas or other integrity-related questions. This would be an excellent way to follow-up on an integrity training (see above) and thus to strengthen its impact.

Institutionalising regular discussions of ethical issues in individual supervisor-employee-meetings

131.   Many personnel management (particularly in the evaluation cycle) or strategic management (particularly "management by objectives") systems prescribe some kind of regular planning meeting between the supervisor and his or her employee, where goals and plans for the employee are agreed that might eventually be the basis for the evaluation. Forcing supervisor and employee to discuss the topic of integrity in these conversations would serve as an excellent vehicle for institutionalising the integrity discourse.

Creating an open culture of communication where integrity issues can be raised easily

132.   Although this recommendation is less tangible as an instrument, it is of crucial importance.

133.   Like with many instruments of integrity management, these instruments individually usually have only very limited impact and there is always a risk that they will be seen as merely "window-dressing". Yet, when they are connected with other instruments and when they are integrated in an overall integrity management framework, then they can, thanks to synergies between the instruments, have an important impact.

E. Coaching and counselling for integrity

134.   This instrument implies the appointment of an actor or a number of actors within or outside the organisation whose task it is to provide content-wise support to individual staff members with ethical concerns and/or to the organisation as a whole.[30] This could take several degrees of institutionalisation, ranging from the informal appointment of certain organisational members as coaches to establishing a formal body, with some independence from the organisational hierarchy that provides written advice concerning integrity issues. As usual, the choice will depend on local circumstances, but it is useful to keep some risks and warnings in mind.

135.   The option to appoint **individual coaches** within the organisation and communicate their names and function is very attractive. Yet, it is essential that these coaches have an appropriate profile, are appropriately trained to listen to staff dilemmas, set a personal example and provide appropriate answers:

- Do they know what behaviour is expected?

- Do they act with integrity themselves?

- Do they have a well defined duty of professional secrecy? Specifically, do they know what their duties and rights are when they hear about forms of wrongdoing that are so serious that there might be an ethical imperative to break their professional secrecy?

- Are they sufficiently supported by a unit or a network?

136.   The option to install a **(semi-)independent body** that can provide content-wise advice also seems to be attractive to many organisations and therefore deserves some further discussion. This body is asked for content-wise ethical advice about what is acceptable in certain circumstances or what should be the organisation's general guideline on certain issues of integrity. This task might look obvious, but carries with it a number of **risks**:

- By assigning the responsibility for rule- and value-setting to a particular actor in the organisation, one runs the risk of **undermining the sense of responsibility** of the other organisational members, both senior and junior. As for the former, it is primarily the managers' tasks to determine what they consider acceptable and not acceptable in terms of integrity. Of course, they could ask for advice, but ultimately they remain responsible. Having a strong integrity actor who provides content-wise advice might reduce this sense of responsibility and serve as an excuse to

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[30]   It is important to distinguish this function from the function of a reporting channel in a whistle-blowing policy. An integrity coach or counsellor might perhaps give the advice to report a wrongdoing through the whistle-blowing reporting channels, but coaches will not act as reporting channels themselves.

evade responsibility. Yet, a rule-setting integrity actor could also have a negative impact upon the quality and level of moral reasoning of the non-managerial employees as well, particularly if the integrity actor's recommendations are very detailed. Rather than analysing a complicated ethical dilemma themselves, these employees might take a more passive role and simply await the answer from "the higher authority" of the integrity actor. This of course threatens the idea of a balanced integrity management framework that is not only rules-based, but also values-based.

- There is also a risk of **conflicting guidelines** between the integrity actor's guidelines on the one hand and guidelines from management on the other. If this situation is not foreseen, this could lead to serious problems for employees who find themselves caught between these two sides.

- The fact that the integrity actor provides expert-advice on ethical issues carries with it the risk that one sees this as "**purely objective advice**" of an expert like the technical advice of an engineer. This is not entirely untrue. The integrity actor's experience in ethical reasoning and the distance he has from the specific situation, give him some advantage in the quality of his ethical judgment. Yet, it would be misguided to suggest that his advice will ever be as objective as that of an engineer. As explained above, integrity is defined as "generally accepted values and norms". Hence, if the integrity actor formulates a standard-setting recommendation, then he will have to interpret those values and norms. This is a very difficult exercise that will inevitably include some personal interpretation. In sum, expert advice in ethical matters has some value over quick decision making by non-experts, but it is entirely inappropriate to give it the same legitimacy technical advice as an engineer would have.

- If the integrity actor judges over particular situations, then organisational members will later **refer to these antecedent cases** in their own decision making. Yet, often the details make the difference in integrity dilemmas and that will determine the direction of the recommendation. Accepting a lunch as a gift could be acceptable in one situation, but entirely unacceptable in another.

137.   Of course, asking the integrity actor for advice on integrity dilemmas is not only problematic. It also has some advantages. The integrity actor is in a good position to give advice thanks to his experience, expertise, and wider view over the integrity management framework. The task is therefore to look for a compromise that allows the integrity actor to provide standard-setting advice, while at the same time trying to reduce the risks that were just mentioned. There are many ways to shape such a compromise, but **three recommendations** seem particularly useful:

1.   The integrity actor should only be consulted when a number of other actors (particularly colleagues, the supervisor, middle management and senior management) were not able to provide satisfactory advice.

2.   The integrity actor should have a preference for general guidelines over advice on particular integrity situations. The integrity actor will typically consider questions about particular situations as indicators of a lack of general guidelines and use these questions as an occasion to develop such guidelines.

3.   The integrity actor's advice should ideally be agreed with top management, so as to avoid conflicting guidelines for the employees. There should be clear general guidelines for the cases where no such agreement is reached.

F. Assessing the fairness of personnel management processes

138.   As mentioned above, perceived organisational fairness is a crucial factor impacting the organisational members' integrity. It will be particularly important to review the instruments of personnel management and assess to what extent they are fair. In its overview of integrity management instruments, the OECD ((2007: 8) lists a number of crucial conditions that have to be satisfied to ensure fairness in personnel management procedures:

- Design of open selection, promotion and performance appraisal procedures to ensure that they are merit-based. For instance, publishing recruitment rules and policies, publicising vacant procedures and auditing the actual selection procedures contributes to the openness of selection procedures. Definition and publicity of criteria for selection and promotion are equally important.

- Introduction of safeguards for senior public officials to ensure consideration of merit for appointment such as investigating their background or performing security checks.

- Provision of sufficient and fair remuneration.

- Fair use of accurate performance targets and evaluations in relation to career management.

139.   In addition, one should assess fairness in the regular rotation of personnel and in restrictions on ancillary and post-employment in the private sector.

140.   It is useful to distinguish this assessment of the fairness of the existing personnel management procedures from interventions to integrate integrity into personnel management processes (*e.g.* including integrity as a criterion for hiring or promoting staff). The latter have been discussed above as structural measures in the complementary part of the integrity management framework (4.1.1.G).

4.1.3. Monitoring integrity

141.   It is not sufficient to define integrity and then guide the employees towards applying those norms and values in their daily actions. The organisation should also monitor to what extent this actually occurs. This refers to the third function of the integrity management framework.

142.   From the perspective of the organisation, one could distinguish between passive and active monitoring. The former refers to the establishment of channels for reporting integrity problems. It is described as "passive" because the organisation 'passively' awaits complaints either from organisational members (whistle-blowing) or from other stakeholders. Active monitoring, on the other hand, implies that the organisation will take initiatives to purposely search for integrity dilemmas, but most of all for integrity violations, with the aim to stop them and take restorative or punitive actions if necessary.

A. Passive monitoring: Establishing reporting channels

143.   This paragraph focuses on two types of passive monitoring of integrity. The first are whistle-blowing policies: structural arrangements to handle complaints from within the organisation. The second are more general procedures to handle complaints from all types of stakeholders.

Whistle-blowing policies

144.   The risk of corruption and other integrity violations is significantly increased in a secretive environment. Facilitating the reporting of misconduct could substantially help public institutions monitor compliance and detect integrity violations such as fraud and corruption. Such reporting is described as 'whistle-blowing' which can be defined as "organisation members' disclosure of illegal, immoral, or illegitimate practices under the control of their employers, to parties who may be able to effect action" (Miceli & Near, 1985: 525).

145.   Whistle-blowing is a complex affair. On the one hand is it obvious that public servants, who take this kind of risk with the public interest as their goal, deserve respect and play an important role in maintaining a healthy democracy. On the other hand experience shows that the act of whistle-blowing usually damages the career of whistle-blower as well as the image of the organisation concerned, which might in turn lead to decreasing trust among the public in the public organisation itself, but often also in the public sector as a whole. Whistle-blowing policies therefore have the aim to **maintain the desirable effects** of whistle-blowing (the fact that the wrongdoing is reported) while trying to **reduce the undesirable effects** upon the image of the organisation and upon trust in government more generally. Such a whistle-blowing policy therefore essentially consists of two components: a system for reporting wrongdoing and a system for the protection of those who make use, in good faith, of these channels. International instruments – Article 8 of UNCAC, Article III of IACAC – make a similar distinction when specifying the goals of a whistle-blowing policy: (a) providing accessible procedures for whistle-blowing to raise concern of violation of laws such as fraud and corruption in order to protect the public interest, and (b) providing adequate protection for whistle-blowers. Principle 4 of the OECD 1998 Recommendation promotes a functional approach by requiring that "public servants need to know what their rights and obligations are in terms of exposing actual or suspected wrongdoing within the public service. These should include clear rules and procedures for officials to follow, and a formal chain of responsibility. Public servants also need to know what protection will be available to them in cases of exposing wrongdoing".

146.   First, a sound whistle-blowing policy will offer accessible **reporting channels** to those who want to report wrongdoing outside the hierarchy. Examples of such channels include the following:

- persons of confidence within the organisation who are appointed as reporting channels;

- compliance officers;

- internal auditors or inspectors;

- external auditors or inspectors;

- the ombudsperson;

- watchdog agencies; and

- the police and the judiciary.

147.   When developing this reporting structure, one should always be aware that the overall aim of the policy is to allow the reporting of the wrongdoing to occur and to do that in such a way that the organisation can solve the problem without having to suffer the damage to its image that goes with public whistle-blowing. The policy should therefore be considered a **management-instrument** to improve the functioning of the organisation, rather than a heavy legal-formal reporting procedure. The emphasis should

be on a quick, effective and flexible response to the reported complaint, because that is the main aim of a whistle-blowing policy.

148.   The second essential component of a whistle-blowing policy is **the protection of the whistle-blowers** themselves against **retaliation**. The latter can take many different shapes (Near & Miceli, 1996):

- Closer supervision on the implementation of the job.

- Receiving work that is less interesting or heavier.

- Inappropriately receiving a negative evaluation.

- Experiencing problems with promotion.

- Forced resignation (or forced 'voluntary' resignation).

- Forced resignation and being barred from acquiring a position elsewhere.

149.   It would be **unethical for an organisation** to stimulate its employees to report wrongdoing, but then not provide appropriate protection when an employee, who responded to this call and did report, suffers retaliation.

150.   However, preventing retaliation is not easy. The more serious forms of retaliation are quite visible and could be quite effectively prevented by legal protections.[31] Yet, it is much more difficult to prevent more subtle types of retaliation such as closer supervision or giving less interesting assignments. Yet, a whistle-blowing policy should also aim to prevent these types of retaliation.

151.   Of course, the most effective way to prevent retaliation is by changes in the **organisational culture**. If *bona fide* whistle-blowers are truly respected as important defenders of the public interest, then retaliation will be less acceptable and social control will help to decrease the risk for retaliation. Achieving such a cultural change is by no means easy, but neither is it impossible. Formal measures to protect whistle-blowers are an important first step because it signals that the management of the organisation takes whistle-blowers and their complaints seriously. The second step will be to embed whistle-blowing policies in a wider integrity management framework. Particularly values-based instruments of integrity management will help to create an organisational culture in which the wrongdoing that the whistle-blower wanted to report can be discussed as well as the retaliation he might have experienced.

152.   The very idea of a "whistle-blowing policy" often provokes **resistance**. It is often associated with big scandals (that were indeed often made public by whistle-blowers) or with "witch-hunts" and paranoia. These concerns are unnecessary, at least on the condition that the whistle-blowing policy is well-developed. Whistle-blowing policies are actually intended to prevent public scandals. By providing additional reporting channels, they offer employees a way to report the wrongdoing without having to turn to the press or other public reporting channels. Moreover, experiences such as in the US (Bovens, 1998) suggest that, if the policy is well-prepared and well thought-through, fears for witch hunts and large amounts of unfounded claims are unnecessary.

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[31]   One helpful tool here is to ensure that the burden of proof rests upon the organisation and not upon the whistle-blower. It is then the organisation who, as the employer, will have to prove that there is no causal relationship between the act of whistle-blowing and the disputed decision (e.g. the forced resignation).

153.   In any case, the design of an appropriate whistle-blowing policy is **not an easy task**. It requires an in-depth technical-legal understanding of both whistle-blowing policies as well as the organisation's legal context. In fact, ideally, the organisation's whistle-blowing policy is embedded in a wider whistle-blowing policy for the government as a whole. Initiatives that are restricted to the organisational level are not impossible, but much harder to design and operate because of the sensitivity of the topic, the technical expertise required and the need for reporting channels that are external to the organisation.

154.   This paragraph concludes with three **general policy recommendations** for whistle-blowing policies in general:

- First, one should be aware that a bad whistle-blowing policy could cause a lot of damage to the organisation and its integrity management framework, including the creation or strengthening of an atmosphere of paranoia. One should therefore take sufficient time to develop the policy and learn as much as possible from existing best practices and from recommendations by international organisations such as the OECD (2005).

- Second, it is usually a good idea to complement the two components of a whistle blowing policy (reporting channel and protection of those who make use of the channel) with a correction mechanism for those cases where the reported accusations turned to be unfounded. These situations can cause serious harm to the reputation and career opportunities of those who were falsely accused and it would be appropriate to organise some kind of restitution or compensation for them. Such an arrangement could also help to overcome the resistance against whistle-blowing policies.

- Third, however important a whistle-blowing policy might be, it will never be the main instrument of an integrity management framework. It is a rules-based, reactive instrument that serves as a safety net for the reporting of integrity violations if all other instruments have failed. Emphasising the whistle-blowing policy too much in internal and external communication might send the wrong signal and undermine the values-based side of the integrity management mix. It is therefore appropriate to launch and announce a whistle-blowing policy together with (or after) other, values-based instruments.

Citizen complaint systems

155.   While whistle-blowing policies concern people within organisations who report wrongdoing by their colleagues, there are also systems where citizens can complain about wrongdoing by public servants. These systems are sometimes specifically designed as core integrity instruments of integrity management, but are more often featured in other, adjacent management fields and do not have integrity as their sole objective. Many complaint systems, for example, are developed under the label of **quality management**. Likewise, the institution of the **ombudsman** is usually not designed under an integrity management label, but could be a useful actor in integrity management. Such instruments can play an important role in integrity management, not only as a way to maintain integrity in specific cases, but also as a source of information for the overall integrity management framework.

B. Active monitoring

156.   As for active monitoring, it is useful to distinguish between instruments that are targeted at individual integrity violations and more policy-oriented, organisational-level mapping of integrity violations.

Actively searching for individual integrity violations

157.	In any organisation there will have to be a capacity for actively searching for integrity violations. This capacity could be inside the organisation, outside or perhaps both, depending on the size and role of the organisation as well as on the existing monitoring mechanisms in its outer context. There are several specific instruments to actively search for integrity violations. The following are just a few examples.

Daily supervision by supervisors

158.	This is the most direct form of top-down monitoring and can be very effective, on the condition that, when integrity violations are observed, the supervisor will also react appropriately and fairly.

Formal controls

159.	This refers to types of control (*e.g.* inspection) where actors who are specifically appointed for this task actively look for integrity violations and investigate them. This could be *ad hoc* or embedded in a systematic policy with planned inspections.

Early warning systems

160.	This refers to systems of data-analysis that allow to identify potential integrity violations, *e.g.* by linking data through data-mining.

Direct social control by stakeholders

161.	In additional to traditional accountability mechanisms, organisations could consider involving stakeholders - *e.g.* representatives from civil society, local community, academics or end-users - in scrutinising the integrity of projects that entail important risks of integrity violations. For instance, for procurement projects of high value, an external observer with high reputation may be involved to testify the integrity of the process and provide recommendations for management improvement. Strict criteria should be defined to determine when direct social control mechanisms may be used and how the observer is selected (*e.g.* verification that the observer is exempt from conflict of interest and has relevant knowledge to participate in the process).

Box 8. Influence of peers: Research findings

Loe et al. (2000: 199) conclude on the basis of their review, that research "show[s] overwhelming support for (...) the pervasive influence of peers in ethical decision making." This finding is consistent with research in the moral development literature that found that ethical reasoning levels can be altered through peer group discussions (see *e.g.* Kohlberg (1984)). Ford and Richardson's observe that the "direct influence of the person's peers increases as the intensity and frequency of contact with that person's peers increases" (Ford & Richardson, 1994: 212).

Also interesting is Collins reference to research that suggests that, in personal settings, individuals "consider how they would want to be treated in a similar situation, but in business settings they consider how their peers would judge the situation" (Collins, 2000: 12), thus suggesting that peer influence could be more important in business than in personal life.

Source: Maesschalck (2004).

Organisational-level mapping of integrity violations and integrity dilemmas

162.   While searches for individual integrity violations are important as deterrents and as preliminary stages for punishment, one could also opt for organisational-level mapping. This is not so much a deterrent for individual organisational members, but a source of useful management information about the prevalence of certain types of violations and dilemmas. This could of course generate very valuable information for the design of the integrity management framework. The following are three types of such organisational-level mapping.

Systematic registration of complaints, investigations, etc.

163.   This refers to data mentioned above (numbers of complaints by internal whistle-blowers or by citizens, numbers of inspections, numbers of "hits" at early warning systems, etc.), but then not as sources to target individual integrity violations, but as management information to improve the quality of the organisation's resistance to integrity violations.

Survey-measurement of integrity violations and integrity dilemmas

164.   Rather than using existing data, one could also organise a survey to collect information about integrity violations or integrity dilemmas in the organisation. Several types of surveys are available (*e.g.* Kaptein & Van Dalen, 2000; Maesschalck, 2004; Trevino & Weaver, 2003) and efforts are being made to improve reliability and validity of the instruments.[32]

Informal probing for ethical dilemmas and issues among staff

165.   In addition to the formal registration and measurement, there are of course also many informal ways to acquire a view of the dilemmas on the work floor. The manager could simply ask for them or ask intermediary persons to probe for them informally. Although this type of data-gathering tends to be less expensive and usually generates more in-depth information, the validity of the data will largely depend on the communication culture of the organisation.

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[32]   For a discussion of methodological problems in measuring corruption and other types of integrity violations, see Huberts et al. (2006) and *Components of Integrity: Data and Benchmarks for Tracking Trends in Government* GOV/PGC/GF(2009)2.

4.1.4. Enforcing integrity

166.   However important prevention and guidance are, every integrity management framework will need a significant component of enforcement. If the rules are clear for the staff members and the monitoring indicates transgressions of those rules, then sanctions will be necessary if the integrity management framework wants to maintain its overall legitimacy. Yet, research suggests that the effectiveness of sanctions will largely depend on one crucial condition: the perceived fairness of the sanctions (Ball, Trevino Linda L., & Sims, 1994). The sanction should be consistent with the seriousness of the violation and with the sanctions for other colleagues who committed similar violations. Particularly if there is a perception that senior staff is less severely punished than junior staff, then this threatens to undermine the effectiveness and legitimacy of the sanctioning mechanism. With this general recommendation in mind, a number of instruments can be used to enforce integrity in public sector organisations.

Informal sanctioning, as a consequence of social control or daily supervision

167.   Examples of this include an informal reprimand by the supervisor, an undesirable change in the job description, exclusion from social events by colleagues, etc. Such sanctions can be appropriate, efficient and effective, but because they lack the procedural guarantees of formal sanctions, they are also very sensitive to (perceived) unfairness. They should therefore be used with great care.

Fair and appropriate procedures for investigations and sanctions

168.   Staff members have to be confident that, if they are accused of a violation, this will be investigated thoroughly with respect of their rights and the sanction will be proportional and fair. Fair treatment in disciplinary procedures can be provided through special guarantees for public servants. These include the right, for example, that no disciplinary action may be taken until public servants have been allowed to present their cases or the right to legal redress, including appeal to a court.

169.   Disciplinary actions against a breach of public service standards are usually taken within the organisation where the breach occurred. Managers play an important role in imposing timely and fair sanctions. In general, sanctions may range from a simple warning to a final dismissal with deprivation of pension and other benefits.

170.   Although public sector managers have the primary responsibility for initiating disciplinary measures in their agencies, they could also receive assistance from specific external institutions – for example police and prosecutors – for investigating and prosecuting misconduct in public organisations. Where there is a possible breach of criminal law, organisations in charge of law enforcement will naturally take over the case (see 3.2 for a further discussion of the actors in the context of the Integrity Framework).

Appropriate processes for internal and external communication about integrity violations

171.   In addition to the actual investigative and sanctioning procedures, it is also useful to establish a process for the communication about integrity violations. When an investigation occurs in an organisational unit, this will usually cause unrest and an urgent need for information within that unit. It would be useful to be prepared for such a situation and to have documents and/or experts who know which types of communication are legally and morally appropriate at which stage of the process. Of course, this also goes for external communication, particularly if it becomes a scandal with significant public outrage. It would be useful for public sector organisations to have an emergency communication plan ready for such situations: who is expected to communicate what at what point? Well-prepared communication can help to reduce the damage both within the organisation and to the organisation's outside image.

4.2. Development processes: ensuring implementation, institutionalisation and improvement of the integrity management framework

172.   Instruments might perhaps be the most visible and best known component of an integrity management framework, but they are by no means sufficient. They also need to be brought to life and subsequently be kept in good health through development processes. This second pillar of the integrity management framework will be discussed in this section.

173.   There are many useful models to conceptualise processes in organisations. This paper will use what has been called the "Deming"-cycle or the "**PDCA**"-cycle, because of its intuitive appeal, its wide acceptance and its inherently iterative nature. The recommendation is that, to successfully proceed through a process, one should move through a cycle of "plan", "do" "check" and "adapt". This helps to overcome a **number of problems** that often recur when attempting to introduce or improve integrity management in public sector organisations:

- The implementation deficit: the challenge to move beyond lofty promises and plans.

- The challenge for the integrity management system to survive in good condition once the initial enthusiasm and high-profile attention for the topic has waned.

- The challenge to adapt and perhaps even substantially reform the integrity management framework if required by the situation.

- The challenge to co-ordinate all the many instruments and activities in one sufficiently consistent overall strategy.

     By explicitly addressing the four stages of the PDCA-cycle from the beginning, one is in a very good position to face these challenges.

174.   As mentioned above, it is useful to distinguish between two types of development processes that are both very relevant for integrity management, respectively continuous and one-off projects.[33]

Continuous development processes

175.   The integrity management framework requires continuous development, both at the general level and at the level of the individual instruments.

176.   At the level of the **integrity management framework as a whole** is it important to design a development process that ensures that plans are not only implemented (do), but also evaluated[34] (check)

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[33]   In fact, development processes are not the only processes that are relevant in integrity management. One could also think of more "content-wise" processes. These do not concern the development of the overall framework or the individual instruments, but the operational functioning of the framework or the instruments itself. These would in fact constitute the process-wise translation of the discussion of the integrity management instruments in the previous paragraph. Indeed, one could conceive of each individual instrument as a recurring process or set of processes. At the highest level of abstraction, one could conceive of the four functions of integrity management (defining, guiding, monitoring, enforcing) as a process in itself that in fact largely mirrors the PDCA-cycle. Yet, to avoid the conceptual confusion that might follow from so many different types of processes, this conception of process will not be further addressed in this paper.

[34]   Evaluation here does not refer to specific inspections for assessing the integrity of specific persons or activities within the organisation (that would be the operational functioning of instruments to enforce

and, if necessary adapted through a recurring process that is institutionalised in the organisation. In addition to the obvious advantages of avoiding implementation deficit and ensuring sufficient evaluation and adaptation if necessary, this also has the important advantage of increasing co-ordination. If all the relevant actors meet to work on a common "integrity plan" and then are all involved in the implementation and in a regular evaluation, then this will stimulate them to co-operate and drastically increase the chance that the different instruments fit with each other and within an overall strategy. Stakeholders may also be involved in the development of integrity plan to ensure that the plan takes into account the expectations of other actors such as civil society and private sector. This will also contribute to raising awareness in the wider society about the commitment of public organisations to address integrity issues. However self-evident this might seem in theory, experience suggests that this type of co-ordination is very difficult to achieve and often only happens when the different actors are really brought together around particular instruments of co-ordination.

177.   Within that overall development process one could also conceive of specific development processes for the **individual instruments**. For example, one could imagine the training department organising a development process specifically for integrity training, embedded in the wider development process for training, but also consistent with integrity management.[35] This recommendation is translated in the Checklist by four columns (with the instruments on the rows) that represent the four stages and that should all be checked if an integrity management framework is to be effective.

One-off projects

178.   It is useful to distinguish these continuous processes from specific projects that are limited in time and are typically to introduce or change the integrity management framework or particular instruments within it.

179.   One issue that is particularly important for these one-off projects is the **order in which one introduces different types of instruments**. This can be addressed at two levels:

- At the overall level of the framework one has to carefully consider whether to emphasise the rules-based or the values-based approach at the start of the project. Following a case of corruption, one may prefer starting with instruments of the "rules-based" type, later followed by instruments of the "values-based" type. Conversely, if the integrity management framework is not a response to a scandal but a preventive initiative growing from within the organisation, then one might want to start with instruments of the "values-based" type. The eventual choice will of course always depend upon the characteristics of the context.

- The issue is also relevant at the level over the individual instruments. For example, will training be considered a way to implement the ethics code or, conversely, will the ethics code only be drafted after all staff members were consulted in interactive training sessions?

180.   One very particular type of on-off project is the development of a **system to assess the performance** of the Integrity Framework. Providing credible and relevant information on implementation and impact is critical for managers to make evidence-based decisions. The OECD Assessment Framework (OECD: 2005) provides a pioneering roadmap on how to design and organise assessments of integrity

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integrity, see previous footnote), but to overall policy evaluations that are used to further develop integrity management (these overall evaluations might of course include aggregate figures about inspections and their results).

35   Again, this recurring development process (planning, implementation, regular evaluation, followed by adaptation) should be distinguished from the daily operational process through which training occurs.

instruments and processes in specific public sector organisations. The following figure illustrates how the generic Assessment Framework combines procedural steps and criteria for assessment.

Figure 1. Procedural steps and criteria for assessing integrity and corruption prevention measures
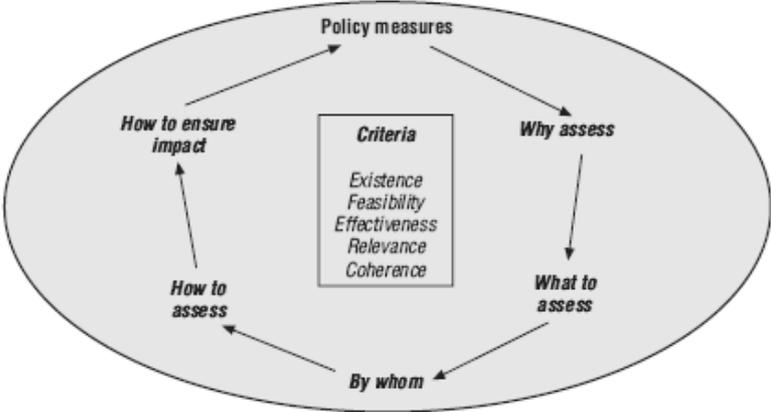
Source: *Public Sector Integrity: A Framework for Assessment*, OECD, 2005.

4.3. Structures: structural anchoring of the integrity management framework

181.   The third essential pillar of the integrity management framework concerns the structural-organisational element: **assigning responsibilities**. This discussion often tends to focus on particular "integrity actors": persons, committees or units whose main responsibility is to stimulate and enforce integrity within the organisation. Yet, as mentioned above, we would argue that it is more useful to consider integrity as a specific management domain to which many different actors within the organisation contribute. In fact, integrity is ultimately the responsibility of all organisational members. Yet, some actors have a more important role than others and it is to those that we now turn. We will discuss these according to the two layers of the integrity management framework (see table 2, column 3).

182.   At the **core** of the system are two types of actors. The most important actors are the **managers**. By being both a moral person and a moral manager, management can play a crucial role in shaping the organisational members' integrity. Second are the "**integrity actors**". Stimulating integrity is their main task and they are typically responsible for the core integrity instruments and the integrity management process at the core of the Integrity Framework.

183.   Next are the **complementary actors** of the integrity management framework. These actors are often as crucial for the success of integrity management as the core actors. Yet, they are complementary because integrity is not their primary aim. These could include many actors, including staff of personnel management, procurement, contract and finance management, quality management, information management, etc.

184.   Table 4 below now provides an overview of the main actors and attempts to give an idea about their relative importance for integrity management. The "+" signs indicate how important the impact of the respective actors on the integrity management framework *should* ideally be for it to be most effective. The "+" signs do not refer to the amount of time that the actor invests, but to the commitment and impact that are required. For example, we argue that managers should have a commitment to integrity management that is as high as the commitment of the "integrity actors", without arguing, of course, that they should invest as much time in it.

Table 4. The main actors in integrity management and their ideal impact (min. +, max: +++)

		Determining and defining integrity	Guiding towards integrity	Monitoring integrity	Enforcing integrity
Core actors	Management	+++	+++	+++	+++
	Integrity actors	+++	+++	+++	+++
Complementary actors	Contract and financial management, personnel management, etc.	++	++	++	++

4.3.1. Management

185.   On the basis of a literature review, Stead et al. (1990: 235) conclude that "[c]opious research over a period of more than twenty-five years clearly supports the conclusion that the ethical philosophies of

management have a major impact on the ethical behaviour of employees." This goes both for supervisors and top management.[36]

186.   **Supervisors** not only shape ethical, but also unethical behaviour. In a survey among health care administrators, 47% of the respondents identified "pressure from supervisor" as among the top three factors that cause them to lower their ethical standards (Jurkiewicz and Thompson 1999: 47). **Top management** can also play an important role in shaping organisational members' integrity. In particular, the organisational culture literature has stressed the function of top managers in shaping and manipulating the organisational culture (*e.g.* Schein (1990: 115). Indeed, organisational culture has been launched as an alternative means of enhancing managerial control over the organisation (Sinclair, 1993). In a public sector context, Bowman and Williams (1997) conclude from a survey among US public servants that "the influence of management by example, positively (when upheld by advocacy, publicity and celebration) or negatively (when followed by neglect, hypocrisy and exhortation) is substantial" (p. 520).

187.   Trevino et al. (2000) distinguish between two roles: "moral person" and "moral manager". These are two ways in which the manager (through his reputation) can impact the organisational members' integrity The concept of "**moral person**" refers to individual traits: does the manager behave with integrity in his or her daily actions? Being a "**moral manager**" implies that one stimulates integrity among organisational members by launching and supporting formal integrity management programs, but also by rewarding integrity and punishing the lack thereof and by communicating the importance of integrity. The latter also includes the task of creating an environment where one feels open discussions about issues of integrity are possible. Other authors have made a similar distinction. In their review of empirical research on business ethics Ford and Richardson, for example, distinguish between two ways in which (top-) managers can influence integrity in their organisation. "First, top management actions can serve as a model or referent for desired behaviour. Second, what top management rewards or punishes can also influence behaviour" (1994: 212).

188.   Many authors emphasise not only the importance of both roles, but also the importance of **consistency between both roles**. Particularly worrying is a situation where a manager has a reputation for being a "moral manager", but not a "moral person". Trevino et al. (2000:138) describe this as a hypocritical leader "who 'talks the ethics talk' but does not 'walk the ethics walk'". Likewise, Stead et al. conclude that much research "implicitly or explicitly states that ethical philosophies will have little impact on employees' ethical behaviour unless they are supported by managerial behaviours which are consistent with these philosophies" (1990: 235-236). In fact, if the organisational members perceive the integrity management framework as mere window-dressing, it could even have a detrimental effect upon their ethics. If managers emphasise the importance of integrity, but all employees know that they are not sincere, this might increase cynicism and, through that, the risk for unethical behaviour.

4.3.2. Integrity actors

Introduction

189.   However important the role of mangers in stimulating integrity might be, it is not sufficient. It is essential that the integrity management framework also acquires a clear place within the organisational structure and that it is visible in the organisational chart. There are several reasons why this is important:

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[36]   Some research has been done comparing supervisors and top management themselves. Collins *e.g.* concluded on the basis of an extensive review of that research that higher level managers tend to be less tolerant of unethical behaviour and tend to have a more favourable impression of the ethics of their organisation than lower level management (Collins, 2000: 11).

- First, a visible place for integrity management in the organisational structure increases the scope for **co-ordination** between the instruments of integrity management and thus allows for synergies between the instruments. Explicitly appointing this co-ordination function to a person, a group or an organisational unit will significantly increase the possibility of such co-ordination occurring.

- A clear location of integrity management in the organisational structure also allows for a genuine **accumulation of expertise**, because the recommendations, insights and best practices would be gathered in one point within the organisation.

- Anchoring integrity management in the organisation also ensures **continuity** after the first launching of the integrity management framework. It is often seen in practice that, even if integrity management attracts a lot of attention and enthusiasm when it is first launched, this tends to subside after a while. Making a person or a group responsible for integrity management in the long run and asking them to report about its progress significantly reduces this risk.

- Organisational anchoring also has an important **symbolic role**. It provides the signal that integrity is considered important within the organisation. A typical maxim in organisation design theory is that "structure follows strategy": the structure reflects the topics that are of strategic importance to the organisation. If an organisation claims to attach importance to integrity, then this should be reflected in its organisational chart.

- Providing integrity with its own position on the organisational chart also provides it with its **own identity**. Above, the advantages of having such a separate identity were already discussed. By explaining the difference between core integrity instruments and complementary management instruments the paper also attempts to argue that such a separate identity does not mean that integrity management instruments should be isolated from other adjacent management domains such as personnel management or financial management. Nor does this mean that those responsible for integrity management should go on a "power trip", *i.e.* trying to pull instruments of adjacent domains that might be considered integrity management instruments into their own sphere of competency. Rather the opposite, co-operation between those responsible for integrity and other actors should be much more important than delineation of competencies.

190. The recommendation to assign integrity a place in the organisational structure definitely does not imply that all organisations, large or small, should set up a large integrity bureau. Which form this structural anchoring will take will depend on all kinds of organisational characteristics, including, of course, its size. Given this context, **many options** will be open.

191. On the one hand, one could indeed opt for a large "**integrity bureau**" that assembles all the core tasks of integrity management in one place and can thus accumulate significant amounts of expertise. An important challenge for such a construction will be to avoid that this office works in isolation, far from the daily reality on the workfloor. A common way to avoid this, particularly in large organisations, is by appointing what could be described as "**integrity-administrators**": administrators in particular units who combine their normal job with a responsibility in the integrity management framework. These administrators would act as the local representatives of the integrity bureau, stimulating their supervisors to keep the integrity management framework alive and in line with the bureau's recommendations. Conversely, thanks to their understanding of the local circumstances, they could also provide very useful information to the integrity bureau. They could provide information about areas where integrity guidance is needed and they could also help the bureau in evaluating its policies: how useful are their recommendations and instruments for the local units?

192.	At the other side of the continuum would be the absolute minimum any organisation would need, whatever its size or context: there should at least be one person in the organisation who has a formal responsibility to ensure that the basic elements of an integrity management framework are in place and who will have to report about its progress. We could call this person the "**integrity co-ordinator**". In larger organisations, this could be a fulltime position; in smaller organisations this person could combine this responsibility with other assignments. In any case, this is the person who will worry about integrity when all the other organisational members, including management, are focusing on other, seemingly more pressing, issues.

193.	Because this paper intends to present a generic integrity management framework, the emphasis in the remainder of this paragraph will not be on these particular structural solutions. Instead, the emphasis will be on the **responsibilities** that should be assumed within any integrity management framework and on a number of particular issues one faces when designing the structure of an integrity management framework.

Responsibilities of an "integrity actor"

194.	What follows are six responsibilities that should acquire a place in the organisational structure. It is the responsibility of integrity actor(s) (helped by management, the other actors at the core of the integrity management framework) that they are taken care of, either by doing it themselves or by stimulating others to take the responsibility.

195.	The first four responsibilities are organised around the four functions that should be fulfilled in an integrity management framework (see above). The remaining two responsibilities are of a more general nature and can be seen as conditions for the first four.

196.	First, the integrity actor can play an important role in facilitating the process of **determining and defining integrity** in the organisation. He could be asked for advice on integrity issues, thus taking the role of an integrity coach or counsellor. The latter has been discussed above as an instrument, with all the relevant advantages and disadvantages.

197.	Second, the integrity actor can play an important facilitating and stimulating role in **guiding** the organisational members towards integrity, thanks to the technical expertise and the co-ordination function.

198.	Third, the integrity actor can also contribute to the important task of **monitoring** integrity. Based on his expertise, he can propose monitoring techniques and ensure that they are properly implemented. He can also ensure, *e.g.* through regular reporting, that these observations are reaching management and are acted upon. The integrity actor could also play an active part in the whistle-blowing system. The latter implies that one creates channels that organisational members can use to report wrongdoing they feel they cannot report through normal hierarchical communication lines. The integrity actor could be such an alternative channel, among others.

199.	Fourth, the integrity actor also plays a crucial role in enforcing the agreed-upon rules. **Enforcement** is typically done by a cascade of actors. The initial actor to react to integrity violations is management and the ultimate actor is the judiciary. In-between is a cascade of actors both within the organisation and outside. The integrity actor is usually an important actor for enforcement within the agency, but as will be discussed later, one could decide to institutionally separate the enforcement function from the other functions. In sum, there should be some kind of effective enforcement capacity in-between management on the one hand and the extreme option of the courts on the other.

200.	In addition to these responsibilities related to the general functions of integrity management, there are also two additional responsibilities of a more general nature.

201.   The first and most important responsibility is the **co-ordination** of all instruments of the integrity management framework. As explained above, this co-ordination, under an overall strategy is crucial for an effective integrity management and should be one of the main concerns of an integrity actor.

202.   Secondly, there should be sufficient **technical expertise** about the instruments of integrity management: their advantages and disadvantages, particularly in the context of the organisation. The integrity actor is usually in the best position to accumulate this expertise and thus to provide well-grounded advice to management about how the integrity management framework should be shaped.

Separating or merging value-based and rules-based actors

203.   Above we repeatedly and strongly argued for a well-considered balance between the values-based and the rules-based approaches to integrity management in a particular organisation. This part addresses the organisational implications of this. Specifically, the question is whether the responsibility for the values-based instruments should be brought together with the responsibility for the rules-based instruments into one organisational unit or whether both functions should be separated into two or more organisational units. In fact, there are good arguments for both positions.

204.   **Separating** both functions has two particular advantages. First, it allows the values-based approach to acquire a separate identity and visibility, independent from the rules-based approach. This is particularly useful in a traditional bureaucratic context where the emphasis tends to be on the rules-based approach and the values-based approach would easily be oppressed or neglected if it has no separate structural identity. Second, separating the rules-based actors (who typically play a role in the enforcement of integrity and the investigation and possibly punishment of integrity violations) from the values-based actors (who typically play a more supporting, coaching role) will lower the barrier for employees to contact the latter if they are confronted with integrity dilemmas. Conversely, for example, if one knows that the person who is there to provide coaching for integrity issues shares an office with the person who might come to investigate you for allegations of integrity violations, this might be a barrier to consult the former.

205.   **Merging** both functions into one unit, *e.g.* an integrity bureau, also has a number of advantages. It increases the chances for co-ordination and for a coherent integrity management framework. It also creates the opportunities for scale effects.

206.   The choice between both options is not straightforward, as the advantages of one approach are the disadvantages of the other. It is difficult to provide a generally valid guideline, as the choice will **depend on local circumstances**. In any case, whatever choice one makes, one should try to take preventive measures to avoid the concomitant disadvantages. If one opts for the second option and decides to merge al integrity functions into one organisational unit, then one should take care not to oppress the values-based approach. Alternatively, if one separates both approaches in distinct units, then one should ensure sufficient co-ordination and mutual communication.

Conclusion: Beware of loss of co-ownership

207.   This section strongly argues for the appointment of (an) integrity actor(s) and discussed a number of issues that will have to be addressed in the process. Yet, it would be wise to conclude with a warning. However useful an integrity actor might be, there is one important risk. Because they know "somebody is taking care of integrity", **the organisational members might feel less responsible for integrity**. This would of course be highly problematic, because integrity management will only be effective when all organisational members share some kind of co-ownership of the integrity management framework. Both managers and the integrity actor will have to be very careful to avoid something like a ritualised 'devil's advocate' scenario: the integrity actor is allowed to come on stage now and then and do his little

performance (launching particular instruments, pointing at particular integrity problems, etc.), after which it's all back to work and nothing really changed.

208.   This is not a reason not to appoint an integrity actor, but it is a risk one should be aware of. One way to **avoid this risk** is by ensuring sufficient involvement of the employees when developing the integrity management instruments (thus increasing their sense of co-ownership) and by subsequently integrating it into the everyday functions of anemployee. In sum, one could conceive of the organisation of the integrity management framework as a balancing act between two undesirable extremes: "if somebody is responsible for something, then the other organisational members will think it is not their responsibility" on the one hand and "if everybody is responsible for something, then nobody will be responsible in practice" on the other hand.

4.3.3. Actors in charge of complementary instruments

209.   As mentioned above, there are a number of organisational actors that are crucial for the success of any integrity management framework, but are not featured in the core of the integrity management framework, because integrity management is not their primary responsibility. They are typically actors in **supportive positions**: personnel management, financial management, information management, quality management and others. These actors will have to be involved in the integrity management framework for two reasons. First, they are responsible for many of the complementary instruments that were discussed above and that can play a crucial role in a successful integrity management framework. Second, they are also responsible for a number of instruments that do not directly affect employees' integrity (and are therefore part of the inner context), but might have an indirect effect, through their impact upon "perceived fairness".

4.3.4. Overall co-ordination

210.   The previous sections discussed the different actors of integrity management and their potential roles, but just as important as their individual commitment and expertise will be the co-ordination among all these efforts. The wide variety of core integrity instruments and their link with the wider management and governance context make it imperative to install appropriate co-ordination for ensuring consistency both in the design and implementation phase.

There are **many ways** to ensure this co-ordination, ranging from formal mechanisms, such as a centralised body that takes a strong lead in the framework on one side of the continuum to a very loose network with many actors all doing their own share but ensuring informal co-ordination through regular communication and through a shared vision on the other.

211.   Whatever co-ordination mechanism one chooses, it will always have to be a well-considered and context-sensitive **combination of centralisation** (to ensure co-ordination and continuity) and **decentralisation** (to ensure sufficient contact with daily reality on the work floor). One attractive way, particularly for relatively smaller organisations, of ensuring this balance, is to have the integrity co-ordinator (see above) supported by some kind of **integrity committee**. This would consist of representatives from several parts of the organisation that are somewhat involved in integrity management, *e.g.* personnel management, financial management, training, information management, etc.

212.   Furthermore, co-ordination mechanisms also need to be organised in a way that takes into account the views of **stakeholders**. For instance, an integrity agency may organise consultations at regular intervals with selected representatives from civil society and the private sector. This will help ensure that the integrity strategy forms an up-to-date framework reflecting stakeholders' expectations. For instance, when a public organisation develops an integrity plan, consulting stakeholders could not only increase the

relevance of government's actions in the wider society but also facilitate the implementation of pro-integrity and anti-corruption measures as well as allowing for public scrutiny.

Conclusion

213. This paper proposed an integrity management framework for public sector organisations. It lists the main components of such a framework and provided some recommendations on how the framework can be brought to life in particular organisations. The framework can be used as a prescriptive framework that provides managers and policy makers who want to improve their integrity management framework with a map of the elements they should consider when designing the system. It can also be used as overall structure for a catalogue of best practices that one might want to develop in the future. Finally, it could also serve as a framework for the evaluation of integrity management of organisations.

ANNEX 1. OECD PRINCIPLES FOR MANAGING ETHICS IN THE PUBLIC SERVICE

214.   The 1998 OECD *Recommendation on Improving Ethical Conduct in the Public Service* recommends that Member countries take action to ensure well-functioning institutions and systems for promoting ethical conduct in their public service by developing and regularly reviewing policies, procedures, practices and institutions influencing ethical conduct in the public service.

215.   The Recommendation includes twelve Principles to help countries review the institutions, systems and mechanisms they have for promoting public service ethics fulfilling the functions of guidance, management and control. The Principles distil the experience of OECD countries and reflects shared views of ethics management.

1.   *Ethical standards for public service should be clear.*

216.   Public servants need to know the basic principles and standards they are expected to apply to their work and where the boundaries of acceptable behaviour lie. A concise, well-publicised statement of core ethical standards and principles that guide public service, for example in the form of a code of conduct, can accomplish this by creating a shared understanding across government and within the broader community.

2.   *Ethical standards should be reflected in the legal framework.*

217.   The legal framework is the basis for communicating the minimum obligatory standards and principles of behaviour for every public servant. Laws and regulations could state the fundamental values of public service and should provide the framework for guidance, investigation, disciplinary action and prosecution.

3.   *Ethical guidance should be available to public servants.*

218.   Professional socialisation should contribute to the development of the necessary judgement and skills enabling public servants to apply ethical principles in concrete circumstances. Training facilitates ethics awareness and can develop essential skills for ethical analysis and moral reasoning. Impartial advice can help create an environment in which public servants are more willing to confront and resolve ethical tensions and problems. Guidance and internal consultation mechanisms should be made available to help public servants apply basic ethical standards in the workplace.

4.   *Public servants should know their rights and obligations when exposing wrongdoing.*

219.   Public servants need to know what their rights and obligations are in terms of exposing actual or suspected wrongdoing within the public service. These should include clear rules and procedures for officials to follow, and a formal chain of responsibility. Public servants also need to know what protection will be available to them in cases of exposing wrongdoing.

5.   *Political commitment to ethics should reinforce the ethical conduct of public servants.*

220.   Political leaders are responsible for maintaining a high standard of propriety in the discharge of their official duties. Their commitment is demonstrated by example and by taking action that is only available at the political level, for instance by creating legislative and institutional arrangements that reinforce ethical behaviour and create sanctions against wrongdoing, by providing adequate support and resources for ethics-related activities throughout government and by avoiding the exploitation of ethics rules and laws for political purposes.

6.   *The decision-making process should be transparent and open to scrutiny.*

221.   The public has a right to know how public institutions apply the power and resources entrusted to them. Public scrutiny should be facilitated by transparent and democratic processes, oversight by the legislature and access to public information. Transparency should be further enhanced by measures such as disclosure systems and recognition of the role of an active and independent media.

7.   *There should be clear guidelines for interaction between the public and private sectors.*

222.   Clear rules defining ethical standards should guide the behaviour of public servants in dealing with the private sector, for example regarding public procurement, outsourcing or public employment conditions. Increasing interaction between the public and private sectors demands that more attention be placed on public service values and requires external partners to respect those same values.

8.   *Managers should demonstrate and promote ethical conduct.*

223.   An organisational environment where high standards of conduct are encouraged by providing appropriate incentives for ethical behaviour, such as adequate working conditions and effective performance assessment, has a direct impact on the daily practice of public service values and ethical standards. Managers have an important role in this regard by providing consistent leadership and serving as role models in terms of ethics and conduct in their professional relationship with political leaders, other public servants and citizens.

9.   *Management policies, procedures and practices should promote ethical conduct.*

224.   Management policies and practices should demonstrate an organisation's commitment to ethical standards. It is not sufficient for governments to have only rule-based or compliance-based structures. Compliance systems alone can inadvertently encourage some public servants to function on the edge of misconduct, arguing that if they are not violating the law they are acting ethically. Government policy should not only delineate the minimal standards below which a government official's actions will not be tolerated, but also clearly articulate a set of public service values that employees should aspire to.

10. *Public service conditions and management of human resources should promote ethical conduct.*

225.   Public service employment conditions, such as career prospects, personal development, adequate remuneration and human resource management policies should create an environment conducive to ethical behaviour. Using basic principles, such as merit, consistently in the daily process of recruitment and promotion helps operationalise integrity in the public service.

11. *Adequate accountability mechanisms should be in place within the public service.*

226.   Public servants should be accountable for their actions to their superiors and, more broadly, to the public. Accountability should focus both on compliance with rules and ethical principles as well as on achievement of results. Accountability mechanisms can be internal to an agency as well as government-

wide, or can be provided by civil society. Mechanisms promoting accountability can be designed to provide adequate controls while allowing for appropriately flexible management.

12. *Appropriate procedures and sanctions should exist to deal with misconduct.*

227.   Mechanisms for the detection and independent investigation of wrongdoing such as corruption are a necessary part of an ethics infrastructure. It is necessary to have reliable procedures and resources for monitoring, reporting and investigating breaches of public service rules, as well as commensurate administrative or disciplinary sanctions to discourage misconduct. Managers should exercise appropriate judgement in using these mechanisms when actions need to be taken.

ANNEX 2. CHECKLIST

TABLE OF CONTENTS

Introduction

228.   This Checklist can be used as a practical tool for policy makers and managers to help them review and update existing integrity management solutions for fostering integrity and preventing corruption in public sector organisations in line with the Integrity Framework. It aims to transform the policy recommendations into a tool for diagnosing the existence and functioning of an Integrity Framework in a particular public sector organisation.

Integrity instruments, development processes and structures

229.   The Checklist follows the structure of the paper (outlined in chapter 4) which distinguishes between three pillars of the integrity management framework, referring respectively to instruments, development processes and structures. Specifically, it is divided into three sections, respectively discussing each of the three pillars of the framework. Each section is in turn subdivided in two parts: *i)* a detailed analysis of the individual instruments, processes and structures and *ii)* an overall assessment of their coherence. Like the Integrity Framework, the Checklist also distinguishes between core and complementary instruments of the integrity management framework ("two layers within the pillars").

Emphasis on instruments at the level of the organisation, but also in relevant inner and outer context

230.   The Checklist focuses on key components of the integrity management framework, *i.e.* all the instruments, structures and procedures *within* the organisation that aim to foster and enforce integrity and prevent corruption and other integrity violations within the reviewed organisation. Hence, the focus of this first section is on instruments that are under the control of organisational management. Although the emphasis is on the organisational level, it is neither possible nor appropriate to fully ignore the **inner and outer contexts** of the organisation. Consequently, they are included in the Checklist in the following ways:

- First, as explained in the paper, many of the proposed "internal" instruments (*e.g.* arrangements to manage conflict of interest, integrity risk analysis, analysis of supportive HR-instruments) imply a systematic consideration of elements in the inner and outer context.

- Second, when assessing the overall balance between rules-based and values-based instruments (see 1.2 below), it will be emphasised that the assessment should not so much occur at the level of the integrity management framework (core instruments and complementary instruments), but at the level of the overall Integrity Framework that also includes the inner and outer context.

- Third, some of the instruments that have been described as being part of the integrity management framework and that are now listed as such in the Checklist, might in a particular case exist outside, rather than inside the organisation, or both outside and inside. For example, there are usually conflict of interest regulations outside the organisation, but the organisation might want to complement these with additional internal regulations. To allow for such situations to show in the checklists, there will be columns to indicate whether an instrument exists within or outside the organisation, or both.

- Fourth, when tabulating the instruments with the actors that are responsible for those instruments (see 3.1 below), not only will the actors in the core and complementary layers of integrity management be listed, but so will the actors in the inner and outer context.

- Fifth, as announced in the paper (3.2), the main list of instruments will be complemented at the end of this Checklist by an indicative list of integrity instruments that usually only exist outside the organisation, but have an impact upon its integrity management system. This list is just a

sample. Depending on the local circumstances, there might also be other relevant instruments outside the organisation.

1. Integrity instruments

1.1. Individual instruments

231.   This first part of the Checklist lists the instruments of integrity management. This indicative list does not imply that all instruments should be applied to all public sector organisations. One can consciously decide not to apply certain instruments. However, the following three considerations are important:

- First, although not all instruments should be applied, they should all be taken into consideration and there should be a clear justification why a certain instrument is not applied.

- Second, although not all instruments should be applied, it is essential that all four functions of integrity management - defining, guiding, monitoring and enforcing - are sufficiently fulfilled.

- Third, whatever instruments are chosen, it is important to ensure their coherence in the integrity management framework and situate them in the broader context and particularly to understand how they affect the overall balance between rules-based and values-based instruments (see further details in 1.2).

232.   The table below presents the first section of the Checklist that lists the instruments in the rows as they were discussed in the paper. The columns essentially refer to the following questions:

- Presence: is the instrument present?

- Orientation: is the instrument rules-based, values-based or a combination of both?

- Operation: to what extent is the instrument perceived as fair and capable of functioning as intended?

233.   One can simply fill out the Checklist for a particular organisation by ticking the appropriate cells. One can also choose to complement it with additional information, such as the justification why a certain instrument was not used or specific information about a particular instrument.

	Presence		Orientation			Operation	
	Instrument present inside the organisation?	Instrument present outside the organisation?	Rules-based	Rules-based/values-based	Values-based	Perceived as fair?	Capable of functioning as intended?
1. Determining and defining integrity							
Analysis of risks to integrity							
Analysis of ethical dilemmas							
Consultation of staff and stakeholders							
Code of conduct/code of ethics							
Conflict of interest policy							
Gifts and gratuities policy							
Post employment arrangements							
Non-written standard setting							
Structural measures in the core of the framework							
- *Separating functions: four-eyes principle*							

- *Rotating functions*							
- *Other structural measures*							
Measures in personnel management							
- *Integrity emphasised in recruitment*							
- *Integrity as criterion for selection (e.g. background checks)*							
- *Ensuring sufficient diversity among staff*							
- *Providing employees with clear job descriptions*							
- *Integrity as criterion for evaluation and promotion*							
- *Integrity as competency in competency management*							
Measures in financial management (e.g. appropriate procedures for procurement and contract management)							
Measures in information management (e.g. protecting automated databases)							
Measures in quality management (e.g. reviewing the quality assessment tool)							
2. Guiding towards integrity							
Exemplary behaviour by management							

Integrity training							
Oath, signing an "integrity declaration"							
Integrating integrity in the regular discourse							
- *Announcing the integrity policy through channels of internal and external communication*							
- *Regular discussions of ethical dilemmas in the official internal communication channels of the organisation*							
- *Institutionalising regular discussions of ethical issues in staff meetings or in individual supervisor/employee meetings*							
- *Creating an open culture of communication where integrity issues can be raised easily*							
Coaching and counselling for integrity							
Assessing the fairness of personnel management processes							
- *Fairness of recruitment and selection*							
- *Fairness of promotion and reward*							
3. Monitoring integrity							
Whistle-blowing system							

- Accessible procedures for reporting misconduct							
- Protection for whistleblowers							
Citizen complaint system							
Actively searching for individual integrity violations							
- Social control by colleagues							
- Daily supervision by supervisors, management control							
- Formal controls: inspection							
- Early warning systems							
- Social control by stakeholders							
Organisational-level mapping of integrity violations and integrity dilemmas							
- Systematic registration of complaints, investigations, etc.							
- Survey-measurement of integrity violations and integrity dilemmas							
- Informal probing for ethical dilemmas and issues among staff							

4. Enforcing integrity							
Informal sanctioning, as a consequence of social control or daily supervision							
Fair and appropriate procedures for investigations and sanctions							
Appropriate processes for internal and external communication about integrity violations							
Instruments in the outer context							
Mechanisms of external control and audit							
Mechanisms for public scrutiny (e.g. social witness)							
Ethics laws							
Laws on party and election financing							
Rules on lobbying							
Etc.							

1.2. Overall assessment of rules-based/values based balance of instruments

234.   The paper (*e.g.* paragraph 1.6) strongly emphasised the importance of an overall balance between rules-based and values-based approaches. This balance is addressed in this second sub-section. A quick assessment of the relative importance of respectively the rules-based and the values-based approach can be done on the basis of the table above (see 1.1). A simple summation of the indicators in three respective columns under "orientation" provides a first view on the coherence of rules-based and values-based instruments. However, further steps might be necessary if one is to seek a functional assessment of the rules-based/values-based balance.

235.   Not all instruments in the above checklist are equally important. Some rows in the checklist refer to a pervasive set of interventions that are influential, while other rows refer to instruments with less relevance that might even be irrelevant for some types of organisations. Thus, rather than simply adding the indicators, one should try to acquire a qualified assessment on orientation, *i.e.* how the rules-based/values-based instruments are balanced. Essentially, there are two ways to do that:

- The **quantitative approach** is the most demanding and ambitious one. In this approach one, tries to assess the relevance of each of the listed instruments for the overall integrity management on a scale from 1 to 5 (one could add a column for this in the table above). These indicators would be the weights that would be multiplied with the indicator "1" in each of the three relevant columns: "rules-based", "rules-based/values-based" and "values-based". By then adding all the scores, one would acquire a qualified view of the rules-based/values-based balance in the organisation's integrity management framework. This could provide an interesting overview, but it is time-consuming and the resulting figures (that are ultimately based upon qualitative assessments) run the risk of creating an illusion of exactness that is not there.

- Alternatively, one could opt for a more **qualitative assessment**. Rather than using figures, one could look at the overall picture, consider the contents and specific approaches of the instruments and thus make a careful assessment of the overall balance.

236.   Although the overall recommendation is to ensure adequate balance between the rules-based and the values-based approaches, this is not an absolute rule. There might be at least two reasons to justify an imbalance:

- One might consciously aim at striking a **temporary imbalance within the organisation** to achieve a significant transition. For example, in an organisation where one wants to eradicate pervasive and serious corruption, one might decide for a temporary emphasis on the rules-based approach: making strict rules and strictly controlling and enforcing them. After this tightly controlled transition, one could then aim at a situation of balance, with an emphasis on values-based approaches.

- As has been mentioned before, the balance should not only be assessed at the level of the core and complementary instruments, but also in the wider context of the organisation.

237.   Ultimately, this will be a qualitative assessment that cannot be fully outlined in a checklist or simple visual representation.

2. Continuous development processes

2.1. Continuous development processes of individual instruments

238.   This section addresses the development processes of all the individual instruments. The Integrity Framework proposes to use the "Plan-Do-Check-Adapt" cycle to ensure that instruments are truly implemented, evaluated and adapted. These specific processes need to be embedded in the overall development process (see 2.2) to achieve synergies.

239.   Specifically, the Checklist for this section below presents the same instruments in the rows as presented above, but the columns explicitly focus on the development process of each of these instruments. The Checklist is filled out by indicating how many times each of the steps has been run through.

	Instrument present inside the organisation?	Instrument present outside the organisation?	Plan	Do	Check	Act
1. Determining and defining integrity						
Analysis of risks to integrity						
Analysis of ethical dilemmas						
Consultation of staff and stakeholders						
Code of conduct/code of ethics						
Conflict of interest policy						
Gifts and gratuities policy						
Post employment arrangements						
Non-written standard setting						
Structural measures in the core of the framework						
- *Separating functions: four-eyes principle,*						
- *Rotating functions*						
- *Other structural measures*						

Measures in personnel management						
- *Integrity emphasised in recruitment*						
- *Integrity as criterion for selection (e.g. background checks)*						
- *Ensuring sufficient diversity among staff*						
- *Providing employees with clear job descriptions*						
- *Integrity as criterion for evaluation and promotion*						
- *Integrity as competency in competency management*						
Measures in financial management (e.g. appropriate procedures for procurement and contract management)						
Measures in information management (e.g. protecting automated databases)						
Measures in quality management (e.g. reviewing the quality assessment tool)						
2. Guiding towards integrity						
Exemplary behaviour by management						
Integrity training						

Oath, signing an "integrity declaration"					
Integrating integrity in the regular discourse					
- *Announcing the integrity policy through channels of internal and external communication*					
- *Regular discussions of ethical dilemmas in the official internal communication channels of the organisation*					
- *Institutionalising regular discussions of ethical issues in staff meetings or in individual supervisor/employee meetings*					
- *Creating an open culture of communication where integrity issues can be raised easily*					
Coaching and counselling for integrity					
Assessing the fairness of personnel management processes					
- *Fairness of recruitment and selection*					
- *Fairness of promotion and reward*					
3. Monitoring integrity					
Whistle-blowing system					

- *Accessible procedures for reporting misconduct*					
- *Protection for whistleblowers*					
Citizen complaint system					
Actively searching for individual integrity violations					
- *Social control by colleagues*					
- *Daily supervision by supervisors, management control*					
- *Formal controls: inspection*					
- *Early warning systems*					
- *Social control by stakeholders*					
Organisational-level mapping of integrity violations and integrity dilemmas					
- *Systematic registration of complaints, investigations, etc.*					
- *Survey-measurement of integrity violations and integrity dilemmas*					
- *Informal probing for ethical dilemmas and issues among staff*					

4. Enforcing integrity					
Informal sanctioning, as a consequence of social control or daily supervision					
Fair and appropriate procedures for investigations and sanctions					
Appropriate processes for internal and external communication about integrity violations					
Instruments in the outer context					
Mechanisms of external control and audit					
Mechanisms for public scrutiny (e.g. social witness)					
Ethics laws					
Laws on party and election financing					
Rules on lobbying					
Etc.					

2.2. Overall continuous development process

240.   Maintaining an effective integrity management system needs an explicit overall continuous development process to ensure that its components are appropriately planned, implemented, evaluated and adapted. Rather than simply ticking boxes, this section asks to truly describe the overall development process of the organisation's integrity management framework. The list below presents a number of indicative questions that could help to inspire this description.

	Timing	Description
Plan		
- Is there an integrity management plan?		
- Does it have a broad legitimacy?		
- Does it express one overall view?		
- Does it contain specific actions, containing the elements of the PDCA-cycle?		
- Are the instruments coherently and consistently working towards the overall goals of the integrity plan?		
Do: Are the instruments being implemented as planned?		
Check: Is there a regular evaluation of the integrity management framework? (*e.g.* audit, annual report, surveys among staff and stakeholders, etc.)		

Act: Is there a follow-up to the evaluation to make necessary adjustments?		

3. Structures and actors

3.1. Actors' responsibilities over individual instruments

241.   This section identifies the actors involved in the integrity management of public sector organisations. These are listed for each of the instruments, thus providing a complete overview of how the integrity management framework is organised.

242.   The Integrity Framework distinguishes between various types of actors.

243.   The **integrity management framework** essentially consists of three types of actors (see paragraph 4.3):

- management: supervisors, middle management, top management;

- integrity actors: specific integrity unit, ethics officer, etc.; and

- complementary actors: personnel management, financial and contract management, information management, etc.

244.   Concerning the broader **context** of the integrity management framework (3.2), the Integrity Framework distinguishes between the inner context (context within the organisation) and outer context (the wider public sector and governance environment) and lists various actors that might play a role in these contexts:

- inner context: for example legal department, department of contracting and infrastructure; and

- outer context: the components of the national and local integrity system.

245.   This section of the checklist is not expected to be filled out by ticking the cells, but by specifying as precise as possible which actor(s) is/are responsible for a specific instrument. The actors listed in the Integrity Framework above could act as inspiration, but ultimately this will depend on specific circumstances.

	Instrument present inside the organisation?	Instrument present outside the organisation?	Management	Integrity actor(s)	Actor(s) in complmentary layers	Actor(s) in inner context	Actor(s) in outer context
1. Determining and defining integrity							
Analysis of risks to integrity							
Analysis of ethical dilemmas							
Consultation of staff and stakeholders							
Code of conduct/code of ethics							
Conflict of interest policy							
Gifts and gratuities policy							
Post employment arrangements							
Non-written standard setting							
Structural measures in the core of the framework							
- *Separating functions: four-eyes principle*							
- *Rotating functions*							
- *Other structural measures*							

Measures in personnel management							
- *Integrity emphasised in recruitment*							
- *Integrity as criterion for selection (e.g. background checks)*							
- *Ensuring sufficient diversity among staff*							
- *Providing employees with clear job descriptions*							
- *Integrity as criterion for evaluation and promotion*							
- *Integrity as competency in competency management*							
Measures in financial management (e.g. appropriate procedures for procurement and contract management)							
Measures in information management (e.g. protecting automated databases)							
Measures in quality management (e.g. reviewing the quality assessment tool)							
2. Guiding towards integrity							
Exemplary behaviour by management							

Integrity training							
Oath, signing an "integrity declaration"							
Integrating integrity in the regular discourse							
- *Announcing the integrity policy through channels of internal and external communication*							
- *Regular discussions of ethical dilemmas in the official internal communication channels of the organisation*							
- *Institutionalising regular discussions of ethical issues in staff meetings or in individual supervisor/employeemeetings*							
- *Creating an open culture of communication where integrity issues can be raised easily*							
Coaching and counselling for integrity							
Assessing the fairness of personnel management processes							
- *Fairness of recruitment and selection*							
- *Fairness of promotion and reward*							

3. Monitoring integrity							
Whistle-blowing system							
- *Accessible procedures for reporting misconduct*							
- *Protection for whistleblowers*							
Citizen complaint system							
Actively searching for individual integrity violations							
- *Social control by colleagues*							
- *Daily supervision by supervisors, management control*							
- *Formal controls: inspection*							
- *Early warning systems*							
- *Social control by stakeholders*							
Organisational-level mapping of integrity violations and integrity dilemmas							
- *Systematic registration of complaints, investigations, etc.*							
- *Survey-measurement of integrity violations and integrity dilemmas*							

- *Informal probing for ethical dilemmas and issues among staff*							
4. Enforcing integrity							
Informal sanctioning, as a consequence of social control or daily supervision							
Fair and appropriate procedures for investigations and sanctions							
Appropriate processes for internal and external communication about integrity violations							
Instruments in the outer context							
Mechanisms of external control and audit							
Mechanisms for public scrutiny (e.g. social witness)							
Ethics laws							
Laws on party and election financing							
Rules on lobbying							
Etc.							

3.2. Overall structure and co-ordination

246.   This final section of the Checklist specifies the mechanisms to achieve a coherent integrity framework through structural co-ordination. Below is a non-exhaustive list of questions that could be taken into consideration to assess the degree of overall co-ordination of the Integrity Framework of an organisation.

	Present/ not present
Co-ordination mechanisms	
Is there a forum where the main actors in integrity management meet?	
Is there an individual or unit that is responsible for co-ordination?	
Are there other, informal communication lines between the main actors of the framework?	
Etc.	

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