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**INTEGRITY
MANAGEMENT
IN THE PUBLIC
SECTOR
THE DUTCH
APPROACH**

Edited by Leo Huberts & Alain Hoekstra

Integrity management in the public sector · *The Dutch approach*

Integrity management in the public sector *The Dutch approach*

Edited by Leo Huberts & Alain Hoekstra

BIOS, The Hague 2016

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Although the significance of integrity seems undisputed nowadays, this has not always been the case. Integrity is still a relatively young policy area. It steadily climbed up the political, administrative, and academic agendas since the early 1990s. Integrity policies, strategies, monitors, and evaluations gradually matured and gained more attention of both national and international institutions, such as the EU.

The Netherlands was among the front-runners in this regard and can look back on twenty-five years of experience. And just as during our former EU Presidency in 2004, we would like to highlight the importance of this topic again at the European level, especially since upholding integrity is a process which requires continuous attention. Public organisations are in constant change, which also imposes new ethical challenges.

This publication focuses on how integrity is managed within the Dutch public sector. It gives an overview of the national policy framework and structures, continues with several examples of integrity approaches within individual public organisations, and concludes with some academic reflections.

As such, the book describes the main aspects of the ‘Dutch integrity approach’. Characteristic for this approach is that we are not solely fixated on avoiding criminal acts such as corruption and fraud, but that we also emphasise the ethical aspects of public officials’ behaviour. This requires, besides rules, regulation and investigation, all kinds of training and awareness raising activities. As a third pillar – next to regulation and training – we are searching for methods to institutionalize public integrity. The firm and sustainable embedding of integrity is a challenge, not only for the Netherlands but for all EU member states.

All these different perspectives are discussed in this publication, not only to help us reflect on our own approach, but also to inspire you to reflect on integrity management in your own country. We are very thankful to be able to share our experiences. Hopefully, an international exchange of ideas can develop into new effective methods curbing corruption and fostering integrity. I hope that you will join us in this endeavour to foster integrity as a core element of good governance.

The Minister of the Interior and Kingdom Relations,
Dr. Ronald Plasterk

1 Integrity and integrity management in the Netherlands *Describing the scene, definitions, strategies and developments*

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Introduction

In today's world, public organisations pay more attention to ethics and integrity. In the Netherlands, public integrity was placed on the agenda in the early 1990s (Hoekstra & Kaptein, 2014). Dutch efforts in the field of integrity management can therefore be qualified as relatively long lasting.

This book provides an overview and analysis of the Dutch integrity management approach. It describes how the Dutch integrity system operates from both a national (part I) and an organisational (part II) perspective. The final section of the book (part III) contains academic reflections. All in all, the book provides insights that might inspire other countries in their own efforts to manage integrity. This book's target audience includes policy-makers, ethics and integrity entities, anti-corruption agencies, integrity and compliance officers, as well as NGOs, students, and researchers.

In this chapter, we start with a brief outline of the Dutch social, political and administrative context, followed by an overview of the main developments in integrity management within the Dutch government during the last 25 years. We then briefly reflect on the main concepts: integrity, integrity violations, and integrity policies. We argue that integrity management can be studied at different levels and from different perspectives. We conclude with some initial reflections on the Dutch system, and introduce the upcoming book chapters.

About the Netherlands

The Netherlands¹ is the main constituent country of the Kingdom of the Netherlands. It is a small, densely populated country with 16.9 million inhabitants (in 2015), located in Western Europe, with three island territories in the Caribbean². Amsterdam is the country's capital while The Hague holds the Dutch seat of government and parliament. Since 1848 it has been governed as a parliamentary democracy and a constitutional monarchy, organized as a 'unitary decentralized state' with central authority in combination with decentralized, in particular, local authorities. The Netherlands is a member of the European Union and the euro zone, has a market-based mixed economy, had the thirteenth-highest per capita income in the world in 2013, and ranked as the fourth happiest country in the world, reflecting a high quality of life.

Public administration in the Netherlands has four tiers: central government, the provinces, the municipalities and the water authorities. In addition, there are many (more or less) independent agencies, including public-private organizations, with responsibilities for addressing and solving social problems. This fits into a governance tradition of cooperation and tolerance between minorities, with cooperation between different pillars in society and coalition governments (Andeweg & Irwin, 2014), even though more polarization and fragmentation have become visible in the last fifteen years (Besamusca & Verheul, 2014).

The Dutch governmental system executes a number of tasks on behalf of the citizens, with a total of approximately 915,000 civil servants (including the educational system). The national state employs about 117,000 civil servants, the municipalities 148,000 (Ministry of the Interior and Kingdom Relations, 2015). The Netherlands has a relatively large and well-functioning central government, as illustrated by the scores on the World Governance Indicators (World Bank) which, according to Transparency International (2012), include a strong reputation for integrity.

More than two decades Dutch integrity policies at a glance

Although integrity has always been an important issue, it did not attain a permanent position on the Dutch political agenda until the early 1990s. Until then, integrity was just incidentally debated and policies often consisted of unwritten agreements and voluntary measures. An outline of Dutch integrity policies is presented below in three phases.

Phase 1 Agenda setting and regulation (1990-2003)

In the early 1990s, concerns arose in the Netherlands about the intermingling of the underworld with regular society. There were signs of attempts by criminal organisations to obtain key positions in the Dutch machinery of government through bribery and infiltration. This attracted the attention of the Ministry of Justice and of the General Intelligence and Security Service. With the aid of risk analyses, government ministries and a number of large municipal authorities were scrutinized for vulnerable processes and their resilience to integrity violations was defined. At the same time, a number of integrity scandals occurred within some municipalities. This led the then Minister of the Interior and Kingdom Relations to place integrity firmly on the agenda.

The Ministry of the Interior published its first integrity policy papers in the mid-1990s. Integrity policies were subsequently included in the Civil Servants Act. This included rules on side jobs, the reporting of financial interests, as on whistleblowing procedures and protection. The General Intelligence and Security Service set up a hotline where people could report integrity violations anonymously. The Ministry of Finance developed a method for conducting integrity audits and the Ministry of the Interior and Kingdom Relations produced a brochure for confidential integrity counsellors. Most measures in this phase were primarily rule-oriented. And although the Ministry of the Interior and Kingdom Relations regularly stressed the importance of value-oriented aspects, this did not result in concrete initiatives during this period.

Phase 2 Awareness and support (2003-2007)

Integrity policies intensified from 2003 onwards in response to a severe fraud and corruption scandal in the construction industry. In 2006 this led to an update of the Civil Servants Act. Among other things, it required government bodies to pursue integrity policies, to set up codes of conduct, and to introduce the oath of office. In this phase, government authorities also committed to a number of Basic Standards. These formulated further instructions for the design of integrity policies. For example, government organisations are required to devote attention to recruitment and selection, to conduct surveys for vulnerable positions, to protect confidential information, and to develop procurement and contracting procedures. In order to support government bodies with the implementation of these new standards, the Minister of the Interior and Kingdom Relations decided in 2006 to form the Dutch National Integrity Office (BIOS).

In addition to the impact of the construction industry fraud, this policy intensification is understandable in the light of various studies, which revealed that the government did not yet have its integrity policies in order. One of the conclusions was that integrity was not yet truly internalised. This led to more attention for the awareness aspect of integrity. Since then integrity became a topic in introductory courses for new employees, it was placed on the agenda during team meetings, and all kinds of integrity related courses have become, more or less, common practice within the Dutch government.

Phase 3 Integrity systems, organizing integrity, monitoring integrity (2007-present)

During this phase there has been growing interest in the theme of administrative integrity (elected and appointed holders of political office). This has resulted from a stream of incidences of misconduct and has led to an amendment of the Provinces, Municipalities and Water Authorities Act, explicitly highlighting the importance of, and responsibilities for, administrative integrity. Compared to integrity policies for civil servants (officials) one could assert that the concern for administrative integrity is of a more recent date. This is certainly seems to be the case for integrity programmes, measures and activities targeted at this specific group.

In addition, this period has been marked by growing attention to reporting systems for integrity violations (see also Chapter 4). A critical research report (Utrecht School for Policy Research, 2008) led to an adjustment of the existing *internal* reporting (whistleblower) regulation. During this period, a number of *external* reporting, advisory, and investigation institutions were also formed, like: a hotline for reporting integrity violations, a centre which advises whistleblowers on how to report their suspicions of misconduct, a Whistleblowers Expert Group, and the Council for Integrity Investigations in the Public Sector. Finally, a Bill was submitted on a ‘House for Whistleblowers’, intended to provide for the creation of an adequate and safe reporting possibility for whistleblowers.

Thirdly, a large number of policy studies were conducted. These were aimed at: the *implementation* of integrity policies within the Dutch government (Netherlands Court of Audit, 2010; Ministry of the Interior and Kingdom Relations, 2008; BIOS, 2012); *internal reporting systems* (De Graaf et al, 2013) and the nature and scale of integrity violations within the Dutch government (De Graaf & Struwer, 2014); as on *organisational aspects*

of integrity management: the impact of the financial crisis on public sector integrity programs (BIOS, 2012; Hoekstra, 2016); the quality of integrity policy documents (BIOS, 2013); the institutionalization of integrity in local government (Hoekstra & Kaptein, 2013); and how public organisations (can) cooperate in the field of integrity management (BIOS, 2015).

Finally, the Ministry of the Interior and Kingdom Relations evaluated its own coordinating role, and the integrity policies they prescribed for the public sector (2014). Furthermore they commissioned a future-oriented survey identifying the integrity implications of current trends in public administration (Van Veldhuisen & Snel, 2014). Although such studies and evaluations were continually conducted during 25 years of integrity policies within the Dutch government, the number of such studies during this period is striking. Furthermore we observe a growing interest for integrity systems, organizing integrity, and monitoring integrity (Lamboos & Hoekstra, 2015).

Integrity and integrity violations

This book focuses on the integrity of governance. Perceptions of the concept of integrity vary quite considerably. This section therefore briefly discusses the different interpretations, partly as a guide for the description and understanding of the many initiatives raised in later chapters. In the literature and research, at least eight visions of integrity appear (Huberts, 2014). These are summarised in the table below.

Table 1 Visions of integrity

- Integrity as wholeness**
- Integrity as integration into the environment**
- Integrity as a professional responsibility**
- Integrity as conscious and open action based on moral reflection**
- Integrity as a (number of) value(s) or virtue(s), including incorruptibility**
- Integrity as compliance with laws and codes**
- Integrity as compliance with relevant moral standards and values**
- Integrity as exemplary moral behaviour**

These eight visions are identifiable to different degrees in research and policy practices. This is unavoidable to some extent. Definitions remain contentious, always with the message that clarity regarding interpretation

is relevant to debates on integrity. At the same time, a number of principles are clearly prominent. The integrity of governance concerns the central moral values that are important and are widely shared. Key values include, for example, wholeness (consistency, including in the private sphere), incorruptibility (no conflicts of interest) and justice (compliance with rules and codes, including within the profession). These values are important for acting with integrity and for the question of what unethical action involves (integrity violations). This means that many different types of integrity violations can be distinguished (Huberts, 2005; Lasthuizen 2008; Lasthuizen, Huberts & Heres, 2011).

Table 2 Typology of integrity violations

Corruption: bribery
Corruption: favouritism (nepotism, cronyism, patronage)
Fraud and theft of resources
Conflicts of (private and public) interest through ‘gifts’
Conflicts of (private and public) interest through sideline activities
Improper use of authority
Misuse and manipulation of information
Indecent treatment of colleagues or citizens and customers
Waste and abuse of organisational resources
Misconduct in private time

The first types of integrity violations involve corruption and fraud. These phenomena have different meanings (De Graaf, 2007; Lawton et al., 2016), but they always involve abuse of a professional position in order to gain private benefits, with (corruption) or without (fraud) external parties. The international debate on administrative and political integrity very often focuses on such violations. At the same time, it was and is clear that the ethics of governance involves a wider range of issues, certainly in the Dutch context. A broader typology, including conflicts of interest, abuse of information and powers, intimidation and discrimination and misconduct in the private sphere is both useful and relevant in order to gain a grip on these. This is also reflected in the integrity affairs in which both civil servants and politicians become involved. At the same time, a critical note is called for. The broader typology also raises questions. There is often a grey area. Which side job, which form of wastage, which conduct in private time, or which manners are morally reprehensible or in conflict with

current basic moral standards and values. And when is there an error or a mistake, without any reason to doubt the integrity of those involved, or when is there ‘integritism’ (Huberts, 2005; 2014)? The integrity affairs that actually occur fully reflect this dilemma.

Dilemmas also arise through the awareness that good governance requires dealing with different public values that cannot (all) be realised (Smulders et al., 2013; De Graaf et al., 2014). Values such as justice, responsiveness, integrity and effectiveness may conflict. The need for fast and decisive action may be at odds with the requirement to act with due care and integrity, or maintaining friendly and direct relations with social groups and businesses may conflict with the requirements of unbiased and independent decision-making. This awareness is important when considering the significance and scope of integrity and integrity policies, the theme of this book.

Integrity policies

Van Tankeren and Montfort (2012) state that regardless of the definition of integrity (Table 1), integrity *policy* can be described as the set of intentions, choices and actions designed to promote and protect integrity within organisations. That set may involve a wide range of initiatives and instruments, which will ideally be a *combination* of ‘software’ (ethical culture), ‘hardware’ (rules and procedures), and an ‘operating system’ (organisation and coordination of integrity policies).

Table 3 Elements of integrity policies

Integrity policy elements	
Software	This concerns measures aimed at positively influencing the ethical culture within the organisation. They are designed for the internalisation of (public) values. They contribute to a culture marked by openness, safety, mutual respect and trust. Managers play a particularly important role in this. Examples of the ' <i>software</i> ' include: introductory courses, dilemma training courses, and codes of conduct.
Hardware	The culture and values within the organisation have to be supported by a clear set of rules, procedures and guidelines. Supervision, control and enforcement form the ' <i>hardware</i> ' of integrity policies. Financial, Legal, Audit and HR departments play an important role in this. Procedures for procurement, contracting, side jobs, as well as reporting and investigation procedures, are examples of hard controls.
Operating system	Integrity policies must be based on a shared vision. The measures (both soft and hard) should be consistent and interconnected in order to be effective. The policies should also be institutionalized and embedded. Other important aspects of the ' <i>operating system</i> ', include monitoring, evaluation, and risk analyses. Integrity officers play an important role in organising and coordinating integrity within organisations.

The three elements combined form the basis of integrity management at the organisational (meso) level. Integrity management is defined as: the consistent (systemic) efforts of an organisation focused on promoting integrity. The institutionalisation of integrity is a specific element of integrity management that refers to the process of advancing its sustainability, since care for integrity should be continuous rather than incidental. This is commonly referred to in terms of securing, anchoring, embedding or safeguarding organisational integrity. Many examples of this are presented in part II of this book.

Integrity at the macro level (part I of this book) concerns the structure and organisation of the integrity system and policies at the national level. Key issues are the responsibilities of the various actors and institutions that form part of this system, and that play a role in the formulation, implementation, or enforcement of centrally-established anti-corruption and integrity laws and regulations. The interplay between the actors and institutions involved is considered crucial. This has resulted in several national integrity studies (see also Chapter 13) that apply a systematic and interconnected focus on integrity management (National Integrity Systems NIS).

We focus less directly on the *micro* level, which involves the actions of individual persons. This includes the various roles that a person fulfils during his or her lifetime, and the ability to deal with conflicting values. It also concerns resisting temptations and dealing with moral dilemma's.

Integrity management: perspectives

Different views on integrity management have been developed within both Public and Business Administration. In this section, we first reflect on the question whether integrity can be influenced and managed within an organization. Next, we address two strategies for integrity management, followed by a discussion on institutionalisation.

Views on the susceptibility of integrity: apple versus barrel

To what extent can integrity be influenced and managed within organisations (Treviño & Nelson, 2004)? Some assume that values and standards are taught during childhood and that an organisation or its management can have little, if any influence on them at a later stage. From that perspective, integrity management is restricted to the establishment of good recruitment and selection policies (*'hire'*), taking measures against incidents in the event that an unethical employee (*'bad apple'*) oversteps the mark by starting an investigation, and – if necessary – dismissing the employee involved (*'fire'*).

Others assume that organisations are capable of encouraging and supporting ethical behaviour by their employees. From that perspective, the attention shifts from the limited *'hire & fire'* policies to organisation-wide integrity policies and systems that involve the organisational structure and culture. This means that if something goes wrong, not only will the *'bad apple'* be removed, but attention will also be given to any flaws in the organisational structure and culture (*'bad barrel'*) that could infect the other *'apples'*. Or to quote the French poet and writer Victor Hugo (1862):

'If a soul is left in the darkness, sins will be committed. The guilty one is not he who commits the sin, but he who causes the darkness.'

These flaws caused by organisational darkness could include: the imposition of unrealistic targets, unclear or contradictory rules, and other issues that encourage integrity violations.

Most experts agree that organizations have the opportunity and – from the point of view of being a good employer – also the responsibility to support employees through the implementation of comprehensive integrity policies. Or to put it differently: employees have a right to policies that protect them from ‘un-ethicalities’. As such, integrity policies can be compared with internal Health & Safety policies that also are meant to protect employees, but then from physical and psycho-sociological hazards.

Views on integrity management: compliance versus integrity

When structuring measures for integrity management, the literature makes a distinction between ‘compliance’ and ‘integrity’ strategies (Paine, 1994). Characteristic of the first strategy is the top-down imposition of rules and regulations intended to prevent non-compliant behaviour. Norm-compliant behaviour is promoted by exercising supervision and the punishment of offenders. This strategy implies that people cannot be fully trusted, and that they need rules and supervision to stay on the right path.

The second strategy focuses on the joint (bottom-up) formulation and internalisation of organisational values. Ethical behaviour is promoted by strengthening the moral competence of employees, teaching them to determine what responsible and ethical decisions are. This strategy is of a more positive nature and supports employees in doing the ‘right’ thing. Depending on the specific situation, a combination of both strategies is generally considered to be most effective (Van Blijswijk et al., 2004; Cooper, 2006). Table 4 summarizes both strategies and illustrates some differences (Lawton, Rayner & Lasthuizen, 2013: 121).

Table 4 Strategies and differences

Orientation	Integrity strategy	Compliance strategy
Ethics	Self-governance and subjective responsibility according to chosen standards within organisations	Conformity with externally-imposed standards and objective responsibilities
Aim	Enable ethical conduct and moral reasoning	Prevent and combat unethical conduct and integrity violations
Behavioural assumptions	Social beings guided by values, principles, (public service) motivation and leaders and peers	Autonomous beings guided by economic self-interest
Policy	Integrity strategy	Compliance strategy
Methods and instruments	Internal controls, ethics education and training, communication and deliberation, ethical leadership, ethical culture and climate, reinforcement by rewards	External controls, education of rules and codes of conduct, reduced discretion and autonomy, auditing, monitoring and controls, reinforcement by sanctions
Implementation	Integrity strategy	Compliance strategy
Standards	Organizational mission, values and aspirations, social obligations, including law, rules, codes and standards	Criminal and regulatory law
Leadership and staffing	Managers, ethics officers	Lawyers, compliance officers
Activities	Lead (bottom-up) development of organisational values and standards, training and communication, integration in organisational system and culture, providing guidance and consultation, assessing values and performance, identifying and resolving problems and dilemmas	Developing (top-down) compliance standards, education and communication, handling reports of misconduct, conducting investigations, overseeing compliance audits and monitoring, enforcing standards with clear sanctions
Education and training	Ethical decision-making and values, dilemma training	Compliance standards and system, codes of conduct

Views on institutionalising integrity: informal versus formal

The question that subsequently arises is how integrity management can be firmly embedded within organisations? The literature (again) distinguishes two approaches to create a sustainable ‘good barrel’: informal and formal institutionalisation (Brenner, 1992).

The nature of the informal approach is implicit and concerns less visible and tangible processes. It does not concentrate primarily or directly on ethics, but certainly affects the organisation’s ethical climate. Leadership, fair remuneration, appraisal and promotion systems, trust and job satisfaction are often mentioned as organisational carriers for ethics and integrity.

By contrast, the formal approach is explicitly, directly and visibly aimed at promoting integrity within organisations (Tenbrunsel, Smith-Crowe & Umphress, 2003). This includes the development of integrity structures, standards and systems that support organisational ethics in a sustainable way. Although a balanced institutionalisation approach is recommended (Rossouw & Van Vuuren, 2004), advocates of the formal approach underline the strength of its visibility and clarity to employees (Berman, West & Cava, 1994) and emphasise that a formalised approach contributes to the effectiveness of integrity policies (Van den Heuvel et al., 2010). Yet another reason for a formalized integrity management approach is that, in case employees are prosecuted because of suspected integrity breaches, judges nowadays take into account the organization’s deployed integrity activities. What did the employer do to prevent the employee from turning into a ‘bad apple’ is then the central question to be answered. Tangible structures, systems, and documents specifically aimed at integrity management are certainly helpful in that regard. Table 5 summarizes both approaches and highlights some main differences (Hoekstra, 2016).

Table 5 Formal versus informal approaches

Approaches for institutionalising integrity		
Aspects	Formal	Informal
Policies	Specific policies, directly and explicitly aimed at fostering integrity	General policies with an indirect and implicit influence on the ethical climate
Products	Integrity structures, systems, procedures, standards and plans	Organisational culture, values, leadership, fair and just company procedures
Responsibility	Specific integrity officers are responsible in general, and they support line management in managing integrity in their units	Everyone is responsible for ethics and individual line managers are responsible for ethical behaviour in their units
Objectivity	Ensures an objective and univocal company-wide integrity management approach, based on coherent actions	Susceptible to subjective and ambiguous interpretations of individual managers, because of a decentralized approach
Visibility	Highly visible and tangible, for both internal and external actors (employees, managers and external watchdogs). Provides clear and accessible benchmarks for new personnel	Less visible and tangible, for both internal and external actors (employees, managers and external watchdogs). New employees are required to internalize the organization's culture
Accountability	Strong steering, monitoring and accountability mechanisms	Indirect steering and monitoring mechanisms, more difficult to account for
Pressure	Can be organised quickly and is therefore a common response to external pressure, which calls for immediate action Pitfall: abused as symbolic action	Internalising ethics in the organisational culture requires long term efforts. Pitfall: certain degree of ambiguity and slowness

Some initial reflections

How do the Dutch integrity policies score in terms of the perspectives outlined above, and which line can be distilled from the historical development of these policies? The policy developments seem clear and even logical. The topic was placed on the agenda, backed-up by the formulation of rules and standards, and enriched with value-oriented aspects. In addition to the ‘hard- and software’, we – more recently – witness an increase in interest for integrity systems, -management, -monitoring, and institutionalization.

In 2015 there has been a fair amount of attention to violators of integrity, certainly in the media. This increased the call for integrity screening to eliminate ‘bad apples’. But it is also clearly recognised within public administration that this requires broad integrity policies to expel ‘organisational darkness’.

Compared to some other countries, the Netherlands seems to rely more strongly on a values based (integrity) strategy. Whereas other countries follow rules based (compliance) strategies, the Dutch civil service has gradually adhered to a more positive integrity strategy (Hoekstra, Belling & Van der Heiden, 2008). Instead of a limited focus on ‘just’ avoiding *criminal* behaviour, the Dutch public sector also emphasises the moral, or *ethical*, aspects of public officials’ behaviour. As such, integrity policies in the Netherlands are not solely fixated on avoiding criminal acts such as corruption and fraud, but also address all kinds of ethical issues, including bullying, discrimination, intimidation, lying, cheating, theft, cutting corners, relationships on the work floor, the use of social media, and sexual harassment. Moreover, integrity policies are not just dedicated to avoiding wrongdoing. To a large extent they focus on training civil servants, enabling them to make the right ethical decisions, to encourage them to do it right, to act responsibly, and to make better moral judgements within the specific governmental context.

The popularity of the integrity (values) approach (see also Chapter 14) also causes some concern: ‘... its qualities should by no means be exaggerated: a value-based strategy without clear norms and rules and sanctions has no bite. Rather, the existing evidence on instruments suggests that a balance of compliance-based and values-based approaches may work best’ (Huberts, 2014: 179). The Organisation for Economic Cooperation and Development (OECD) also emphasises that: ‘The balance should be maintained and one should ... be aware of a too enthusiastic and radical switch towards the values-based approach...’ (OECD, 2009: 13). The Dutch Ministry of the Interior and Kingdom Relations also reports that the integrity approach has some disadvantages, because it focuses primarily on higher ethical standards with too little attention to potential violations. The Ministry is therefore aiming for a mix of the compliance-based and values-based approaches, with a variety of integrity instruments (Ministry of the Interior and Kingdom Relations, 2014).

With regard to the institutionalisation of integrity, there appears to be a preference for the more informal, indirect approach. Themes such as ethical leadership, professionalism, good employment practice, and public trust are rather fashionable within Dutch public administration. This does not alter the fact that in recent years, numerous policy studies emphasise that the institutionalization of integrity requires more attention (Hoekstra, 2016). This is – by the way – consistent with international comparative studies, which indicate that the embedding of integrity is a weak point in integrity management within all EU Member States (Demmke & Moilanen, 2012).

About the book

In this section we explain the structure of the book and the relationship between the different chapters. Integrity is considered at both the macro and the meso level in this publication. Part I provides a description of a number of central players and core elements of the Dutch national approach.³ In part II organisations explain how they design their integrity policies within these frameworks. Finally, in part III, researchers reflect on the current state of integrity affairs in the Dutch public sector.

In Chapter 2 Richard Hagedoorn and Melanie Hermus discuss the integrity regulations and policies for civil servants and (political) administrators. They describe the system responsibility and coordinating role of the Minister of the Interior and Kingdom Relations in relation to the integrity policies of the public sector. This chapter addresses (national) integrity policies, laws, standards, evaluation, monitoring and support. The authors also outline a number of trends and developments in Dutch public administration which influence integrity (programs), such as: cut-backs, increased flexibility in the labour market, and decentralisation.

In the Netherlands, individual government organisations are themselves responsible for implementing and enforcing integrity policies. In Chapter 3 Marijn Zweegers and Alain Hoekstra explain how BIOS supports government organisations in that respect. BIOS plays an intermediate role, because it translates national legislation into ready to use instruments. As such it enhances organisational implementation processes. In contrast to other international anti-corruption or integrity agencies, BIOS does not investigate incidents, but has a purely preventive task. BIOS develops instruments, shares knowledge, organises networks, conducts research and advises organisations.

All preventative measures and support can't prevent things from going wrong. Integrity violations still occur regularly. How can these be reported, and how are reporters protected? In Chapter 4 Alex Belling and Ed Fenne focus on internal and external reporting mechanisms that can be deployed if the preventive policies nevertheless fail. The authors describe the different reporting systems, devoting particular attention to the role of confidential integrity counsellors.

What happens once abuses have been reported? In cases where the report appears to be correct, investigations must be conducted. Hans Groot outlines how organisations can conduct internal integrity investigations in Chapter 5. Groot provides a number of practical guidelines for conducting internal investigations. Peace talks, uniform protocols, the importance of after-care and coincidence with criminal investigations are all raised here.

Integrity violations such as fraud or corruption cannot be settled solely through internal investigations. The procedures for criminal law investigations into public integrity violations are described in Chapter 6. Erik Hoenderkamp places the emphasis here on the role of the Rijksrecherche ('Central Criminal Intelligence Agency') and the Public Prosecution Service.

In Chapter 7 Terry Lamboo and Jessica de Jong describe the developments in integrity monitoring during the past decade. This is no longer confined to evaluating whether policy measures have been implemented, but also involves checking the extent to which these have penetrated to the work floor, and how integrity is perceived by employees, politicians and administrators. The authors emphasise the importance of monitoring and briefly discuss the number and nature of the violations. This first section of the book thus primarily concerns a number of important (macro) aspects of the Dutch NIS, namely policies, support, reporting, investigation and monitoring.

In part II we move to the (meso) organisational perspective and focus on a number of individual government organisations. How do they address integrity? A choice has been made here to give the floor to a small municipal authority first, because this illustrates how a small organisation with fewer resources can also comply with the policy frameworks outlined. As a comparison a larger municipal authority follows, that of Amsterdam. Then

two large national organisations are presented: the Custodial Institutions Agency (DJI) and the Netherlands Tax and Customs Administration. We close with the Province of Limburg, which shows how an organisation can design and implement integrity policies via an external network on a regional level.

In Chapter 8, integrity officer Aafje Stout describes how she manages integrity within the small municipality of Hellevoetsluis, and which challenges she faces in that position. She describes the roles of the integrity officer and the loneliness of that job, but also how she manages to involve other actors (ethics coalition) within the organisation.

Jeanine Kooistra describes in Chapter 9 the development of the Amsterdam Integrity Bureau (IB), which employs twenty integrity officers. This integrity office supports the municipality and has four pillars: internal investigations, risk analysis, screening, and training and advice. The core elements of the policies are described on the basis of a model. The chapter focuses in particular on integrity risk analyses as the foundation for integrity policies and measures.

The Custodial Institutions Agency also has its own office with its own integrity coordinator. The Custodial Institutions Agency's integrity approach is explained in Chapter 10. Attention is devoted here to investigations, training, recording violations and conducting research. Dick van Lingen describes how integrity is integrated into the daily operations, as in regular staff interviews and training. In this way, integrity is embedded in the organisation, to ensure that it receives permanent attention.

The Netherlands Tax and Customs Administration also has a separate department for promoting integrity. Hans Visser argues in Chapter 11 that integrity is a shared responsibility and how, in accordance with this, he has organised an internal integrity network. Specific responsibilities have been assigned within the Tax and Customs Administration for the development, application and monitoring of integrity policies. Those responsible work closely together, which benefits the effectiveness of the policy.

Chapter 12 also focuses on the network approach, but with regard to external networks with other organisations rather than the internal ones. Rick Duiveman reveals how a broad alliance between provincial, municipal and

water authorities is used to promote integrity. The Netherlands has several of such alliances, but Limburg holds the largest one. Limburg has opted for a joint integrity approach and regulations, but also shares facilities such as the position of the regional confidential integrity counsellor.

Part III consists of three chapters written from a more academic perspective. Just as a search for consistency in fostering integrity is important within an organisation, as shown in the integrity infrastructure of BIOS and the Amsterdam model, this is also important at the national level. The Dutch National Integrity System (NIS) serves that purpose. The NIS model makes clear what institutions contribute to a country's integrity performance. In Chapter 13 Willeke Slingerland summarises the results of her 2012 NIS study. The emphasis lies on the presence and quality of the NIS institutions, and whether they have the necessary resources. It also makes clear the areas in which the NIS is vulnerable. Slingerland emphasises the importance of cooperation and how the different elements and structures reinforce each other in the Netherlands.

This analysis is consistent with that of Christoph Demmke in Chapter 14, from a more international EU perspective. In various studies Demmke has examined how EU countries deal with corruption and integrity, and puts the Dutch developments in that perspective. He takes a positive view, but also presents some reservations. In addition, he considers decision-making at the European level and the role that the Netherlands played in agenda-setting and decision-making. He sees a pioneering role, giving hope of a step forward during the Netherlands' EU presidency in 2016.

In the final chapter, Leo Huberts reflects on the contributions presented on the basis of his research and knowledge of integrity in the Netherlands and beyond. Is there such a thing as a 'Dutch approach' to corruption and integrity? What are the key features of this and what can be learned from this for the development of policy in other, similar countries? He takes a fairly positive view of this, with hope for the EU presidency, but also devotes attention to the dilemmas that the Dutch approach faces in the Netherlands itself. All in all, an attempt to place the Dutch approach in a realistic perspective.

Notes

- 1 We present a brief introduction, simply based on for example en.wikipedia.org/wiki/Netherlands and www.government.nl/policy-areas/government-and-state. See for more information on the governance system: Andeweg and Irwin 2014 and for statistics the website of the Ministry of the Interior: kennisopenbaarbestuur.nl/ (unfortunately in Dutch), with also specifics on number of employees.
- 2 Because of the major differences in the social and governance context, we will not discuss the Caribbean part of the Kingdom (a very interesting topic, but not for an outline of the ‘Dutch approach’).
- 3 This is followed by sketches on a national level and from a number of organisations. This required choices to be made, and we do not pretend that this overview is exhaustive. This explains why a number of actors, such as the Netherlands Court of Audit, local audit offices, the National Ombudsman and local ombudsman organisations, as well as various other organisations that play a role in this, are not explicitly included in this book.

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THE NATIONAL
PERSPECTIVE

2 Integrity in public administration

Responsibilities of the Minister of the Interior and Kingdom Relations

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Introduction

In the Netherlands, integrity is regarded as one of the most important conditions for good governance. It is strongly related to public trust in the government and thus to the legitimacy of government actions in general. A breach of integrity by the government may have major consequences for the image of and trust in public administration. Strengthening the integrity of the public administration has therefore been an important goal of successive Dutch cabinets for quite some time.

The subject was placed prominently on the political agenda in 1992 by former Minister of the Interior Ien Dales. In this period, growing concern arose over possible infiltration of public administration by organised crime, combined with several scandals within various municipalities in the Netherlands relating to corruption in public procurement and leaking of confidential political information. In response to these developments, minister Dales delivered a speech at a congress for municipal authorities, in which she spoke the famous words ‘*A little bit of integrity is not possible*’.¹ The speech is often seen in the Netherlands as the starting point for integrity policy as we know it today. The policy has undergone many changes, but Dales’s words still resonate in the lively dialogues among politicians, journalists and specialists about what ‘integrity’ and ‘acting with integrity’ means in practice. Over the years, this theme has developed further and a stronger connection has been made with good governance. In 2009 this resulted in the Dutch Code for Good Public Governance² which includes integrity as one of the seven leading principles.

In this chapter we describe the tasks and responsibilities of the Minister of the Interior and Kingdom Relations in this field. First the context in which the minister operates, as this largely determines the reach of his responsi-

bilities. We then briefly describe changes and developments in the integrity policy. Finally, a number of new developments in the integrity policy and some current challenges are discussed.

Why is the Minister of the Interior and Kingdom Relations responsible for the integrity of the Dutch public administration?

As already mentioned, the government has attached considerable value to securing the integrity of the government for many years. A special role is assigned to the Minister of the Interior and Kingdom Relations here. Among other things, he is responsible for the provision for good and effective public administration and a government on which the public can rely. With this, the minister also has overall responsibility for the professionalism, integrity and quality of civil servants, administrators and elected representatives.

Constitutional relationships

The responsibilities of the ministry for integrity policy within the public administration are confined by the constitutional relationships. The Netherlands is a 'decentralised unitary state'. This means that central government is responsible for the national laws and regulations which often describe in more general terms the obligations with which the subnational levels of government (provincial and municipal authorities and the water authorities) must comply. These levels of government have a considerable degree of freedom as they have their tasks, responsibilities and powers which they can realise as they see fit, within the general frameworks set by central government. This concerns matters such as local taxes, licences and permits, economy and tourism, care and welfare, housing construction and spatial planning. The subnational authorities are responsible for the quality of the execution of their tasks. Supervision and control take place by the accountability of administrators to the people's representatives at the local or provincial level.

Outline of the national integrity policy

The national integrity policy is aimed at preventing unethical behaviour and misconduct and at promoting an ethical (working) environment. The Minister of the Interior and Kingdom Relations acts as the coordinating minister. This means that, within the Dutch system of the decentralised unitary state, individual government organisations are responsible for setting up, implementing and enforcing the integrity policies of their organi-

sations, within the central frameworks set by the minister. The system has also proven that individual organisations are best able to develop their specific integrity policies in a way that is most appropriate and relates best to their organisations (*'couleur locale'*). The Minister of the Interior and Kingdom Relations has primary responsibility for the legal and institutional system that forms the framework for authorities within the public administration to develop their integrity policies. In addition, he provides, supports and facilitates the different tiers of government (Parliamentary Session, 2005-2006).

We refer to this responsibility as a system responsibility, as the minister is not (directly) responsible for the results to be achieved but for creating the right conditions. This responsibility with regard to integrity is reflected primarily in the following functions:

- **standardisation:** via laws and regulations, including the Civil Servants Act, the General Administrative Law Act, the Municipalities Act, the Provinces Act and the Water Authorities Act;
- **monitoring:** conducting research and monitoring in order to evaluate the quality and effectiveness of the system. Individual organisations are not evaluated;
- **support:** entails activities focused on agenda-setting and facilitating institutions that provide support such as guidelines, handbooks and training courses; for example, the ministry subsidises the Dutch National Integrity Office (BIOS) and various professional organisations for activities in the field of integrity;
- **intervention in case of serious incidents,** the minister can formally request information of the relevant administrative body on the nature of the incident, its settlement, and how the administrative body intends to prevent such cases in the future. In severe cases of financial mismanagement, or continuous administrative disorder, formal measures can be invoked by the King's commissioner or the Minister of the Interior and Kingdom Relations in order to restore good administration within a given administrative body.³

The ministry works closely with various partners and stakeholders, including other ministries, associations of municipal, provincial and water authorities,⁴ professional associations of mayors, aldermen, council members et cetera, as well as the Netherlands Court of Audit, the National Ombudsman, universities and individual (government) organisations. Because

the Netherlands has an open, transparent and egalitarian culture, the responsible policy officers of the ministry may maintain this broad informal network of representatives of the different organisations. This network is regarded as a necessary condition for effective and efficient development of the national integrity policy established by the ministry. Information and expertise are exchanged, relevant issues are identified, instruments such as model codes of conduct are developed through co-creation and support is sought for new national policies. Associations and professional organisations in public administration also encourage their members to invest in activities and measures that promote integrity.

Differences in the approach for civil servants and holders of political office

The ministry pursues integrity policy for both civil servants and for holders of political office.⁵ The general roles of the minister are the same and provisions within laws, policies and codes of conduct for civil servants and for political office holders are largely similar. Nonetheless, there are some important differences between the policies for civil servants, administrators and elected officials as a result of differences in the nature of the position, the appointment methods and the context in which the groups operate. These differences are also reflected in the laws and regulations, which are therefore also raised in this section.

References to civil servants concern employees in the public sector. A generally accepted principle in the policy is that, in the first instance, the integrity of civil servants relates to the relationship between the employer and the employee. As a result, primary responsibility for integrity policy rests with the employer. This is also made clear in the Civil Servants Act, which states that ‘good civil service practice’ must be made possible and must be supported by ‘good employment practice’. In this context, good employment practice means, among other things, that the employer must reduce potential temptations and risks as far as possible, for example by setting up an integrity policy, promoting integrity awareness among civil servants and by taking disciplinary action if the situation requires it.

Both elected officials (representatives) and appointed officials (administrators) are not subject to a competent authority and, therefore, have no employer/employee relationship. This means that disciplinary measures that exist for civil servants, such as the possibility of dismissal, cannot be applied to holders of political office. With the exception of criminal law,

measures concerning holders of political office are far more often of a political nature. There is also a distinction between elected representatives and appointed administrators. For example, an elected body such as Parliament can adopt a motion of no confidence in a minister, and a municipal council may do the same with regard to an alderman. This can lead to the resignation of the administrator. People's representatives are elected by the population and have the mandate of the voters. Whether a people's representative resigns for reasons of integrity is up to the elected representative, and, ultimately, to the electorate. After all, elected representatives answer for their performance to the electorate, via elections. The political parties play an important role in securing the integrity of elected representatives. They are responsible for recruiting suitable candidates and also for training and disciplinary enforcement, such as deprivation and suspension if necessary. For Crown-appointed administrators such as mayors and King's commissioners,⁶ breaches of integrity may, in the final instance, form grounds for dismissal by the Crown.

Design of the national integrity policy

Since the 1990s important steps have been taken in public administration in the design of the integrity policy. The development of this policy was not without its ups and downs. Over the years, scandals and new insights have resulted in changes in laws and policies contributing to the comprehensive integrity policy that we know today. The realisation of the different roles that the Minister of the Interior and Kingdom Relations plays, standardisation, monitoring and support, are discussed below.

Standardisation via laws and regulations, basic standards and codes of conduct

A number of requirements concerning integrity and integrity policy have been laid down in law and in various regulations on labour conditions. But legislation is not the only means of standardisation. In addition, in 2005 an administrative agreement between the ministry and the professional associations of the subnational governments has been reached on additional requirements for good integrity policy. This agreement outlines basic standards for the integrity policies of administrative bodies and organisations. The 'Model Approach for Basic Integrity Standards for Public Administration and the Police Force' (Basic Standards)⁷ established an integrated approach in the field of integrity for the entire public administration. In 2006, this integral approach was strengthened through some amendments to the Civil Service Act.

Civil servants

The Basic Standards overlap with provisions of the Civil Service Act (see Table 1). However, the Basic Standards are more detailed and as such provide more practical guidelines for implementation. In addition, they address vulnerable gaps in the integrity policy which are not covered by law.

Table 1 Framework of integrity standards for civil servants

Standards	Regulations
Pursuit of an integrity policy	Civil Servants Act, Basic Standards
Annual report on integrity policies (to the elected body)	Civil Servants Act
Relevant information in centralised internal registers (including the total number of breaches of integrity, reported conflicts of interest, etc)	Basic Standards
Code of conduct	Civil Servants Act, Basic Standards
Taking an oath or making a pledge	Civil Servants Act, Basic Standards
Integrity as part of human resource management	Civil Servants Act, Basic Standards
Attention to integrity in recruitment and selection	Basic Standards
Security and antecedent investigations and Certificates of Good Conduct (VOG)	Basic Standards
Attention to integrity in assessments, work meetings, training and education	Civil Servants Act, Basic Standards
Overview of vulnerable positions and measures to prevent breaches of integrity	Basic Standards
Regular analysis of integrity risks relating to vulnerable actions, positions and processes	Basic Standards
Reporting, registration and disclosure (for high risk officials) of side-activities	Civil Servants Act, Basic Standards
Reporting and registration of financial interests (for high risk officials)	Civil Servants Act, Basic Standards
Regulation and reporting obligation for gifts	Civil Servants Act, Basic Standards
Taking measures aimed at protection of confidential information	Civil Servants Act, Basic Standards
Procurement and contracting procedures	Basic Standards
Procedure for reporting suspected misconduct	Civil Servants Act, Basic Standards
Confidence officer for integrity	Basic Standards
Procedure for investigating and sanctioning (alleged) violations of integrity	Basic Standards

Source: Policy review on Integrity (Policy), Ministry of the Interior and Kingdom Relations, May 2014

Appointed and elected officials

Statutory rules for integrity for appointed and elected officials in sub-national levels of government are laid down in the Municipalities Act, the Provinces Act and the Water Authorities Act. These rules are largely similar to those laid down for civil servants:

- For example, codes of conduct must be drawn up for holders of political office, they must take the oath or make a pledge, and they are bound by rules relating to the handling of confidential information;
- These laws also contain a prohibition on certain official positions that are incompatible with the political office (the so-called incompatibilities). For example, a council member cannot simultaneously serve as a minister or work at the same time as a civil servant in the municipal authority in which he is a council member;
- In addition certain (economic) activities by holders of political office are also prohibited to prevent conflict of interests. This concerns, for example, activities as an attorney or consultant and representing the municipal, provincial or water authorities, or their opponents.

There are also provisions that regulate the participation of local elected representatives and administrators in voting and decision-making in cases in which a holder of political office has a personal interest at stake.

There are also rules concerning ancillary jobs:

- Administrators may not hold ancillary positions which may undermine the authority or performance of the political office;
- Administrators have a legal obligation to report to the representative bodies if they intend to accept an ancillary position;
- Ancillary positions of administrators must be publicly disclosed;⁸
- Administrators must publicly disclose their income from ancillary positions. The income from ancillary positions is deducted from their remuneration. The disclosure of ancillary positions and the related income intends to provide public insight into any other personal (financial) interests which could play a role in the decisions of the administrator. It can also make an important contribution to the prevention of (the appearance of) conflicts of interest.

The regulation of compensation and benefits (beside the statutory remuneration) is mainly arranged for in the decentralised regulations per authority (for example municipal bye-laws). An adequate and clear package

of benefits and provisions (for example to declare official expenses) can reduce the temptation for holders of political office to act without integrity (Ministry of the Interior and Kingdom Relations, 2015: 70).⁹ All compensations and benefits for holders of political office are identifiable and verifiable as they must be based upon formal provisions in laws and regulations. Any benefit or provision not explicitly mentioned in laws and regulations, is not permitted.

For ministers and state secretaries the integrity rules form part of the confidential 'Handbook for new Ministers and State Secretaries'. This includes clear rules concerning the acceptance of gifts and actions relating to financial businesses. Ministers and state secretaries may not hold any ancillary positions. The rules applying for the assessment of candidate ministers and state secretaries contained in the letter from the prime minister to the House of Representatives are also relevant. These are not legal rules, but they form a resilient behavioural line.

For members of the House of Representatives and the Senate, the *Act on the Swearing In of Ministers and Members of Parliament* contains a number of provisions relating to the taking of the oath or making the pledge and the requirement to act in compliance with the obligations of the office. There are also statutory provisions concerning certain incompatible positions and disclosure of their ancillary positions. The Rules of Procedure of both Houses of Parliament require members of Parliament to report gifts and trips offered and also contain provisions relating to conduct in meetings. In 2014 the two Houses of Parliament supplemented these Regulations in response to an evaluation of the parliamentary prevention of corruption measures by the Group of States against Corruption (GRECO) of the Council of Europe. The rules for conflicts of interest, accepting gifts, foreign trips and ancillary activities have become clearer and more precise and cover more situations. Awareness is also strengthened through the introduction of a confidential integrity counsellor (for the House of Representatives) and, for example, an integrity training course for new MPs joining the Houses of Parliament (the Senate and the House of Representatives).

Model integrity code(s) of conduct

Codes of conduct can offer an effective form of standardisation complementary to laws and regulations. Codes concern a set of agreements on

what is desirable behaviour. In addition to rights and obligations, it often also mentions core values which should be upheld in the performance of their duty. The law therefore requires government bodies to establish such codes of conduct for both civil servants and for the political bodies (such as the municipal council) and administrators of the subnational levels of government. However, the ministry does not prescribe the content of these codes of conduct. Their concrete details are left to the administrative bodies which can take into account the local context and specific tasks and risks of the organisation. Furthermore, it is consistent with the principle that government organisations and subnational levels of government are responsible for the integrity of their organisations. As part of the supportive task of the ministry, model codes of conduct have been established which government authorities can use as a guide for their codes of conduct. Examples are the Central Government Model Code of Conduct for the civil service organisation, and model codes of conduct for local administrators and elected representatives, which were drawn up by the ministry in close cooperation with the associations of municipal, provincial and water authorities.

In general the codes of conduct contain rules on the reporting/disclosure of ancillary jobs, dealing with confidential and classified information, gifts and invitations to excursions, events, foreign trips et cetera, and the use of facilities of the organisation. In addition they often contain provisions on procedural agreements relating to reporting and handling of ethical dilemmas and misconduct. The codes also contain rules on the acceptance of jobs within a year of resignation or termination of the official term of office (known as the ‘revolving door’ construction).

In 2015 the model codes of conduct were revised in order to relate them more closely to current day-to-day practice. The revised model code for civil servants of the central government devotes special attention to new developments, such as the use of social media. For the holders of political office the model codes have been fully revised, both for members of the day-to-day administration and one for the elected representatives.

In the revision process of the model code of conduct for holders of political office, special attention is devoted to the formal position of codes of conduct. It is explicitly stated that codes are internal rules of

conduct that holders of political office formally establish through debates within their administration. Failure to comply with the code of conduct has no legal consequences as disciplinary consequences are not available for holders of political office. Compliance to a code of conduct is a matter of self-commitment. This being said, holders of political office can be called publicly to account for their compliance with the code. Failure to comply with the code of conduct can become part of the political debate and have political consequences.

The discussions concerning the details of the model codes of conduct with practitioners and experts are illustrative of the debate on what constitutes an effective integrity policy. These show the many different opinions that exist regarding the ways in which ethical behaviour can be promoted. There are just as many different views on the usefulness of codes. For some, a code of conduct is a tool for initiating an internal dialogue on moral values. For others, the emphasis lies on (further development of) rules against which people must be held accountable. Others emphasise the limitations of regulations through ‘soft law’. They argue that the debate requires hard rules and that a law in that regard is the appropriate means for this. Other questions raised were whether codes of conduct should contain concrete or abstract standards, only material standards or also procedural ones? These are some of the questions at issue here and it is important that we understand how codes of conduct are actually put into practice.

Evaluation and monitoring

An important part of a policy cycle concerns evaluation and monitoring. This is no different for the general integrity policy pursued by the ministry. Chapter 7 will discuss the use of periodic monitoring in more detail. In this section we discuss the outcomes of a recent evaluation of the national integrity policy (Ministry of the Interior and Kingdom Relations, 2014), which aimed to examine the results and developments of the past 20 years.

Monitoring and evaluation of the effectiveness of integrity policies is complicated and the ministry is well aware of the challenges:

- It is difficult to determine the actual effectiveness of the integrity policies. After all, the effect of measures and instruments on the moral awareness of public officials cannot be viewed in isolation from other individual, organisational and societal influences and developments;

- There is but little insight into the actual scale of integrity problems. After all, like all other forms of misconduct, breaches often take place in secret;
- Measurements of effects require a more clear definition of the concept of integrity, integrity awareness or breaches of integrity.

Nevertheless, based on various policy documents and data from the different monitors, it is possible to draw some conclusions about the development of the Dutch integrity policy. Over the years, the ministry has aimed for a broad integrity policy for public administration. The policy contains various elements that in combination form a comprehensive and coherent integrity policy that is consistent with international (academic) standards and insights. It can also be concluded from various studies that, over the years, considerable steps have been taken with the implementation of integrity policy in organisations. The continuing care for and intensification of policy by the ministry has led to a growing degree of attention, awareness and structural embedding of (parts of) integrity policy in government organisations.

It is also notable that the integrity policy has some distinctive characteristics:

- The policy has a fair degree of abstraction: central government prescribes what organisations must do, but not how they must implement it. This gives organisations the scope, within certain (statutory) frameworks, to develop the policy in a way most appropriate for their organisation and context;
- The policy takes a positive approach, with the focus on prevention. Efforts are therefore made to create and stimulate awareness among administrators, civil servants and people's representatives that integrity is of vital importance to the government;
- The objectives of the policy have remained fairly abstract. In essence, it can be said that the Ministry of the Interior and Kingdom Relations has aimed for a situation in which all government organisations have a clear integrity policy that contributes towards the embedding of ethical awareness in the day-to-day work.

The evaluation of the policy also showed some possibilities for further strengthening the integrity policy. Perception studies show that familiarity with measures such as codes of conduct, whistleblower regulations et

cetera, as well as confidence in the integrity of respondents' own organisations and in the moral leadership of management sometimes still fall short. The effectiveness of the policy could also be further improved by creating more consistency in the content of the integrity policy as part of good governance and by further strengthening cooperation with various relevant partners such as whistleblower organisations, audit institutions, the National Ombudsman et cetera.

Support

In addition to standardisation and monitoring, the ministry has an important role in supporting public administration. For although government organisations in the Netherlands are responsible for the integrity of their organisations, they do not have to deal with this entirely alone. This supporting role is realised primarily via the Dutch National Integrity Office (BIOS), which is discussed in more detail in Chapter 3.

In addition, the Minister of the Interior and Kingdom Relations plays an important role in promoting integrity in public administration, and each minister has done so since 1992. The present Minister of the Interior and Kingdom Relations, Ronald Plasterk, on taking office at the end of 2012, made integrity one of the priorities of his term in office. The minister himself emphasizes actively the importance of a government with integrity. For example, he brings forward the issue in public speeches several times a year. Integrity is also a fixed topic in the meetings that the minister conducts in the appointment of new mayors and King's commissioners.

The Ministry of the Interior and Kingdom Relations also identifies wider trends and developments that may have an impact on the integrity of the public administration. After all, the world around us constantly changes. This means that public administration continually faces new issues and challenges that can affect integrity. For example, technological developments are changing how we work, while the financial crisis influenced the way in which we regard certain social issues. The integrity policy will therefore have to keep pace. This calls for a clear view on possible risks. To provide more insight into possible risks, the ministry has commissioned a risk analysis (AEF, 2014). This has shown that, for the Netherlands, a number of trends and developments will be of particular importance in the coming years. Table 2 provides an overview.

Table 2 Trends and developments in Dutch public administration

Trend/development	Potential vulnerability of public administration
The modern civil servant and labour market flexibilisation	Civil servants work increasingly independently, in a dynamic and changing environment. They increasingly work at different locations and thus more often beyond the supervision of managers. Furthermore, job mobility and the number of temporary contracts are increasing. As with contract employment, this can form a risk for the loyalty to the organisation and the embedding of a shared pattern of standards and values.
Conflicts of interest	Administrators and politicians have substantial decision-making powers. They also need this scope. At the same time, we expect them to work at the heart of society, which also means that many administrators hold ancillary positions. In certain cases, this could also result in conflicts of interest. Furthermore, it is possible that civil servants, through loyalty or fear, will not act against administrators when there are suspicions of a breach of integrity. It is therefore important that administrators are able to organise feedback and that they provide for a safe environment for employees to speak their minds if they do not agree with management.
Integrityism	In the Netherlands we witness a growing tendency to condemn behaviour of public officials as lacking in integrity. For example, in some cases doubts are cast on the integrity of decision-making, while in fact, it is the quality of the decision (in terms of content, or consultation process etc.) that is being called into question, not the integrity of the individual public officials. Integrity is also used increasingly as a political weapon to harm opponents. In addition individual cases are presented (in media or politics) in an oversimplified way, where the appearance of a conflict of interest is equated with an actual conflict of interest. These tendencies can create a culture of fear, potentially resulting in administrative paralysis and reluctance to take action in cases of alleged misconduct. Administrative fears make it also tempting to over-regulate integrity risks. These developments undermine the necessary discussions about moral dilemmas within organisations.
Cut-backs and financial setback	In recent years, there have been cut-backs at every administrative level due to the economic crisis. This could lead to increased pressure of work, with attention focusing on the primary process. However, the importance of and attention to integrity could come under pressure as a result.
Decentralisations	The recent large-scale decentralisations of social services to the local government mean that local authorities are facing a substantial expansion of their responsibilities and budget. These bring along the allocation of resources, complex tasks, outsourcing, more intensive contacts with the public and social organisations, a discretionary powers and a focus on providing customized services to citizens, may enlarge the vulnerabilities and integrity risks for the local authorities. These could include matters such as improper attempts at influencing public officials (bribery, intimidation), fraud, abuse of power, etc.

Integrity (policy) in development

The general view among experts and academics in the Netherlands is that a great deal has been regulated in the field of integrity in terms of regulations and instruments. The present challenge therefore lies more in their application in practice.

For administrators and elected representatives, the challenges often lie in the field of avoiding (the appearance of) conflicts of interest (Integrity Yearbook 2011; letter from the government, 29 October 2012'. Civil servants are more concerned about misconduct by colleagues in terms of (sexual) harassment, abuse of power by managers, wastage and default (De Graaf & Strüwer, 2014). However, according to many experts and managers in the Netherlands, the approach to such problems should not be sought in imposing more or new rules and regulations. The focus should rather lie on offering guides to the application of the rules in practice. It is considered important to continue to invest in a preventive approach at the institutional level, within organisations, and in an active approach in the event of concrete breaches of integrity. Of course in close cooperation with the associations and professional organisations within the public administration. It is important that sufficient attention is also devoted to organising a safe environment for employees to speak their minds and to provide critical feedback to management and the authorities as part of their professional independence. This includes being able to report safely on suspicions of abuses and possibly breaches of integrity, as well as being able to discuss personal dilemmas. After all, views on what integrity entails are not formed only in rules, but primarily through good and open discussions. It is therefore important to ensure that the organisational climate is safe and provides opportunities to do so.

Attention to the role of administrators

It is important that managers and administrators take a leading role in strengthening the integrity of the public administration. In 2016 the Netherlands will formalise this in law for the subnational levels of government. This law will make mayors responsible for promoting integrity within the administrative and political bodies. The same has been regulated for King's commissioners with regard to administrative integrity at the provincial level.

This statutory embedding of the responsibility for integrity gives these administrators a title to:

- place integrity on the agenda for (annual) discussions in the municipal councils or provincial parliaments;
- take preventive measures through the use of education and training possibilities;
- set up enforcement practices with due care, and in cases of (alleged) misconduct to take appropriate action;
- to act as a point of contact for public officials of their organisation.

In order to assist mayors (and King's commissioners) in these often sensitive and precarious tasks, a Support Centre for Integrity Investigations of Holders of Political Office has been made available at the National Integrity Office (BIOS) since 1 January 2015. Mayors and King's commissioners can contact this Centre for advice and assistance with practical issues concerning the investigation and handling of integrity matters involving holders of political office.

Screening/integrity assessment on the designation of candidates for political/administrative positions

In the past decade, attention to the assessment of the integrity of candidates for elected or appointed offices' has grown. Of course, several requirements for the appointment of administrators in municipal, provincial and water authorities which are aimed at preventing potential conflicts of interest are laid down by law. An additional instrument for including integrity aspects in the appointment of administrators is the Certificate of Good Conduct (VOG). A VOG investigation involves consulting legal systems for any criminal records of the person concerned. Although the local authorities are free to decide whether to use this instrument, the VOG was already a frequently-used practice in the recent municipal and provincial elections.

Another common new practice is the use of risk assessments for candidate aldermen and members of provincial executives. These determine which risks could form a potential limitation for the ability of the administrator to function well and with integrity. Possible financial and business interests of the person concerned, and/or certain ancillary jobs could be raised in that regard. The outcomes of the risk analyses then form the basis for conducting personal interviews with the relevant candidates. These are

often less about whether the person concerned should be appointed given the possible risks than about the ways in which risks can be managed or eliminated, - for example by relinquishing control over certain private financial interests, resigning from certain ancillary positions or taking account of the allocation of portfolios. The municipal council holds the authority to appoint aldermen. It is therefore also the municipal council that decides which requirements and measures, in addition to the statutory ones, will be imposed for the eligibility of candidates for appointment as administrators.

Specific procedures apply for the assessment of the integrity of mayors and King's commissioners. The integrity of candidate mayors is assessed at the start of the application procedure by the King's commissioner. The Minister of the Interior and Kingdom Relations makes this assessment for King's commissioners. To this end, information on any judicial data is requested from the Justice Department Information Service. Since 2011, inquiries have also been conducted in the form of searches of the records of the General Intelligence and Security Service of the Netherlands (AIVD) and the fiscal records of the Tax and Customs Administration. This takes place at the end of the selection procedure for the proposed candidate for the appointed position.

The assessment framework for candidate ministers and state secretaries has been laid down in policy rules. It has also been laid down in the 'Blue Book' for upcoming ministers and state secretaries. During the formation of the government, the possibility of any past or present restrictions on the candidate's acceptance of the position in question is discussed in the talks between the so-called 'formateur' of the proposed cabinet and the candidate minister or state secretary. If this is the case, the question of whether and, if so, how that restriction can be eliminated is discussed. In the case of relevant financial and commercial interests, the relevant candidate minister or state secretary must either relinquish these interests in full or provide for a regulation under which he or she will not or cannot exercise rights of control during his or her term of office. During these talks, the need to end all paid and unpaid positions and ancillary positions and other ancillary activities before the inauguration of the cabinet is also discussed. After the formation, the prime minister reports to the House of Representatives on any regulations made in relation to incompatible financial and commercial interests.

International assistance and development

Corruption has a strong undermining effect: it not only harms trust in the government, but also has a negative impact on the quality of public service, economic development and the business climate. It may also influence international security and stability. Political instability in certain countries or regions is quite often related to public dissatisfaction with corrupt political elites. These are all matters that are of major direct or indirect importance for the Netherlands. The Netherlands will therefore continue to work to keep anti-corruption and promotion of integrity high on the international agenda and to make a meaningful contribution towards this end. The Netherlands is active in various international anti-corruption fora of organisations, such as the Organisations for Economic Cooperation and Development (OECD), GRECO, the EU and the United Nations.

The Ministry of the Interior and Kingdom Relations also works to stimulate evidence-based integrity policy, for example by conducting research and by promoting integrity monitoring. It also works to raise public awareness of corruption issues and to improve integrity in the public sector through support for social organisations such as Transparency International (TI).

The road to integrity

The present Dutch integrity policy was not developed overnight. Quite the contrary: it is the result of a step-by-step process which began some decades ago and is still in development. While the emphasis once primarily lay on compliance-based policy, it is clear that, over the years, there has been progress towards a balanced policy in which there is attention to both compliance and values-based policy.

The current integrity policy is therefore marked by the diversity of types of instruments. The compliance-oriented rules ('hard controls') are aimed primarily at preventing integrity problems through rules and mandatory procedures. Examples of such rules include obligations to report ancillary positions and financial interests. But a strict compliance-based approach has the limitation that it steers for behaviour aimed at avoiding punishment rather than behaviour aimed at positive self-steering. Against this background, the aim since 2005 has been a more value-oriented approach. This approach is distinguished by the stimulation of positive behaviour,

based on ethical considerations, through attention to awareness and exemplary behaviour ('soft controls'). Education and training help, as does the use of risk analyses. It is the mix of the two approaches that makes the policy successful in the Netherlands. The rules and procedures provide a guide, training promotes awareness, and the protection of whistleblowers promotes abuse being revealed.

Notes

- 1 *Om de integriteit van het Openbaar Bestuur (About the integrity of Public Administration)*. Address by the Minister of the Interior, C.I. Dales, at the congress of the Association of Netherlands Municipalities, in Apeldoorn in June 1992: 'The Netherlands is a democratic state under the rule of law. That term explicitly encompasses the element of integrity. A government cannot both be a state under the rule of law and not have integrity. The government either has integrity or it does not. A government without integrity cannot enforce the rule of law. A little bit of integrity is not possible. And the administration stands or falls with the integrity of the government: harm to the integrity of the government means no less than that the government loses the confidence of the public. And democracy cannot do without that public confidence. Then there is no longer any democracy. That is a deplorable picture. I share responsibility for securing the integrity of public administration with you. The person who allows harm to integrity damages public confidence in the administration and, thereby, the roots of democracy.'
- 2 www.rijksoverheid.nl
- 3 These are financial supervision in cases of a serious financial deficit. In cases of serious and continuous administrative disorder, the King's commissioner may use his legal power to appoint a mayor, by appointing an acting mayor with the task of exploring the possibilities for restoring order and strengthening the administrative capacities.
- 4 The Association of Netherlands Municipalities; Association of the Provinces of the Netherlands; and Dutch Water Authorities.
- 5 Holders of political office constitute elected officials (representatives) and appointed officials (administrators such as mayors).
- 6 Crown-appointed head of a Dutch province, much like a governor.
- 7 Model Approach for Basic Integrity Standards for Public Administration and the Police Force, 26 September 2005.
- 8 This also applies for senior civil servants.
- 9 Ministry of the Interior and Kingdom Relations (2015). *Bijzondere ambten, een toegesneden rechtspositie. Integrale visie (rechts)positie politieke ambtsdragers*, p. 70 (Special offices, a tailor-made legal position. Integrated view of (legal) status of holders of political office)

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3 The Dutch National Integrity Office

Supporting public integrity

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Introduction

Public organisations today pay more attention to ethics and integrity. In the Netherlands, public integrity has been on the administrative and political agenda since the early 1990s (Hoekstra and Kaptein, 2014). From an international perspective, Dutch efforts in the field of integrity management can therefore be qualified as long-lasting. Moreover, the Netherlands has the reputation of being a relatively non-corrupt country (Transparency International, 2012) and the work of its Dutch National Integrity Office (BIOS)¹ is regularly pitched as ‘good practice’ (European Commission, 2014a and 2014b).

Origins and organisation

BIOS originated just after the start of the new millennium. A massive fraud in the building sector, which also involved corruption of civil servants, led to an intensification of Dutch integrity policies. In addition to issuing new integrity provisions in the Civil Servants Act, the Minister of the Interior and Kingdom Relations established BIOS to support public sector organisations in implementing existing and new integrity provisions. In its early years, BIOS was part of the Ministry, but in 2009 it gained a more independent position, as required by the United Nations Convention Against Corruption (2003). The Ministry has subsidised BIOS since then, with an annual budget of approximately 1.3 million. Because BIOS is publicly funded, most of its activities are without charge for public organisations.

In comparison with other European anti-corruption and integrity bodies, BIOS is a relatively small agency. It is therefore also organised in a different way: it does not investigate incidents, but has a purely preventive task, operating as a centre of knowledge and expertise in the field of promoting of integrity. The agency has currently 8 employees. The employees have different backgrounds, such as law, public administration, philosophy and

accounting. BIOS has also a large external network. This external network consists of independent advisers, academics and experts who are frequently called upon for assistance, for example to develop instruments and conduct research.

Domain and definition

Scientists and experts from the Netherlands and elsewhere have different views on the definition of the term ‘integrity’ (see Chapter 1). In many countries, integrity is often equated with anti-corruption. In the Netherlands, integrity involves more than anti-corruption and has a broader, more extensive meaning. BIOS’s integrity approach not only concerns preventing breaches of integrity but also promoting an ethical climate marked by features including openness, safety, respect, trust, leadership, and justice.

BIOS uses integrity as a feature of the quality of good governance. A link is sought here with the concepts for ‘good employment practices’ and ‘good public service’, which are also used in the Civil Servants Act. In relation to integrity, good employment practices mean that the employer protects civil servants against potential temptations and miss-steps in their work, stimulates integrity awareness, and teaches civil servants to take responsible ethical decisions. The employer can do this by developing and implementing integrated integrity policies. The elements of these policies make part of the integrity infrastructure (discussed in more detail below). Good public service in relation to integrity concerns aspects such as how civil servants use their powers, resources and information provided by the employer. This concerns acting according to the leading ethical values and standards for work in public service. The bottom line here is that good employment practices enable and support good public service.

A similar development of the concept of integrity can be realised for elected and appointed holders of political office (like mayors, council members, and aldermen). In that structure, reference can then be made to ‘conduct befitting a good holder of political office’. This affords scope for dialogue and places the emphasis on the professional performance of the role as a politician. The dialogue does not focus on political and ideological convictions, but on how politicians operate within the principles of the democratic state², under the rule of law, and existing codes.

Ambition and activities

BIOS helps organisations to organise, manage and implement integrity policies. More precisely, BIOS helps organisations to help themselves. This distinguishes BIOS from ‘ordinary’ ethics consultants that can be hired to actually set up, audit, or fix integrity systems in organisations, or to investigate possible wrongdoing. But since integrity is such a core value of good governance, care for integrity should not – conveniently - be contracted out to (commercial) parties of this kind. Instead, organisations should be enabled to take care of ethics and integrity themselves and BIOS supports them in that endeavour.

Accordingly BIOS performs little or no custom work for individual organisations; most of the activities have a general character. For example, the integrity instruments, courses, brochures, research reports and meetings that BIOS organises are always of a nature that gives them a broad scope: they are available for and apply to the government as a whole. In addition, BIOS does not focus on individual government employees, but purely on the officials who must promote integrity within their own organisations. This could include integrity officers, confidential integrity counsellors, works councils, human resource management (HRM) employees, (senior) managers and administrators. BIOS also focuses solely on prevention and, therefore, unlike many other national investigative agencies and international anti-corruption agencies, does not itself perform any personal investigations of potential breaches of integrity as such. The functions and activities of BIOS are briefly outlined in the table below.

Table 1 Functions and activities of BIOS

	Function	Description	Some examples
I	Development	the development of practical instruments that can be used by government organisations	dilemma training videos for civil servants and counsellors, all kinds of manuals and handbooks, risk assessment tools
II	Sharing knowledge	gathering and making available integrity-related knowledge	providing courses for integrity officers, hosting a website (www.integriteitoverheid.nl), and publishing the Integrity Yearbook
III	Networking	connecting policy-makers, practitioners and scholars by hosting a variety of integrity platforms	organising conferences, workshops, network meetings, and round tables to exchange experiences and best practices
IV	Research	conducting research in the field of public integrity	reports on internal reporting systems, integrity plans, or on the impact of the financial crisis on public integrity
V	Advising	advising local governments on how to address breaches of integrity by political office holders	how to conduct an investigation, how to outsource an investigation, how to learn from such an incident and how to prevent it

Integrity Infrastructure: a coherent integrity management model

BIOS has developed an integrity management system.³ The model is based on the observation that integrity policies within organisations often have a fragmented character. In most public organisations various staff-departments and officers (like for instance HR, Audit, Works Council, Legal, Financial, Integrity Advisers) are responsible for certain integrity activities or instruments (such as pre-employment screening, training, reporting procedures, risk assessments, integrity audits). This multitude of integrity actors and areas may cause a lack of coherencies, but may also blur the view on the implementation.

The model is consequently designed to connect integrity activities within government organisations. It integrates the seven core aspects of integrity management, which are visualised in Figure 1 and further fleshed out in Table 2. Moreover, it combines hard, soft and operational controls (see Chapter 1), provides a cyclic approach, because the policies are also evaluated, and finally, it devotes explicit attention to the coordination and institutionalisation of integrity.

In this model the integrity officer is positioned at the centre, as its driving force and coordinator of integrity. Coordination is key since inter-connecting the involved integrity actors *‘is critical to the successful implementation of ethics and compliance programs throughout the organization’* (ERC, 2007: 25). Moreover, *‘An organization which implements an ethics and compliance program without designating an individual to oversee it, risks the possibility that the function will fail for lack of leadership. Similarly, talking about the importance of ethics without creating a formal function to uphold and promote organizational standards may be perceived as hypocritical’* (Ethics Resource Center, 2007:13-14). The creation of such a coordinating function also seems to be important since integrity officers do not see themselves as experts on all the areas involved, but rather as facilitators (Trevino et al, 2014). The OECD (2008) summarises the significance of coordination as it: allows for synergies between instruments, allows for an accumulation of expertise, ensures continuity of ethics in the long term, and strongly signals that integrity is considered important within the organisation.

Figure 1 Integrity Infrastructure



Table 2 Elements of the Integrity Infrastructure

Seven elements of the Integrity Infrastructure	
Commitment & vision	Integrity policies can only succeed if the top of the organisation is willing to promote them and to provide sufficient resources for them. Additionally, it is necessary that the top develops a clear vision on integrity management: why do we want to pay attention to integrity, how do we define it, what strategy do we follow, what is our ambition?
Values & standards	Public sector values and standards constitute the underlying basis for integrity policies. It is therefore important to establish the organisational values and standards and then to document them in a code of conduct. This will make it clear what the organisation and the employees represent and what they can be held accountable for.
Rules & procedures	Values should be supported by a clear set of organisational rules and procedures. These are often summarised as internal administration and control systems. Examples are: work processes, the ‘four-eyes’ principle, separation of duties, and job-rotation procedures.
HRM policies & culture	Integrity is also an important subject for HR and should, for example, be part of recruitment, selection, screening and exit policies. In addition, introductory meetings, internal courses and staff meetings seem natural occasions on which to raise employee awareness and to improve the organisational culture.
Incidents & enforcement	Investigating and sanctioning unethical behaviour is important. It gives a signal that integrity is highly valued and reduces the risk of future breaches. Provisions aimed at reporting and enforcement (such as reporting hotlines, integrity advisers, and investigation protocols) are important integrity elements.
Monitoring & reporting	Monitoring integrity policies and programmes is necessary in order to be able to evaluate and to improve the functioning of the integrity policies. Evaluations provide information about the implementation and effectiveness of the integrity policies.
Organising & embedding	The above integrity activities should be firmly embedded within the organisation. An integrity officer is the person appointed to develop the integrity management system for the organisation, to coordinate all integrity activities and actors and to advise the line management. This officer should draft an integrity plan/document which should cover all issues of this kind.

Reflection

BIOS continuously developed itself since its establishment in 2006. It developed a vision of integrity and designed various instruments that help organisations to implement integrity policies. The different instruments are presented on a website. The development of the instruments, such as

the integrity infrastructure, a risk analysis tool, several awareness instruments, courses for integrity officers and confidential integrity counsellors, and all sorts of guidelines helped organisations to implement integrity policies more effectively.

Over the years, BIOS has developed a new function, the signalling function. Many tools and a great deal of knowledge had become available, so that it became time to also consider the extent to which these were implemented and which issues played a role in this. The results are made visible on the basis of various, sometimes critical, research reports. This helps to promote integrity within the public sector.

In the first instance, BIOS focused on promoting integrity in the civil service organisations. From about 2011, the promotion of integrity among holders of political office (administrators) was added. The development of both ‘disciplines’ still varies somewhat; the policies for civil servants (officials) seem to be more comprehensive, explicit, and formalised than the policies for administrators. This explains why the latter is intensified now.

Since the start of 2015, BIOS has been assigned an additional task of advising mayors (and their ‘equals’ in other tiers of government) in integrity investigations of holders of political office. Conducting integrity investigations is an activity in its own right, calling for a high degree of care. Integrity investigations are materially different from police/criminal investigations. Because mayors do not deal with integrity investigations on a daily basis, there has proved to be a need for assistance at the moment when suspicions of breaches of integrity arise. What should be done, is an investigation necessary, what precisely is the investigation question, who should conduct the investigation and how can the client maintain control during and after the investigation? The Support Centre for Integrity Investigations of Holders of Political Office has been set up at BIOS to handle questions of this kind.

BIOS has increasingly become an authoritative centre of knowledge and expertise on public sector ethics and integrity. Its visibility has increased, the target group and the functions of BIOS have expanded, and the expertise of the individual employees has further improved. Despite these positive developments, BIOS must continue to develop, and must remain alert to trends and (social) developments that influence integrity.

With regard to its signalling role, in particular, it is important that BIOS is able to operate independently. After all, critical comments are never welcome, even though they are intended to make improvements. BIOS will have to make these critical comments. Precisely for that reason, its independent position is of crucial importance. This applies with regard to all institutions with which BIOS maintains relationships, including the Ministry of the Interior and Kingdom Relations, institutions forming part of the broader integrity landscape, and other national and international organisations that ask BIOS for advice.

In the coming years, BIOS will want to further strengthen its authoritative position, and the agency will continue to further institutionalise public integrity.

BIOS is aware that its position and practices are a consequence of the Dutch context. It seems to be unwise to copy them blindly. The machinery of government has its own structure and culture in each country, and the institutional embedding differs. However, based on our experiences, the following recommendations should be considered since they could be valuable for other countries as well.

- Firstly, it is important that integrity policies are laid down in law. A legal framework is a requirement for organizations to take action. In the Netherlands, this is laid down in, for example, the Civil Servants Act, the Basic Standards, and in the Municipalities Act, the Provinces Act and the Water Authorities Act;
- It is then necessary for public sector organisations to receive support in implementing these policies. In the Netherlands, BIOS plays that role;
- It is also important to monitor the actual implementation of the policy (Dutch National Integrity Office, 2012, see Chapter 7). Regular monitoring and evaluation are crucial and enable us to intensify and to adjust these policies on a regular basis;
- If integrity breaches do occur within individual organisations, the media will immediately seize on this for publication. This is unavoidable, but it is possible to objectify the media reporting. Keeping the public informed of the state of affairs and (proactive) information will create a better grip on what is published, resulting in more objectivity;
- But integrity and integrity policies also benefit from the criticisms of NGOs, audit offices, supervisory authorities, and scholars that can provide input for improvement;

- In addition, integrity policies will be more effective (van Tankeren 2010) if a structural, coherent approach is taken with the aid of an integrity infrastructure;
- With a clear internal integrity network (see for example Chapter 11), defining who has a role to play in which area, it will become clear who does what in the implementation of the integrity policies. This could include the confidential integrity counsellor, the HRM department, the security department, finance & control, and the management. An organisation will benefit from the appointment of an integrity officer, who will act as a linking pin; connecting all the actors together, maintaining an overview, and ensuring that integrity remains on the agenda. This forms the basis for a sound organisation in which integrity is thoroughly embedded as a permanent element.

Notes

- 1 BIOS is the Dutch abbreviation for ‘Bureau Integriteitsbevordering Openbare Sector’, the Dutch National Integrity Office.
- 2 Netherlands Code for Good Public Governance (2009). Principles of proper public administration; The model code of conduct for the integrity of people’s representatives in municipal and provincial authorities and water boards (Association of Netherlands Municipalities (VNG), Association of Provinces of the Netherlands (IPO), Dutch Water Authorities (UvW), Ministry of the Interior and Kingdom Relations (BZK), March 2015, pdf); and the model code of conduct for the integrity of (day-to-day) administrators in municipal authorities, provincial authorities and water boards (VNG, IPO, UvW, BZK, March 2015, pdf).
- 3 The model can be found on the BIOS website: www.integriteitoverheid.nl/toolbox/model-infrastructuur.html

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4 Reporting¹ malpractices in the dutch public sector

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Introduction

Employees can play a valuable role in identifying and reporting misconduct in the workplace. Reporting malpractices such as fraud, corruption and abuse of powers is necessary for the competent authorities to be able to address these serious breaches of integrity. Conduct of this kind and coverage in the media undermine confidence in the government. There is also awareness on an international level of this important role of employees, and of the fact that ‘reporters need effective protection.’² What is the situation regarding reporting of malpractices and protection of reporters in the public sector in the Netherlands? In this contribution, we outline how reporting is organised within the government.

We first explain why a reporting procedure was introduced within the government. We then discuss the objectives and principles of the regulations, followed by a brief discussion of the procedure itself. We explicitly devote attention to a specific officer in the reporting procedure, the confidential integrity counsellor. Secondly, we discuss the external reporting/integrity landscape in the Netherlands. Here we outline the picture of the number of integrity institutions that have grown over the years. We also describe the potential consequences of the adoption by Parliament of the amended ‘House for Whistleblowers’ Bill for the reporting landscape. We then conclude with some reflections on the Dutch reporting system.

Development and operation of the procedure for reporting malpractice

A survey of employees conducted in 1999 by a large trade union (FNV, 2000) showed that they did not feel free and secure enough within their own organisations to report suspicions of potential malpractice. This outcome made the government aware that it was missing potential opportunities to halt malpractice occurring in the public sector at an early stage. The government therefore set itself the goal of preventing malpractice as far as possible, more than in the past, and if it nevertheless arose, to identify and halt his quickly. In order to achieve this, it was necessary to create

an environment that invited reporting. A sense of security is essential here, and the central government therefore decided to set up a reporting procedure in 2001 that should protect its employees, as potential reporters of malpractice, (more effectively) against the potential negative consequences of reporting. In contrast to the present reporting procedure, this regulation was directed solely at regulating and reporting *serious* abuses.

The first reporting procedure was quickly followed up nationwide, as most of the lower tiers of government embraced the reporting procedure and introduced it within their own working environments. The reporting procedure has developed further over the years. New insights and evaluations have led to adjustments. There may be differences at a local level, because Dutch decentralised tiers of government have the freedom to draw up their own regulations. However, in most cases these are the same as the national reporting procedure, as in essence they all have the same aim: encouraging internal reporting of malpractice, so that the organisation can take adequate controlling action.

The reporting procedure therefore contains provisions to protect the reporter from the adverse consequences of reporting suspicions of malpractice. A reporter who is nevertheless dismissed as a consequence of his or her report, or who receives less salary, misses a promotion or suffers other negative effects can invoke the protection provisions of the reporting procedure. In this way, a reporter who has to defend himself or herself against the adverse effects of a report can claim financial compensation to cover the costs of legal proceedings. If the court decides in favour of the reporter, he or she can also count on compensation for legal fees in excess of the statutory minimum.

The reporting procedure only protects reporters acting in good faith. The report must be aimed at drawing attention to the (suspected) malpractice. A reporter with malicious motives cannot invoke the protective effect of the regulations. This is the case if a reporter makes a report for the purpose of deliberately harming another person or because he or she disagrees with the (political) choices of his or her organisation. The regulation not only protects civil servants in active service. Civil servants who leave the organisation can still make use of the reporting procedure and the associated protection for up to two years after the termination of their employment contracts.

The reporting procedure also provides for the appointment of a confidential integrity counsellor. This is an officer with whom employees can discuss and to whom they can report undesirable forms of behaviour and integrity matters in confidence. The confidential integrity counsellor plays an important role in Dutch reporting procedures and is regarded as a success factor for a reporting procedure that works well. The roles, tasks, conditions and the added value of confidential integrity counsellors are discussed in more detail later in this paper.

The reporting procedure also describes what can be reported, by whom, to whom, as well as what the procedure and terms for settlement are. What can be reported according to the regulations has already been mentioned as an aside. Primarily, this concerns suspicions of malpractice. The term ‘malpractice’ itself implies that this does not concern trifling matters. Malpractice is conduct that involves a violation of a law or regulation or failure to comply with policy. However, matters that are not laid down in law or regulations can also give rise to malpractice, for example if this creates a risk to health, safety or the environment or jeopardises the proper functioning of public service. In these cases, potential reporters are explicitly invited to report this internally.

Internal reporting of malpractice (Internal Reporting Mechanism)

The reporting procedure is designed to promote internal reporting of suspicions of malpractice. In order to make the barriers to this as low as possible, potential reporters are offered a number of reporting options. This can take place openly to the employee’s own supervisor, confidentially to a confidential integrity counsellor or a designated external party, or anonymously via a special national telephone reporting centre. The first option is the most preferable and will be at issue primarily in a healthy organisation. In this context, a ‘healthy organisation’ is an organisation where malpractice can be reported without fear of repercussions. However, it is possible that a potential reporter will have good reasons not to report his or her suspicions to his or her supervisor (yet) or to one of the supervisor’s superiors. A good reason for the latter could be that the supervisor himself or herself is involved in the malpractice. Larger organisations also sometimes have a specially created reporting centre (see for example Chapter 9 or 10 for some examples). This name can cover many different activities. Sometimes it is no more than a telephone number on which employees can report suspicions of malpractice. In practice, this is sometimes combined

with investigative activities, but it should also come as no surprise if the reporting centre is deployed for preventive tasks. But if a potential reporter still has doubts about whether to report suspicions of malpractice, he or she can first request a meeting with a confidential integrity counsellor.³

The confidential integrity counsellor

Confidential integrity counsellors are usually employees of the organisation who make themselves available for this specific role in addition to their regular duties. Questions and doubts about possible undesirable behaviour by colleagues and integrity matters can be discussed in confidence with a confidential integrity counsellor. An employee who is struggling with an integrity dilemma can therefore also contact the confidential integrity counsellor. As the name suggests, a meeting with the confidential integrity counsellor is always confidential. A confidential integrity counsellor never discloses the names of the person with whom he or she holds meetings, including to the employer, if this is requested. The confidential integrity counsellor offers employees who suspect malpractice support in taking a decision. The counsellor does this by listening, asking questions and outlining the options open to the employee. The potential reporters decide for themselves whether and, if so, which steps to take and so retain control over what happens. A confidential integrity counsellor is not a mediator or a coach and is certainly not an investigator. A confidential integrity counsellor who does not follow these principles becomes too closely involved in the case. He or she then runs the risk of becoming the problem owner or personal service provider for his or her ‘client’.

It is possible that, during a meeting with a confidential integrity counsellor, a potential reporter realises that he or she wishes to make a formal report on his or her suspicions of malpractice. In that case, the confidential integrity counsellor is also authorised to receive the report. This possibility was deliberately included in the reporting procedure in order to avoid potential reporters from failing to make reports because they are reluctant to tell their story yet again at a new reporting centre.

The task of the confidential integrity counsellor as a reporting centre is limited to taking receipt of the report and immediately handing this to the competent authority. The report must contain the most concrete description possible of the suspicions. The reporter’s name does not appear in the

report. A report is always made in confidence, unless the reporter waives this right. The competent authority is required to provide the reporter with proof of receipt of the report. This requires the intermediary of the confidential integrity counsellor, who, after all, is the only person who knows the identity of the reporter. At a later stage, when the report is investigated by the organisation in more detail and settled, the competent authority may ask the reporter for additional information or report him or her on the process via the confidential integrity counsellor.

Confidential integrity counsellors play a prominent role in the reporting procedure. This role will only truly come into its own if the organisation devotes serious attention to this. Research (De Graaf, 2008) has revealed that potential reporters do not take the step of actually making a report lightly. The confidential integrity counsellor is there especially to support potential reporters in this process. In order to be able to offer that support, the access barriers must be low. Through the historic development of the confidential work, we still often see this work being performed by employees associated with an HR department. This executive department is closely involved in implementing labour law measures such as suspension and dismissal. This package of tasks means that employees primarily regard this department as an extension of (senior) management.

This positioning of confidential integrity counsellors places pressure on the sense of confidentiality, which is so important for these meetings. For this reason, careful selection of confidential integrity counsellors is necessary. A confidential integrity counsellor must be accessible and, in addition to listening, must be able to conduct a pleasant and constructive conversation. Interviewing and listening skills are among the basic skills required and must therefore be mastered. Precisely because trust and integrity are key concepts for this work, the selection and appointment procedure must also take place correctly. For example, any suspicion of an 'old boys network' or preferential treatment of a candidate confidential integrity counsellor is already disastrous.

An organisation that is providing for confidential work would be wise to appoint two or more confidential integrity counsellors. This ensures continuity and if one counsellor is absent or a potential reporter does not have confidence in that counsellor, he or she can make use of the alternative. We also increasingly see that organisations not only appoint their own

employees as confidential integrity counsellors, but also deliberately opt to hire (external) counsellors. Employees who wish to discuss a problem but who feel that confidential integrity counsellors are too close to their own organisation can then contact someone who stands at a greater distance from themselves or the organisation. Often, this is also an attractive option for the organisation. It allows more flexibility in terms of capacity deployment and the construction means that it does not have to deal with the obligations it has in relation to its own employees.

Once the appointment has been finalised and the roles, tasks and positioning of the confidential integrity counsellor are established, the organisation must be familiarised with the phenomenon of a confidential integrity counsellor. Who is this, and what does he or she mean for colleagues and for the organisation in general? The individual confidential integrity counsellor plays an important role in this. A proactive attitude is necessary, because the work of the confidential integrity counsellors primarily takes place out of sight of their colleagues. In the Netherlands, confidential integrity counsellors are therefore encouraged to join team talks or meetings on a regular basis. In this way, confidential integrity counsellors not only increase their own familiarity and visibility, but can also explain the frameworks within which they must work. We also advise government organisations to use the time of appointment, which is followed by taking the official oath, as a natural moment at which to discuss the values and responsibilities of the office accepted and to point out the support that can be obtained from the confidential integrity counsellor.

It is important to define the frameworks for confidential work, because the job title of confidential integrity counsellor creates certain expectations.

It is possible that an employee or a confidential integrity counsellor, in the performance of his or her duties, comes across serious situations

- involving the taking of a life (murder, manslaughter et cetera);
- involving a serious offence committed by a civil servant while in office;⁴
- that creates a risk to persons, the environment or health, or jeopardises the proper functioning of the service.

Everyone who works in the public sector in the Netherlands has a statutory duty to inform the competent authority of their organisation of serious offences of this kind if they become aware of them. An employee who shares this information with a confidential integrity counsellor and does not wish to report it formally must be aware that the confidential integrity counsellor has a similar responsibility. In that case, the confidential integrity counsellor is required by law to report the confidential information. In the first instance, this suspicion will be reported only to the competent authority of the counsellor's own organisation and the counsellor will protect the identity of the source. If the seriousness of the suspicions leads to the involvement of the Public Prosecution Service, the confidential integrity counsellor will ultimately also have to reveal the identity of his or her source. The field of tension between confidentiality and mandatory disclosure means that the confidential integrity counsellor could come into direct conflict with his or her employer. Partly for that reason, according to the provisions of the reporting procedure, the confidential integrity counsellor enjoys the same protective regime as the reporter.

External reporting of malpractice (External Reporting Mechanism)

The preceding paragraph explained that the principle for the reporting procedure is that reports are made internally. It is foreseeable that an internal report may not always be settled to the satisfaction of the reporter, or that a potential reporter will have no confidence that an internal report will be settled securely and with due care (for example because he or she believes that the management to which the report must be made is itself involved in the matter). For that reason, the reporting procedure contains a supplementary and an alternative reporting possibility. The reporter can submit the case to an external, independent institution: the Council for Integrity Investigations in the Public Sector (OIO).⁵

The Council handles reports for the central government and for decentralised tiers of government, such as municipal and water authorities. Reports to the Council are handled in confidence. The reporter's name is not disclosed, but is protected from the outside world. In principle, the Council must complete handling of a report within twelve weeks. It does this by issuing an advisory report to the competent authority of the organisation concerning which the report was made.

Other reporting institutions

Although the OIO is an external body, reports made to it are still subject to the (internal) reporting procedure. There are also a number of other institutions for (potential) reporters or government employers. These are listed below, with a brief explanation.

Confidential Line for reporting breaches of integrity

Civil servants and citizens can call the Confidential Line, which is part of NL Confidential,⁶ to report breaches of integrity committed by government officials. Via the Confidential Line, reports can be made anonymously. There may be reasons not to make a report to a supervisor or confidential integrity counsellor, for example because the perpetrator is a direct colleague of the reporter or because the reporter fears dismissal. The Confidential Line is then an alternative. The Confidential Line service will not investigate the report itself, but anonymous reports are passed on in confidence to the organisation responsible for further handling. The Confidence Line therefore serves as a ‘last resort’ in the reporting system.

Advice Centre for Whistleblowers (APKL)

The Advice Centre for Whistleblowers (APKL) was launched on 1 October 2012. This arose through a critical evaluation of the operation of the reporting procedures within the public sector (USBO, 2008). This independent body was set up to advise (potential) whistleblowers in the private and public sectors on request, in complete confidence, and to offer them support with potential follow-up steps if they consider making a report. Everyone who encounters suspected malpractice with a public interest via their work can contact the APKL. This not only includes regular employees, but also, for example, contract workers or trainees. The APKL does not conduct investigations itself. It has no powers or instruments for this.

Other relevant parties in the ‘reporting landscape’

In addition to the organisations mentioned above, still more parties operate within the reporting landscape. Although they are not formally part of the reporting procedure, these organisations operate on the fringes of this.

National Ombudsman

The National Ombudsman investigates the conduct of the government. As a ‘second-line’ service, the Ombudsman handles complaints about the government from members of the public. This means that people with

complaints must first make use of the complaints regulations of the government organisation itself. As a complaint from a member of the public about treatment by a government body is not the same as a report of malpractice, the Ombudsman is not formally an integrity institution and does not form part of the reporting landscape. However, it is possible for a report of malpractice to be ‘packaged’ as a complaint, which is then submitted to the Ombudsman. For this reason, and because the Ombudsman formed part of the House for Whistleblowers legislation, the Ombudsman is discussed in this chapter, albeit as an aside.

Whistleblowers Expert Group

A number of (former) whistleblowers formed the Whistleblowers Expert Group in June 2010. The tasks that this non-governmental organisation (NGO) has set itself include acting as a reporting, advisory and referral centre for whistleblowers reporting (social) malpractice. In general, the Whistleblowers Expert Group acts as a lobby group for whistleblowers, in particular with regard to raising awareness of their protection.

Publeaks

On 9 September 2013 the Netherlands was informed of the launch of a website for whistleblowers. Via this website (Publeaks.nl), an initiative of a large number of national media, people wishing to raise malpractices can come into contact with the press in a safe manner. Via this medium, people can publicise large amounts of information anonymously and simply, without personal contact with a journalist. This initiative concerns a low-barrier instrument, Publeaks has so far produced 40 relevant reports.

Some reflections on the Dutch reporting system

Anonymous reporting

The Dutch government does not advocate anonymous reporting, because the facts cannot be verified with the person making the report, but also because malicious motives could play a role. For that reason, the reporting procedure does not provide for the possibility of anonymous reporting. In order to avoid valuable signals from being lost for that reason, the government has opened the Confidential Line as a national telephone reporting line.⁷

If the report concerns a serious criminal offence, it will be passed on to the police for investigation. Other matters are reported to the organisation at

which the suspected malpractice takes place. The recipient organisation then has an opportunity to take adequate action. More information on anonymous reporting is provided above, under the heading ‘Confidential Line for reporting breaches of integrity’.

Success factors

Creating a safe environment by formulating a reporting procedure with assurances is an important first step. Interim evaluations and scientific research (De Graaf, 2008) have shown that there are several factors that determine whether employees actually report malpractices. Employees who report misconduct, for example, are not only concerned about their own safety. Research has shown that whistleblowers are also concerned about the consequences of their report for the person involved. After all, their report may lead to someone losing their job and facing financial and social problems. For that reason, reports of suspected malpractice must be addressed quickly, investigated with care, and must lead to a fair and just settlement. Failure to address reports without stating the reasons, unnecessary use of invasive investigation methods, disproportionate penalties and failure to penalise misconduct all inhibit reporting. This is demonstrated by research.

The study by G. de Graaf and T. Strüwer (2013) *Aard en omvang van integriteitsschendingen binnen de Nederlandse overheid (Nature and scale of breaches of integrity within the Dutch government)* showed that half of the officials who reported suspicions of malpractices were dissatisfied with the handling of the report. In their view, reporting had little or no noticeable effect, they feel they were not taken seriously, and the feedback and progress of the process were also perceived as inadequate.

Potential reporters must therefore have confidence in the entire process, Not only for themselves, but also for the person seen as the potential offender. Furthermore, the entire process, from reporting to legal settlement, is based on the philosophy of ‘self-cleaning’ capacity, which only comes into its own if the organisation has the will to provide public services in a proper, open and transparent manner. Good internal and external communications in integrity incidents are crucial here. The privacy of those involved must be respected, but cannot form a reason not to communicate. This form of openness and transparency sometimes appears to conflict with the principles of good reputational management. Rightly or wrongly, administrators are afraid that the media will explicitly pick out

integrity incidents and that they will be left to deal with the negative consequences. For this reason, administrators have a tendency to keep quiet about incidents or to belittle them. They desperately try to keep the internal ranks closed, but ultimately, the truth, or part of it, nevertheless comes out or is cast into doubt. In the long term this approach is certainly counter-productive: it undermines trust in the government.

Protection of reporters

In the Netherlands the reporting system is based on the ‘self-cleaning’ capacity of organisations. That system comes into its own to best effect if reporting of malpractice is regarded as a welcome sign for the organisation concerned. The organisation concerned must address the report adequately and halt the malpractice as quickly as possible. If the report leads to a personal investigation, this must be conducted justly and with due care. Unfortunately, in practice we still see too often that reporters face negative consequences from their report and are sometimes even threatened by their own employers. It quite often leads to dismissal, breakdowns in marital and other relationships and other personal suffering. New forms of communication mean that reporting on conflict situations of this kind and the suffering caused reach a wide public with increasing speed. In cases of this kind, due to their news value, the media certainly make themselves heard. They primarily report on cases where things go wrong. The disclosure of this one-sided picture does not encourage future reporters to report suspicions internally. The question arises of whether the protective measures in the reporting procedure are sufficient, or whether this undesirable effect should be addressed in a different way.

A reporter who has to defend himself or herself in court against his or her own employer due to dismissal or other measures will certainly regard the limited compensation provided via the reporting procedure as a shortcoming. The question is whether higher compensation would have prevented the employer’s behaviour. The problem appears to lie primarily with the senior management that receives a report on suspicions of malpractice. Senior managers who conspicuously renege and harm the legal position of a reporter acting in good faith should be publicly corrected by the supervisory authorities. If there is an abuse of power or other dereliction of duty, the most senior manager will also have to be prosecuted under labour law. Obviously, any prospect of a golden handshake will then be unlikely.

New developments and their consequences for the landscape

On 14 May 2012 a member of the House of Representatives submitted a Bill intended to offer advice and support and better protection for (potential) reporters of malpractice. This Bill arose through the concerns of a number of members of the House of Representatives regarding what they see as slow progress in replacing the existing reporting provisions within the government, after an evaluation in 2008 showed these to be inadequate and insecure.

In order to solve the problems observed, the original Bill provided for the creation of a 'House for Whistleblowers'. This House was to implement a number of ambitious elements, such as the creation of a fund for benefits at the request of whistleblowers. That element was rejected at an early stage of the Bill's passage through Parliament. The section on combining an advisory and investigation function in a single body (the 'House') was also rejected. The proposal to position the House at the National Ombudsman suffered the same fate, since in that case, the National Ombudsman would also have a say with regard to the private sector.

In the amending Bill ('nouvelle') which is currently before the Senate, the members who submitted it have met the requirements of the Senate to some extent. The House will no longer be placed with the National Ombudsman, but will be set up as an independent administrative body (ZBO). The Advice and Investigations departments within the House will also be set up separately and specific investigative powers will be introduced for the public and private sectors. In view of the changes, it seems as if the Bill, which has now been amended several times and in which the initiators have abandoned the aforementioned ambitions, will finally make it to the finishing line.

In the first instance, this means that a new body will join the already saturated and, consequently, not always equally transparent reporting landscape. However, on closer consideration, a modest reorganisation of the landscape is possible. If we look at the text of the Bill, we see that the House will consist of an *Advice* and an *Investigations* department. There then appears to be scope to integrate these departments with the APKL and the OIO. If these existing integrity institutions are indeed transferred to the 'House', the landscape would become a little more transparent and thus the 'patchwork' picture presented by the existing reporting landscape could be corrected somewhat.

There are also calls for still further upscaling, with prevention and repression being brought under one roof. In a structure of that kind, BIOS should be given a place within an umbrella ‘Integrity Institute’. In our view, BIOS should then be transferred to such a setting with its existing package of tasks (prevention) and its current functional independence based on Article 6 of the UN Convention Against Corruption.

Notes

- 1 In this article, the authors use the term ‘reporting’ and derivative words instead of the term ‘whistleblowing’ since this contribution describes mainly the internal reporting system, not the situation in which an employee is leaking internal information to the media.
- 2 We refer here to Articles 32 and 33 of the United Nations (UN) Convention Against Corruption (Bulletin of Treaties 2004,11) and Recommendation CM/Rec (2014)7 of 30 April 2014 from the Committee of Ministers to Member States on the protection of whistleblowers and also to the EU Anti-Corruption Report from the European Commission of 3 February 2014, COM (2014) 38 Final.
- 3 The Advice Centre for Whistleblowers (APKL) described in Chapter 4 plays a similar role and can also be consulted by employees.
- 4 Criminal offences that can be committed only by civil servants, such as abuse of power.
- 5 Two circumstances provide grounds for a report to the OIO. The reporter disagrees with the substance of the conclusion of the competent authority regarding the report. For example, the competent authority may find that the report is unfounded. Or there may be a procedural argument: the settlement of the report takes longer than the procedure prescribes.
- 6 An organisation that acts as a reporting centre for several fields in relation to crime and crime control.
- 7 www.devertrouwenslijn.nl

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www.devertrouwenslijn.nl

5

Integrity investigations in the Netherlands *Quality and credibility*

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Introduction

The Netherlands has a *council* (Chapter 4), but not a national *agency* for integrity investigations. Whether this is necessary and/or desirable was recently examined in detail (Zouridis & Van der Vorm, 2013). Apparently, the disadvantages of such a national agency outweigh the benefits in this country. The main disadvantage of a national integrity agency lies in a typically Dutch aspect of integrity investigation: responsibility for this rests primarily with the administrative body concerned.

The disadvantages of organising your own investigation are not hard to imagine: looking the other way, denial, lack of uniformity, the legal framework, professionalism and the inherent pitfalls of self-evaluation. But according to the researchers, these are minor problems. The primary responsibility, therefore, is apparently an important matter. This is not the case everywhere. New York City, for example, has its own Department of Investigation (DOI), the tasks and jurisdiction of which are clear and can be described as very broad:

‘Investigations may involve any agency, officer, elected official or employee of the City, as well as those who do business with or receive benefits from the City. As New York City’s watchdog, DOI’s strategy attacks corruption comprehensively through systemic investigations that lead to high-impact arrests, preventive controls and operational reforms that improve the way the City is run.’ (www.nyc.gov)

The Netherlands tend to be fearful of such a central approach. These fears are almost certainly related to fears of central government intervention, but also have a more noble reason: repression and investigation are the final resort in the promotion of integrity. The real way to address integrity lies in prevention, which goes beyond the very broadly-formulated ambitions of the DOI. Furthermore, there is a conviction that every level should be assigned primary responsibility for its own integrity, because it could otherwise be too easy to evade it.

This contribution concerns (internal) investigations of possible breaches of integrity. Distinctions are sometimes made here between official (concerning civil servants) and administrative (appointed and elected office holders) integrity. These will be clearly named. If the distinction is not mentioned, aspects that apply for both sides are involved. Following a general discussion of integrity investigations, this contribution raises the following points for attention which play a role in internal integrity investigations (as performed by the organisation itself):

- peace-time talks in order to reach agreements ‘under a clear blue sky’;
- protocols: providing for the necessary uniformity;
- after-care: avoiding a return to ‘business as usual’;
- convergence with criminal investigations: don’t linger on this.

I will end with a brief reflection on trends, problem areas and ambitions for the coming years.

General discussion of integrity investigations

Breaches of integrity committed by civil servants (officials) or elected/appointed administrators damage the credibility of the government. Issues that come to light are sometimes incorrectly lumped together. Among groups, this can create a sentiment of diminishing trust in the operations of the government, or even of mistrust. This therefore calls for careful investigation of possible misconduct.

In the Netherlands, interest in matters of this kind is still growing. The media devote a great deal of attention to it and are often the first warning parties. Contributions in social media also often concern integrity incidents and their investigation. National newspapers and other media call on the public to report such matters to them, anonymously if need be. Publeaks,¹ a foundation set up by the media, facilitates anonymous uploading of documents for journalistic investigations as safely as possible. That high level of interest can be explained. Civil servants are monopolists who work with public funds and must handle these with the utmost care. Administrators are elected or appointed to serve the public cause and should never allow their personal interests to take precedence.

Such a high level of attention entails a risk. Public confidence in public servants can sink below a critical level and lead to cynicism. It is also sometimes far too easy to do irreparable harm to reputations, resulting in civil

servants being unfairly dismissed as lazy, incompetent or crooks. Raising misconduct issues within the relevant organisation first remains a healthy principle. Deviations from this principle must remain exceptions with sound justification. After all, healthy feedback and warnings form part of well-organised business operations. This is the most important reason for organising investigations into potential breaches with extreme care.

In the absence of a national agency in the Netherlands, investigations of possible breaches of integrity are conducted by investigation agencies. These may include private investigation agencies, internal departments, (forensic) accountants and management consultancies. Legal service providers also operate in this market. Lawyers have attorney-client privilege, which means that the Public Prosecution Service cannot demand the information gathered. Accountants are subject to disciplinary law, which in earlier years led to critical observations concerning the quality of the investigations they conducted. Lawyers do not have internal rules of that kind and face suspicions of excessive involvement with their clients. On the other hand they can realise the necessary (legal) follow-up themselves. Sometimes, cases are investigated by (former) administrators or professors in a particular field. All in all, the supply is diverse and differences in quality can be distinguished. Investigations usually focus on fact finding, compared with the current accepted set of codes and standards. The issues involved are usually conflicts of interest, leaks or incorrect handling of confidential information, misappropriation of funds, undesirable conduct and occasionally, simply theft.

As mentioned, the media report on potential misconduct, but so do employees and administrators. Members of the public also make reports, sometimes anonymously. Naturally, investigations based on anonymous reports are complicated. Proper verification is often not possible and the primary source of a report is very often important for the assessment of the alleged facts. There are systems available in the Netherlands for anonymous reporting, where verification is made possible. However, these are not widespread. Efforts to promote a ‘whistleblowers’ procedure that does justice to all concerned in the case of possible misconduct have reached an advanced stage. A number of major fraud scandals in recent years were marked by high personal damage to the sources. This included loss of jobs and lack of legal protection. Good quality investigative journalism is under pressure, and the profession is aware of it. The media show an

increased need for speed and sometimes there is not enough time for necessary checks. Fortunately cases still come to light in which it can be established, albeit in retrospect, that the underlying journalistic investigations were of decisive importance.

Peace-time talks

A first point of attention for integrity investigations is that integrity procedures and agreements on these should preferably be made before anything goes wrong. This avoids arguments in the political arena regarding the investigation procedure, or even concerning the question of whether the investigation is necessary at all. Preparations in ‘peace time’ also have a preventive effect and increase awareness. Furthermore, it is also a fine alternative to the good old dilemma training, which has become somewhat ‘worn-out’. It is therefore better to ask the question in advance. Suppose a member of a municipal executive is accused by civil servants of undesirable conduct and intimidation. Who should investigate this case? How will the publicity be handled? What role must the municipal council play, and at what point? Isn’t the municipal executive as a whole too closely involved or possibly even party to the alleged misconduct? Can the King’s commissioner help? These are questions that are easier to discuss when the case is still entirely hypothetical. Such talks need not lead to a ‘violations by bosses’ manual, but it does no harm to codify who will take what steps at what times. This discussion is in itself an ample return on the investment made. It can often be very simple. Similar towns with their own investigative capacity may reach agreements on mutual assistance where a case involves a member of the municipal executive, for example.

Protocols

The importance of a good investigation protocol is another point for attention. A protocol codifies the working method and investigative resources. It gives statements on their deployment. Good investigations show a healthy balance of proportionality and subsidiarity of investigative actions as well as the method used for this. Researchers may experience a protocol as a straitjacket. A protocol must indeed always be followed, while determining the truth is usually a dynamic and sometimes even a purely creative process. However, the protocol is convenient for the person concerned (the subject of the investigation) and also acts as a guide for legal professionals who have to consider the case at a later date. The courts, for example, will explicitly include the question of whether an investiga-

tion was conducted with due care in their assessment of the matter. In that sense, the protocol is also useful for the investigator. If he has worked according to the book, he will as a rule pass the test in court. The strait-jacket, however, is not the only disadvantage for the investigator. Investigations are always aimed at finding the truth. For an investigator, it is usually not effective to give away all his methods in advance to the person concerned, who, after all, may potentially be a malicious offender. Nevertheless, a protocol is more than advisable. It should also be noted that in cases of this kind, gathering evidence is not normally subject to the stringent requirements of criminal proceedings (see '6. Concurrence' below).

After-care

Integrity investigations have a very high impact, not only on those involved and the organisation in question, but also on the public and its perceived confidence in official organisations and administrators. Very often a mistake is made, once the integrity investigation has been completed. Quite often, there is a tendency to return to 'business as usual'. However, closure of the case and the broadest possible communication are extremely important, which makes them a third point of attention.

It is essential that the entire environment can count on signals and investigations receiving the attention they deserve. The resulting growing trust in the organisation will pay for itself. Reports will continue to come in. Favourable developments are also seen in something as banal as sickness absence. The relationship between low sickness absence and high trust in the organisation and in the management has been demonstrated in various studies. It is therefore advisable for an integrity investigation to be followed up by at least one evaluation meeting in which managers and/or civil servants may take part. In that way, an insight can be gained into the course that was followed and its outcome. Misunderstandings that have arisen can thus easily be eliminated. Control of an unwanted flow of rumours and the formation of camps with regard to legal prosecution is a worthwhile goal at such a meeting. There are often completely opposing views on the course that should be followed. There must be an opportunity to discuss this with each other. As a rule, such talks lead to the reaffirmation of standards and values that apply in the organisation. It is certainly worthwhile to discuss the lessons learned. If a decision is made to close the matter the easy way and to return to 'business as usual', the issue could continue to spread for years and become part of an episode that is collec-

tively perceived as distressing. That would be a pity and, as already mentioned, is unnecessary.

Concurrence

If the alleged misconduct involves a criminal offence, it should be reported to the judicial authorities. Whether this always happens cannot be determined with certainty. After all, the relative facts are often only known within the organisation in question. In the Netherlands, the judicial authorities themselves decide whether or not to prosecute and what resources will be released for that purpose.

As mentioned above, internal (in-house) investigations are subject to less stringent rules. According to established jurisprudence (ECLI:NL:CRVB:2011:BT1997), in civil service disciplinary law, the strict rules of evidence applying in criminal law do not apply. For a finding of dereliction of duty that could give rise to disciplinary punishment, it is necessary that the available and soundly established facts have led to the conviction that the civil servant concerned has committed the misconduct of which he is accused. Also according to established jurisprudence (ECLI:NL:CRVB:2011:BT2637), in relation to a disciplinary investigation, the administrative body must independently investigate the facts that could give rise to disciplinary punishment. Under certain circumstances, information that came to light in a criminal investigation can be used, but there is no obligation to wait for such information to become available.

This very resilient line of the Central Appeals Court, the highest legal body for the assessment of civil service disciplinary law, encompasses the obligation to perform independent investigations and not to wait too long for the actions of the judicial authorities. In fact, such waiting may be penalised, in the sense that this can lead to the (partial) loss of the right to impose sanctions.

It is clear that there is concurrence, and how this is followed up differs from one organisation to another. Who does what may also be agreed in the ‘three-way talks’ (civil service employer, the police and the Public Prosecution Service). For example, it is possible that the organisation’s own investigators view internal documents and hear witnesses and that the police take the suspects away for questioning. After all, the organisation’s own investigators do not have such powers. At the same time, the

organisation's own investigators will often know more about internal procedures and processes. Criminal proceedings take a great deal of time and manpower. Employers cannot usually afford to leave employees in the dark about the potential consequences for their employment for all that time. Cooperation and consequently, concurrence, is therefore useful and necessary.

In concurrence matters, another distinguishing difference may be raised; the caution in administrative law. This caution is regulated in Article 5:10a of the General Administrative Act (Awb): a person to be questioned with a view to imposing sanctions on him, is not obliged to make statements for that purpose concerning the violation. He is informed before the hearing that he is not obliged to answer questions.

We find ourselves here in the grey area between administrative law and criminal law. A true caution is only issued in criminal proceedings. It is an expression of the principle known in Latin as *Nemo tenetur prodere se ipsum*, or in short, the 'nemo tenetur' principle. Literally, this means 'no man is bound to accuse himself'. We know this as the right to remain silent: i.e. the right of a suspect to refuse to answer questions from investigating officials, public prosecutors, courts et cetera.

Note that this concerns criminal law only. In administrative law, a completely different principle applies. That principle is laid down in Article 5:20 of the Awb. Everyone is required to provide a supervisory authority, on request, with all the assistance that can reasonably be required for the exercise of its powers, within a reasonable term set for this. This is indeed precisely the opposite to the right to remain silent. It is the obligation to speak. In fact even more than that, it concerns 'every assistance' and therefore also includes the surrender of business assets and, under certain conditions, granting access to professional e-mail traffic. In conclusion, the purpose of the talks between (the investigator of) the employer and the employee is of great importance. If this involves a hearing in connection with the possible imposition of a sanction, the person concerned is not obliged to cooperate with it fully, whilst in all other respects, the employee is required to provide full cooperation.

Trends, problems and ambitions

In my introduction, I referred to the Tilburg University study of ‘problems and solutions in integrity investigations in the Netherlands’ (Zouridis & Van der Vorm, 2013). This concerns a study of civil servants and holders of political office. The central problem definition of this study dates from 2013 and reads as follows:

‘Which solutions, including a national agency for integrity investigations, are conceivable and feasible for (any) problems that arise in setting up and conducting investigations into alleged breaches of integrity by civil servants, holders of political office and managers of independent administrative bodies?’

And the sub-questions are: ‘What is the landscape of investigative institutions, working methods and investigations like in relation to the investigation of suspected breaches of integrity by holders of political office, managers of independent administrative bodies and civil servants? Which problems do those who set up and conduct these investigations encounter? Which solutions for these problems are conceivable and feasible, including an integrity investigations institution?’

The study has shown that the different types of investigators all work in accordance with a uniform legal framework. The clients for such investigations see no added value in a national investigations agency. It was however commented in the field that there was a need for individual advice in current cases. To that end, the Support Centre for Integrity Investigations of Holders of Political Office was set up as a follow-up to the Tilburg study at BIOS (Dutch National Integrity Office). This Support Centre has been operational since 1 January 2015 and provides advice on investigations, without conducting any investigations itself. At present, experiences with this form of support have been very positive. The decision-makers on integrity investigations appreciate the discreet, solution-oriented advice in which powers remain where they belong, at the relevant organisation itself. This confirms the need to bundle expertise without the need to set up an unwanted new national investigations agency for integrity investigations.

It should be noted that integrity investigations in the Netherlands are still regarded as a logical last resort in a balanced integrity policy. The continu-

ing need for a balanced integrity policy was emphasised once again in the latest Speech from the Throne by the King, on Prince's Day. A policy in which clear rules are fairly enforced. Prevention will take first place in the future. Quite rightly, there is more attention to preventive investigation. The screening of candidates for appointed/ administrative offices for integrity risks has taken off quickly. Screening of (civil service) employees who are assessed for work with vulnerable groups such as children, the elderly and the handicapped has also become 'mainstream' in a short space of time. For example, it was recently announced that in 2014, more than 100 candidates were rejected for jobs in child care in this way, due to dubious antecedents. Preventive screening of this kind (another term used in this regard is 'risk analysis') was embedded in law in the Netherlands following the Amsterdam 'sex crimes case', in which it was revealed that a single perpetrator was able to very frequently abuse, sometimes very young children, for years in the performance of his work as an employee in a child care centre.

The risk of cynicism concerning corrupt and greedy bankers has not yet been eliminated in this country. In the media, cases are easily lumped together, with all the consequences for public trust in civil servants and administrators. The Netherlands ranks in the top 10 of the corruption perception index of 'Transparency International', but needs to remain alert on integrity issues. Both a preventive approach to integrity and sound investigations contribute towards protecting the level of public trust in official organisations and administrators.²

The quality of investigations is improving. There is competition between the different disciplines (lawyers, accountants, investigative agencies et cetera) active in integrity investigations. Investigations and the relevant investigators are also increasingly involved in legal proceedings. This will undoubtedly put positive pressure on the 'due care' exercised. The degree of 'due care' was high already, but as a result of this legal 'stick', it will increase still further.

Cooperation between (commercial) providers of integrity care is an obvious development. In terms of care for integrity, the government is far ahead of the compliance-oriented care deployed at banks and in the business sector. This is just a matter of time. Attention to public sector integrity with a focus on civil servants in particular, has existed since the

early 1990s. The compliance field in the Netherlands not only has a fundamentally different approach towards integrity, but it has quite simply not existed that long yet.

It cannot be ruled out that private parties will increase to play a more active role in the conduct of investigations into breaches of integrity within the government.

The government is exercising restraint in its involvement in various areas. Self-reliance leads to public-private partnerships in fields in which government exclusivity was previously taken for granted. The possibility of new integrity risks looming here is quite feasible. For investigations into possible misconduct, this is a complicating factor. A civil servant is required to answer questions from the competent authority. Holders of political office are held to account by the electorate and cannot work without trust. Private parties can evade investigations of possible misconduct more easily. Legal provision must be made to avoid this effect in public-private partnerships.

Notes

- 1 www.publeaks.nl/over-publeaks.html
- 2 www.transparency.org

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6 Criminal investigation *First aid for administrative mishaps?*

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Introduction

In the public sector, monitoring of integrity is aimed primarily at preventing violations, in order to ensure that matters such as government decisions, their implementation and the distribution of public funds take place fairly, transparently and in accordance with the principles of a state under the rule of law. And to ensure that government action remains within the scope defined by the rule of law. The different tiers of government (central government, the provincial authorities, the municipal authorities and the water authorities) and the different bodies and agencies within them, hold responsibility for this themselves. If things nevertheless go wrong and violations have been detected, they can take measures to halt these and to call those responsible to account.

However, there are some violations that call for a different approach to political, administrative or official intervention (alone). In the case of serious violations of integrity which also constitute criminal offences, action under criminal law comes into play. This contribution concerns the deployment of criminal law to control serious offences such as corruption and fraud in the public domain, and how this relates to the administrative approach. This article provides a brief description of the national policy, features of criminal action and the role of investigative bodies and the Public Prosecution Service in combating corruption and fraud in the public domain.

Policy framework, primacy in administration and reporting obligation

The administrative approach to integrity violations in the Netherlands follows the autonomy of the administrative tiers, with the Minister of the Interior and Kingdom Relations as the system manager for e. g. legislation and support for government organisations from the different administrative tiers in the creation of integrity policy.

The investigation and prosecution of serious offences affecting or involving abuse of public office is the responsibility of the Minister of Security and Justice. The judicial machinery is not organised along the lines of the administrative tiers. This means that integrity violations that are also criminal offences can be countered simultaneously via different systems and at different levels.

Public officials such as civil servants, administrators and politicians have an obligation to report offences involving abuse of office to criminal law enforcement agencies. It could be argued that the justice department rather than the administration has primacy in relation to serious offences involving abuse of office. But this is overly strict: even in the case of criminal proceedings, government organisations remain responsible for their own integrity. And as employers, they must address offenders employed within or contracted by their own organisations. This means that investigations of corruption and fraud in the public domain may be necessary under both administrative/disciplinary law and under criminal law. This requires coordination and at the same time, respect for both the necessary space for administrative action and the need for unimpeded gathering of evidence for criminal prosecution.

In this context, the Netherlands opts for combating corruption with all available remedies and instruments (Ministers of Security and Justice and of the Interior and Kingdom Relations, 2015), through a broad and integral approach involving close cooperation, within the limits of each party's position. This article focuses primarily on two concrete policy objectives: the detection and (timely) reporting of indications of corruption and the importance of solid investigation of corruption, including effective law enforcement and imposition of sanctions.

Application of criminal law against serious offences involving abuse of office

The report of a criminal offence to a criminal law enforcement agency marks the borderline between administrative and criminal action. Civil servants, politicians, the courts and administrators must report criminal offences involving abuse of office as soon as they believe that they have observed one. Examples include payment, offering, requesting or acceptance of bribes by civil servants, or the disclosure of confidential information. Other examples include forgery or falsely drafting declarations or statements.

Swift reporting enables the Public Prosecution Service to determine in good time whether investigation and criminal prosecution are (also) necessary. However, if there is to be a report, a potential criminal offence must first be observed and identified as such. The administrative domain must have sufficient detection capacity for this. That calls for alertness and surveillance, and sufficient knowledge.

Administrative and criminal law definitions of integrity violations differ, as do the groups of persons to be investigated. Not all violations of integrity are penal offences: criminal law enforcement is based on detailed and limitative descriptions of offences stated in a Penal Code.

Under criminal law, the term ‘civil servant’ is broadly defined (Court of Appeal of Amsterdam). Under Dutch criminal law, a civil servant is a person who, under government supervision and responsibility...:
... is appointed to a position ...
... with an undeniably public character ...
... to perform duties of the State or one of its bodies.

Few requirements are made under criminal law for the formal status of an appointment: a freelancer who works for the government can be regarded as a civil servant under criminal law, as can a managing director of a private limited liability company that performs state tasks. The protection of the administration and the machinery of government against undermining of integrity is more important under criminal law than the nature of an appointment. A legal point of view well established in Dutch case law and consistent with the development of decentralisation, privatisations and public-private partnerships within the public sector (Court of Appeal of Den Bosch).

Added value of criminal law

Criminal investigation offers added value in relation to other forms of investigation, firstly because of its independent character. With a disciplinary investigation, even if the government body in question deploys and external party, there is a risk that the effectiveness will be limited, for example by restrictive investigative questions, or because an influence on the conclusions is sought for administrative and/or political reasons. Even if that influence does not in fact exist, the client status of an organisation that is investigated can give rise to persistent and disruptive discussions regarding bias or selectivity.

Criminal investigations are conducted by an investigative body that does not have any dependent relationship with the government body concerned. It is headed by a public prosecutor of the Public Prosecution Service, which is part of the judiciary. The outcome is presented to an independent criminal court, unless the prosecutor decides to settle the matter by other means. Stakeholders in the case can submit that decision to the Court of Appeal, which may still order the Public Prosecution Service to take a suspect to court.

Then there are the investigative powers. Criminal investigators have possibilities that are not available, or are less available to private or disciplinary investigators, and can therefore produce evidence that would otherwise remain hidden. Particularly with complex and serious criminal offences, such as payment of bribes via intermediaries and protective constructions, leaks of information, or where evidence is located physically or as data outside the government's or administration's offices, or even outside the Netherlands, those powers are virtually essential. They give access to the private domain of public officials and their entourage, to administrations within and outside the government body concerned and to the office environment and the online world of the suspect. They provide an insight into the flow of goods, funds and services linked to the suspect, into the suspect's finances and into his relationship networks. They also enable investigation outside the Netherlands.

This makes it possible to look beyond the directly visible consequences of a violation, such as the provision of confidential information. Other things may come to light, such as a criminal alliance that buys the information, uses it to enable other crimes and also pays bribes for this. Criminal investigation then not only provides an insight into the wider circle of those directly involved, but also into vulnerabilities and underlying threats for government and administrative bodies. These can then be eliminated, or the organisation's resistance to them can be strengthened.

A third advantage of criminal investigation is that it reduces the chance of re-offending, and not only because of the deterrent effect of the risk of being caught and the threat of punishment. Today, a Certificate of Good Conduct (VOG) is mandatory for many positions, before an appointment can be made. If a job applicant has committed crimes in the past and has been sentenced for these, he cannot obtain this VOG for certain positions. That denies him an opportunity to commit similar crimes.

The fact that criminal proceedings are public provides another advantage, apart from transparency. A court case can lead to commotion and insight. Officials, administrators and politicians are then given arguments for putting their affairs in order. This applies not only to the organisation involved; a criminal investigation can also help to identify weaknesses in procedures, regulations and laws that could be amended, or to make abuses in the private sector visible. By this criminal investigation contributes towards prevention of violations of integrity and strengthening of resilience to criminal undermining of government performance.

Some serious offences (involving abuse of public office) cause so much damage that a penalty or sentence is called for. To that end, criminal investigations can also be directed against persons other than civil servants. A civil servant who accepts bribes is committing a serious offence. This carries a sentence of up to twelve years of imprisonment and a high financial penalty. The value of the bribes can also be confiscated. However, the party who pays the civil servant is also committing a crime and can also be sentenced to prison or be ordered to pay a penalty for this. If the briber is a company, the penalty can rise further. In a recent case, the penalty imposed was more than 150 million. The maximum penalty for companies is 10 percent of the annual revenue.

In short, timely criminal investigation can make the difference between halting the visible symptoms of an integrity violation and determining the sometimes inconvenient truth that lies behind it, which constitutes the real problem and calls for broader action.

Criminal law is not always the best remedy

At the same time, the deployment of criminal law is not always the best or the only solution. If a civil servant or administrator has committed a less serious offence and has been punished sufficiently under disciplinary or public law, criminal investigation sometimes adds little to the disciplinary investigation. The administrative approach then suffices. The public prosecutor and the criminal court therefore take account of the consequences for a suspect of, for example, dismissal or negative publicity.

Criminal evidence must also comply with strict requirements: the court has the final say and must be convinced beyond all doubt of the guilt of the suspect before it will convict him. This makes criminal investigations

labour-intensive. They not only take time and money: the longer an investigation takes, the more likely it becomes that the employer of a suspect will face more pressing dilemmas, such as the question of what should be done with the employee under suspicion during the investigation, since it can sometimes take years before his guilt or innocence is established. There is also the question of whether the number of offenders will remain confined to that one suspect, or whether only one activity is involved. For that reason alone, it is important that criminal investigations are not only conducted with care, but also as quickly as possible.

In addition, due to the fact that criminal proceedings are public, it may become generally known that a serious integrity violation has taken place within a government organisation. For those with political responsibility, this represents a reputation risk and may harm the image and moral authority, and thereby the support and effectiveness, of the organisation concerned, or even the entire government. As little time as possible must pass between the disclosure of the fact that the investigation has been opened and the outcome, including any court verdict. A good communication strategy is also important. The administrative downside of the independence of criminal investigation is that the government organisation affected by a crime has no control over the investigation: that rests with the Public Prosecution Service. That service will focus on finding evidence, but at the same time will be aware of and bear in mind the interests to be seen as a government body that holds integrity high.

In summary, the ‘blind’ deployment of criminal law can cause more damage than is necessary to serve the higher interest: protection and restoration of the performance of public tasks in relation to integrity. Criminal law is a strong remedy that is necessary to investigate certain violations and penalise the perpetrators. But the choice of criminal law is not without consequences and should therefore be assessed in the light of alternatives. To return to the principle of the Dutch policy: deployment must fit within a broad and integral approach involving close cooperation, provided that this serves objective and effective determination of the truth and effective enforcement and sanctioning, with a role for criminal law which also depends on timely reporting and is ultimately determined by the Public Prosecution Service.

Specialist criminal investigation into bribery of public servants

In the event of very serious offences involving abuse of public office committed within or close to public centres of power and requiring investigation at a distance, the specialised and independent criminal investigation service *Rijksrecherche* comes into play. Unlike other investigation services, this agency does not operate under the direct control of the minister who holds political responsibility for it. The *Rijksrecherche* operates under the authority and management of the Board of Procurators General, the highest authority of the Public Prosecution Service. As the prosecution, this is part of the judiciary. This position creates a distance between the *Rijksrecherche* and the political/administrative stakeholders in investigations. At the same time, good, expert control of the *Rijksrecherche* remains possible; a necessity within the system of checks and balances.

The *Rijksrecherche* employs one hundred specialised investigators with the same investigative powers as the police. Investigations are headed by a public prosecutor and are aimed at finding the truth. Drawing conclusions and prosecution of suspects is the responsibility of the prosecutor. Where this can be done effectively, while retaining distance, the Central Criminal Intelligence Agency works together with other investigative services such as the police, the Fiscal Intelligence and Investigation Service (FIOD) and the Royal Netherlands Military Constabulary (KMAR). The *Rijksrecherche* can also advise institutions, as an expert, on politically and administratively sensitive investigations.

The deployment of the *Rijksrecherche* is coordinated via a committee within the Public Prosecution Service. That committee considers the statutory duties and deployment criteria for the *Rijksrecherche* and the guideline for investigation and prosecution of corruption instructions of the Public Prosecution Service. As a rule, the *Rijksrecherche* is not deployed if other investigative services can conduct independent investigations without creating the appearance of bias.

In recent years, the *Rijksrecherche* has brought major bribery cases to light. These involved both political administrators and civil servants. In addition to prison sentences for the culprits, these investigations provide an insight into the proliferating effect of corruption if it is not discovered and addressed in good time, and demonstrate once again the importance of sufficient resilience and detecting capacity of government bodies. That

strengthens awareness that timely and effective enforcement is important in the field of integrity.

The Rijksrecherche conducts on average almost twenty investigations each year that are directed specifically at corruption of public servants. In addition, there are up to dozens of investigations each year into crimes that *could* be related to this.

Table **Number of investigations by the Rijksrecherche into corruption of public servants (Public Prosecution Service 2014)**

	2010	2011	2012	2013	2014
Bribery of public servants	15	24	18	12	21

The number of criminal investigations says little about the scale of bribery of public servants. Not everything is discovered, reported or investigated and other interventions are also sometimes chosen (as already mentioned, criminal law is not always the best remedy). As an illustration, reference is made to a recent study by the VU University. Of more than 7,000 government officials, almost 150 saw ‘corruption/bribery’ and more than 175 (also) saw fraud, theft and embezzlement (De Graaf et al., 2014). The relationship between the number of signals and the number of officials would indicate a larger scale than the figures of the Rijksrecherche, which involve a small fraction of a percent of all government officials.

Earlier, the Rijksrecherche analysed bribery of public servants using reports received and investigations performed by the Rijksrecherche, the FIOD and the former Social Security Information and Investigation Service (SIOD) in the years 2003 to 2007 (Public Prosecution Service, 2010). This analysis, too, showed that the number of reports in relation to the number of civil servants is low, and is not spread evenly over the administrative tiers. This inequality is not explained by differences in the vulnerability to bribery between the tiers of government.

The reports of suspected bribery for the years 2003 to 2007 showed that the domains most frequently affected were construction and property, the prisons service, border controls and access and residence including naturalisation. Most investigations concerned bribery in relation to

‘construction and property’. The civil servants concerned had tasks such as participating in economic transactions on behalf of the government, supervision and enforcement and policy-making and setting standards. Almost all the officials investigated had functional contacts outside the government. Risks appear to be associated with one-to-one contacts and unclear and fluid boundaries between networks, relationship management and bribery. The organisational culture also plays a role here, particularly where work takes place without established procedures or agreements, where an informal organisational culture exists or where there awareness among civil servants is inadequate. The latter applies equally within public-private partnerships. Often, the return on bribery for the briber is a multiple of the value of the benefits for the civil servant.

FIOD, police and fraud

Together with the Netherlands Tax and Customs Administration, the FIOD falls under the responsibility of the Minister of Finance. Investigations are headed by a public prosecutor of the National Public Prosecutor’s office for serious fraud and environmental crime and asset confiscation of the Public Prosecution Service. The FIOD is leading in combating fiscal offences and is an important investigator of crimes that are committed within complex financial structures, such as fraud, corruption and money laundering. The FIOD also investigates criminal breaches of integrity in the financial sector. Government officials are sometimes involved in cases of this kind. An insight may arise into crime that harms the correct functioning of the government, such as abuse of allowances and subsidies. A government agency may be the abused party in this case, but government officials may also be (co-)perpetrators, for example because they have been bribed. In investigations of this kind, the FIOD often cooperates with the Rijksrecherche.

In the fraud domain too, criminal law is not always applied automatically: it must be the best way to address the undesirable behaviour. Confiscating criminal assets is an important element of a criminal law approach. It is extremely important that this sends the message to the public that crime must not pay.

Estimates of the scale of fraud vary, but run to many billions of euros. These include funds withdrawn from the public sector (e.g. subsidy and allowance fraud) or kept from it (as with tax evasion). Although the scale of

fraud cannot simply be captured in hard figures, it is potentially large enough to influence the financial administration of government bodies and the effectiveness of their spending. For that reason, the FIOD, in particular, has been strengthened in recent years. But the police, too, devote structural attention to fraud and money-laundering. It has formed units for that purpose, recruited specialists in combating financial and economic crime and the police force accommodates the Financial Intelligence Unit (FIU), which receives and analyses reports of unusual transactions.

Conclusion

From the point of view of criminal law enforcement, it is positive that political, official and administrative awareness of threats to integrity and risks of fraud has grown in recent decades, as has the awareness that timely detection of violations is important. Segments of the private sector also appear to be more alert to the risks of poor compliance, including in their dealings with the public sector. The Rijksrecherche sees risks in the decentralisation of government action and the performance of public tasks via public-private constructions or through central facilities such as shared service centres, where it is not always clear who is responsible for their political and administrative supervision.

Another development is growing cooperation through intensification of contacts between administrative and criminal law parties. For example, an institutionalised forum has arisen through the emergence of multi-disciplinary Regional Information and Expertise Centres (RIECs), in which the police and various administrative organisations participate. Information from administrative bodies and criminal law enforcement agencies is gathered here and, following analysis, is placed at the service of government-wide prevention, detection and control of fraud and corruption. For example, it is easier to refuse criminal businesses a licence or to reject a party acting in bad faith from a contracting process.

Investigations by the Rijksrecherche also show that serious violations of integrity or their criminal nature are not always recognised and/or reported (in a timely manner). The administrative gateway to the criminal law process, where detection and reporting of potential abuses originate, is precisely where gains can be made. If criminal law can be deployed at an earlier stage, investigations can be conducted faster and at lower costs than if this is delayed (for too long). It will also prevent a criminal violation of

integrity from spreading further. These are important arguments for the creation this year of a contact centre within the Rijksrecherche, where government officials with knowledge of a crime can obtain advice on reporting.

For the process after reporting, the cooperation between different investigation services and with the Public Prosecution Service means that large-scale corruption investigations can be conducted more effectively and efficiently. This is also necessary: capacity in investigation services is scarce and the national call for and complexity of corruption investigations means that heavy demands are made of that capacity. These factors make clear that the specific and timely deployment of sufficient capacity in the police force, the Rijksrecherche and other investigation services will continuously require attention in the coming years.

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7 *Monitoring Integrity The development of an integral integrity monitor for public administration in the Netherlands*

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Introduction

The Dutch public administration is known for its high standards for integrity and the preventive scope of its integrity policies (EU Anti-corruption report, 2014). As early as 1992, integrity was placed on the political agenda by the Ministry of the Interior. This resulted in comprehensive integrity policies, including various laws and regulations (see Chapter 2). However, it took until 2004 before the Ministry conducted its first monitor of the formal implementation of integrity policies within the Dutch public administration, which was repeated in 2008. In 2012, the scope of the Integrity Monitor was expanded to include employee surveys. The main objective of the initiative to fully monitor both the policies and the perceptions of integrity (policies) is to enhance the attention to integrity in the organisational culture. At the same time, the Integrity Monitor fits into the broader desire for evidence-based policies. This chapter will first describe the development of monitoring integrity in the Netherlands, followed by a presentation of the survey results. The chapter concludes with a reflection on the strengths and weaknesses of the current monitoring process and looks forward to the revised monitor for 2016.¹

Usage of monitoring

Monitoring in general is descriptive in nature, collecting facts and statistics to show trends in certain areas, while evaluations are intended to measure the impact and effectiveness of interventions. The Dutch Integrity Monitor is primarily meant to describe a trend and provide a picture of the status of integrity policies and culture of Dutch public administration. The Integrity Monitor contains no theory to predict how policies initiated by the Ministry, or others, could influence the perceptions of integrity policies and culture. However, the results can still guide policy-makers in adjusting policies. The monitor is primarily used to

inform Parliament about the current status of integrity policies of the Dutch public administration and about the actions taken by the Minister of the Interior in response to the reported results. Another goal of the monitor is involving the decentralised public administrations in taking responsibility for complying with regulations for integrity policies and for enhancing ethical awareness. Also the associations of the decentralised government agencies (the Local Government Association, Union of Water Authorities and Association of Provinces) can use the result to sharpen their policies and provide support to organisations. Lastly, the monitoring results can be used for more in-depth secondary (academic) analyses. The breadth of the questioning in the integrity monitoring, including questionnaires for civil servants, political office holders, Council clerks and Director Secretaries provides a unique database for further research. The following paragraph describes the process of policy changes due to the subsequent Integrity monitors.

Monitoring integrity from 2004 until 2012

In 2004, in the wake of scandals and a renewed focus on the need for effective integrity policies, the Ministry published its first Integrity Monitor of the implementation of integrity policies among the four levels of public administration (Van Wonderen, 2004). This was a check-box inventory: do organisations have an integrity policy, and does it contain various soft and hard controls? The results showed a lack of implementation of policies. As the responsibility for integrity policies lay with individual organisations which are controlled by their local councils, all the results were published on the internet and could be searched by organisation. This level of transparency was rather unique and was not repeated with later monitoring, partly due to the extension of the survey to include perceptions of the respondents instead of factual questions only. Also, it was thought that respondents would give more honest responses once the results were not searchable by organisation.

After the formal changes of the Civil Servants Act and the formulation of the Basic Integrity Standards for Public Administration and the Police Force (both in 2006), the second monitor in 2008 focused on the implementation of the various aspects of integrity policy as required by law, regulations and other formal agreements. The results showed clear progress in the formal implementation of the policies; most elements of integrity management were implemented. For example, the number of

organisations that had a code of conduct rose from 65% in 2004 to 89% in 2007. Only a few requirements were implemented in less than two thirds of the organisations surveyed. The main examples were a yearly account of integrity policies for the representative body (35%), a regulation for reporting financial interests (49%) and a regulation for publication of secondary activities (59%), both of which should be targeted at specific civil servants (for example, management, procurement officers).

In 2006, the third integrity audit by the Netherlands Chamber of Audit showed - again - disappointing results. The rules were in place, but most of the time the implementation of formal preventive measures came no further than the paper it was written on. However, the Ministries objected to the focus on formal measures, which are easy to assess. They stated that their policies focused on organisational culture and awareness and the role of managers, which were assessed to a lesser extent in the audit.

The Ministry of the Interior took up the challenge by developing a staff survey to measure perceptions of integrity and integrity policies. The use of employee satisfaction surveys is common practice in Dutch public administration. The integrity survey was developed as part of the facilitative role of the Ministry. In 2003 the 'Internetspiegel' programme had been established by the Ministry of the Interior and Kingdom Relations with the intention of developing uniform surveys for government organisations, to enable them to benchmark and learn from each other at lower costs. The Internetspiegel Integrity Survey consists of multiple elements which measure the organisational policies (hard controls, general controls, soft controls) and elements which measure the desired effects (following rules, morally aware behaviour, ethical behaviour). The survey is based on the work of Treviño and Weaver (Treviño & Weaver, 2003).

2012: an integral Integrity Monitor

The aforementioned developments paved the way for new integrative monitoring. In 2010, the Ministry initiated a coordinated effort to monitor the integrity and integrity management of public administration. In an 'administrative agreement' with the associations of the decentralised tiers of government,² it was agreed to monitor the (perceptions of) integrity and integrity policy. With this agreement, the Ministry, together with the associations, indicated that securing integrity in the organisational culture is of the upmost importance.

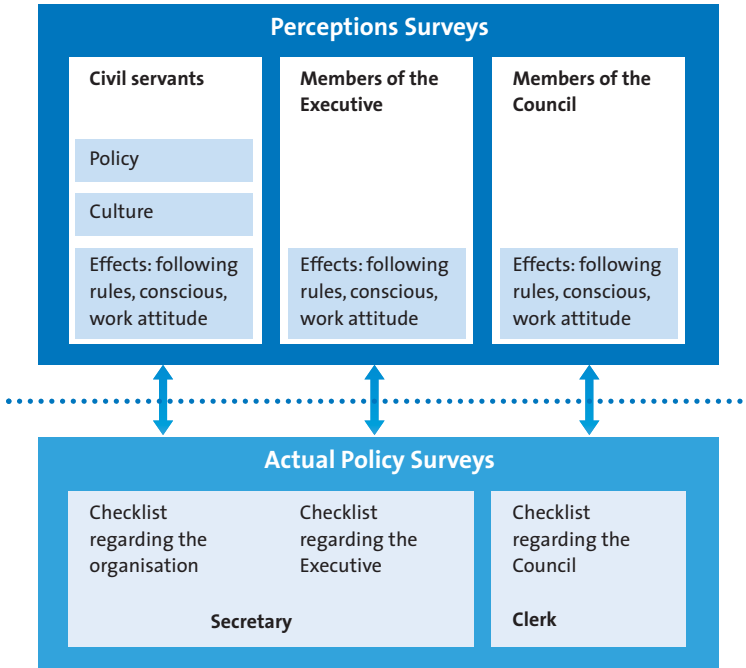
The Integrity Monitor 2012 consists of the following parts:

- Checklist of formal policies and inventory of the number of disciplinary cases or alleged integrity incidents to the secretary-directors and the clerks of the representative body.
- Perceptions study of integrity and integrity policy among civil servants and elected and appointed holders of political office (written survey, distributed by mail to enhance response rate).

In this way, for the first time, public administration could gain a coherent view of the current integrity policies, the perception of these policies and the integrity culture, and the number of incidents investigated. The checklist maps the formally implemented policies as prescribed in the Civil Servants Act and the Basic Standards. These were extended with elements of the Integrity Infrastructure of the Dutch National Integrity Office.³ They were extended to also include the perception of the secretary-director and the clerk of the priority given to integrity and integrity policies by appointed politicians and elected politicians.⁴ Also, for the first time, the Monitor included a perceptions survey of political office holders. The survey for civil servants was shortened and adapted to the executive and political context.

However, for reasons of privacy and enhancement of the response rates, the various surveys could not be linked to individual organisations, which is a serious limitation of the 2012 Monitor. This means that only general conclusions can be drawn about the relationships between developments in integrity policies, awareness of policies and organisational culture.

Figure The Integrity Monitor 2012 Model



The survey results

Checklist and perception of implementation of formal integrity policies

An overview of the results of the checklist survey conveys that most elements of integrity policies, as required by law and other formal agreements, have been implemented by the central government, provinces, municipalities, and water authorities. The results do show some variations between the levels of government, with central government being a front-runner in terms of implementation of policies, while municipalities lag somewhat behind. This is not surprising, as the majority of municipal authorities are relatively small organisations. The results also show some differences between policies implemented for civil servants, elected and appointed politicians. Both elected and appointed politicians are ahead with regard to providing overviews of secondary jobs, but trail behind with regard to the oath of office and confidential integrity counsellors. The latter is probably because politicians do not have an official employer who is obliged to appoint a confidential integrity counsellor.

Table 1 Implementation of formal integrity policies according to secretaries and clerks*

Type	Laws and Standards specified according to survey questions	For civil servants	For appointed politicians	For elected politicians
Law & Standards	General integrity policies			
	integrity policies laid down in writing	98%		
	code of conduct	97%	95%	97%
	oath of office (or solemn affirmation)	95%	75%	75%
	monitoring/evaluation of integrity policies in 2010/2011	54%		
	procedure for accepting trips abroad		81%	86%
Law	Integrity part of personnel policy			
	integrity involved in parts of the personnel policy	98-100%		
	integrity part of appraisal/assessment interviews	91%		
	integrity part of management or working meetings	82%		
	training and development (are part of the personnel policy)	54%	55%	69%
	attention for integrity, risks and moral awareness		95%	97%
Law & Standards	Procedure for reporting of misconduct			
	procedure for reporting of misconduct	97%		
	confidential integrity counsellor	92%	73%	71%
	access to independent body	63%		
	procedure for investigating misconduct/ integrity violations	60%		
Law & Standards	Conflict of interest regulations			
	regulation for reporting secondary jobs	98%		
	overview of secondary jobs	70%		
	mandatory disclosure of secondary jobs (for selected officials)	59%	98%	100%
	regulation for reporting financial interests	49%		
Standards	Vulnerable positions and processes			
	segregation of tasks or duties	83%		
	risk assessment of vulnerable positions and processes	43%		
	overview of vulnerable positions	28%		

* Where there is no percentage included, the question was not asked to either the secretary or clerk.

The table presents a mixed picture. Every aspect of the total integrity policies have elements that are generally implemented, while other elements that make implementation more specific, seem to lag behind.

For example, concerning civil servants, almost every organisation has integrity policies (98%) and a code of conduct (97%). At the same time whistleblower regulations and procedures providing access to an independent body (63%), procedures for disciplinary investigations (60%), the disclosure of secondary jobs (59%), regulations for financial interests (49%), and activities directed towards the identification of vulnerable positions (43%) are weakly developed.

For a correct interpretation of the results, it needs to be taken into consideration that these figures have been established on the basis of a self-evaluation, whereby social desirability in answering the questions has to be taken into account. More importantly, these figures say little about the quality of the measures taken. A subsequent analysis of actual integrity policy plans carried out by the Dutch National Integrity Office (Hoekstra, Makina & Talsma, 2013) showed that there are fewer organisations with a well-developed and formalised integrity policy plan than the self-evaluation suggests. Furthermore, we have asked civil servants in a survey to what extent they are aware of those policies being present and implemented in their organisation. Their awareness appears to be quite low on several aspects. Three-quarters of the respondents (74%) indicated to be aware of the existence of various procedures concerning integrity (for example, regarding secondary jobs, gifts and expense claims). However, to a much lesser extent are employees (47%) familiar with the general integrity policies, and only one in three (36%) indicated to be aware of the procedures with respect to dealing with suspicions of misconduct.

Table 2 Awareness of integrity policies and perceptions of organisational culture by civil servants

Type	Cluster	Total
Hard controls	regulations, code of conduct	74%
	procedures concerning dealing with violations	36%
General controls	integrity policies	47%
Soft controls	exemplary management	39%
	values and standards	65%
	cooperation with colleagues	78%
	fair treatment	57%
Outcomes	honest attitude towards work	88%
	moral awareness	66%
	non-compliance with rules (negative statements)	39%

Personnel integrity perceptions

In the end, integrity policies are aimed at producing outcomes. In the case of integrity policy, this means that the aim is to have high moral awareness among personnel and low figures for non-compliance with integrity rules. Nearly nine in ten of those surveyed (88%) think their colleagues do have an honest attitude towards work (the questions were phrased negatively, such as being dishonest about results, being non-productive during work, reporting sick).

Two in five employees (39%) reported that in their perception, certain integrity rules (six items, for example, concerning the acceptance of gifts or invitations, and dealing with confidential information) were sometimes not followed, although in terms of frequency this relates mainly to 'seldom', whereas only about 2% of the respondents thinks rules are broken 'frequently'.

Two thirds of the appointed and elected politicians state that their colleagues have an honest working attitude and moral awareness. This means that one third still see a lack of those elements among their colleagues and work still needs to be done to improve attitudes and awareness. Various instruments have been developed for that purpose (see Chapter 2).

The results of the 2012 survey among civil servants were compared with the surveys conducted in 2006. Remarkably, these showed no differences in results despite the increased attention to integrity in those years and the efforts of many organisations to strengthen the implementation of integrity policies. A possible explanation is that as integrity policies started in 1992, one could have expected clear changes in the administrative culture in the first years, which could then have stabilised in later years. There are, however, no data available for this time period to test such a hypothesis. Or that that changes have been made in some organisations but not in others. Due to that, on an intermediate sector level, no results can be seen. For future monitoring, it would be interesting to analyse differences in trends between organisations to see whether trends are visible on this meso level. Another more technical explanation might be that the surveys do not cover the subjects that have been changed due to the efforts made. It would be relevant to analyse whether different survey questions on integrity could show more variation in time. All these considerations are taken into account in the development of a revised Monitor for 2016.

Registration of disciplinary investigations

In the survey, senior management was asked how many disciplinary investigations were registered in 2011 and what kinds of (disciplinary) sanctions have been administered. The figures in Table 3 represent the breaches and sanctions that occurred in the civil service, presented per sector.

Table 3 Registered disciplinary investigations for the year 2011

	investigations	disciplinary dismissal	other disciplinary measures/actions	reporting to public prosecutor
Central Government	439	40	117	14
Municipalities	79	21	66	12
Provinces	8	2	14	2
Water Authorities	6	3	0	1
Total	532	66	197	29

As this is one of the first attempts in the Netherlands to collect such data, it may not come as a surprise that the quality of this data should be viewed critically. Because this is a survey, not all organisations have submitted data. Moreover, the table does not provide a complete overview, since almost a fifth (17-21%) of the senior officials surveyed were unable to state how many investigations were conducted and what sanctions had been applied. In those cases, registration was lacking, incomplete, or otherwise unclear. The Central Government has improved its registration since 2011 and provides the House of Representatives with an overview each year, in more detail:

Type of breach	Percentage of total breaches registered by Central Government in 2014 ⁵
Financial abuse	10%
Abuse of power/conflict of interest	5%
Leaking and abuse of information	5,5%
Abuse of competencies	2,5%
Abuse of enforcement powers	0,5%
Sexual harassment	8%
Misbehaviour in private life	28%
Violation of internal rules and misuse of company resources	40,5%
Total	100% (N=607)

Reflection

The Integrity Monitor is an initiative of the Ministry of the Interior in close cooperation with public administration sector organisations (Local Government Association, Union of Water Authorities and Association of Provinces) and the Dutch National Integrity Office. This co-production seems to work well. It ensures response rates, support for the results and the actions to be taken in terms to address weak areas, and at the same time emphasises organisational responsibility in this endeavour. The combination of surveys was successful, as it presented a more realistic image of the implementation of integrity policies within public administration.

However, there is also room for improvement to be taken into account for the Integrity Monitor 2015. First of all, the results of the surveys among clerks, secretaries, appointed and elected politicians and civil servants could not be combined for analyses of perceptions at the organisational level, as all surveys were anonymous. Furthermore, the questions for civil servants and the elected and appointed officials on the one hand and the questions for clerks and secretaries on the other, were not comparable. Therefore, it was not possible to make a good comparison of the *perceptions* on implementation of integrity policies and the actual implementation according to the clerks and secretaries. Thirdly, the method of gathering information on the number and types of integrity breaches and sanctions taken is insufficient and resulted in incomplete overviews.

For the Monitor 2016, some changes are being considered in order to increase the relevance for organisations, and for policy development. A major change could be that the monitor provides information on the organisational level. This will not only provide organisations with input for their integrity policy, but it would also facilitate analyses for identifying trends and risks at the organisational level. In addition, the monitor can be improved by extending the focus on organisational culture to include professional performance and values of civil servants and political office holders. Various studies have shown that integrity depends for a large part on general organisational culture factors. For example, how leadership is executed both ‘at the top’ and at the work floor, or the extent to which colleagues support each other. As the Ministry is not just responsible for enhancing integrity but for the quality of the public administration it would seem relevant to broaden the scope of the Monitor. It will also reduce research burdens on civil servants when several questionnaires can be integrated for a monitor with a broader scope.

In order to explore such a broad monitor, several meetings were held with experts on integrity, safe workplaces⁶ and organisational culture early 2016. The sessions resulted in four main items being an underlying factor for both integrity and safe workplaces. Those are: a healthy organisational culture, quality of leadership, meaningful implementation of policies and meaningful integration of integrity and safety policy with primary work processes. The expectation drawn from the sessions is that the inclusion of questions about these topics would result in a more meaningful explanation of changes through time and differences between organisations. Secondary analysis of current data on integrity, safe workplaces, organisational culture and leadership are planned to sharpen those hypotheses. This should result in an adaption of the questionnaires.

Lastly, the monitor could be improved by intensifying the information gathering on the number and types of breaches and sanctions. This could be done, for example, by interviewing clerks, secretaries and integrity officers by phone instead of sending them surveys.

In this chapter we have shown how, as the debate on integrity continues, the Integrity Monitor adapts to new developments and policy needs. The Monitor is actively used as a policy tool, as it indicates the focus of attention of the Ministry and other stakeholders. For example, the monitor of 2012 showed that registration of breaches is lacking. The Ministry subsequently made an effort to improve registration. Integrating integrity with a broader perspective on professional public administration and mainstreaming integrity within organisational policies remains a challenge for the coming years.

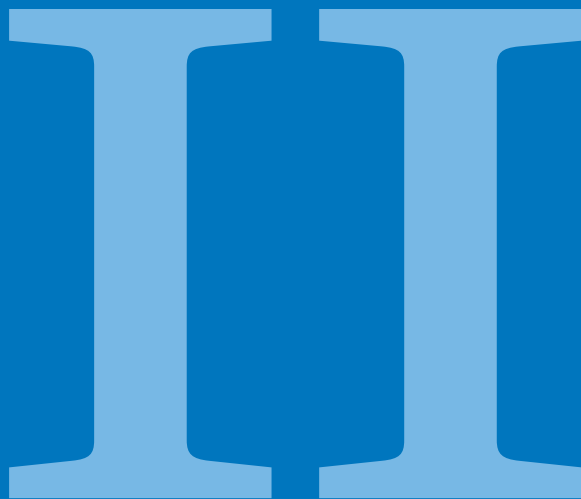
Notes

- 1 This chapter is adapted from Lamboo & Hoekstra, 2015
- 2 Association of Provincial Authorities (IPO), Association of Regional Water Authorities (UvW) and Association of Netherlands Municipalities (VNG), and in addition the Group of the Integrity Coordinators of the Ministries.
- 3 www.integriteitoverheid.nl
- 4 Appointed politicians in the Netherlands are the chairmen of water authorities, provinces and municipalities, and members of the boards, comparable with members of the cabinet: aldermen in municipalities, daily members for water authorities and representatives for provinces. In the Netherlands a 'dualistic' local government system is present, which means that appointed members of the boards are not part of the representative body, such as the municipal council, the general members for water authorities and State Members for provinces. Members of those bodies are referred to as 'elected politicians'.

- 5 Ministry of the Interior, 2015.
- 6 'Safe Workplaces' is a program by the ministry to reduce aggression and violence by citizens against public officials. On the topic of Safe Workplaces a monitor has been conducted since 2010 (every two years). For 2016, efforts are being made to combine the two monitors, to reduce research burdens for respondents and to explore whether both topics have similar underlying (explanatory) factors.

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THE ORGANISATIONAL
PERSPECTIVE

8 An organisation with integrity: feasible or a question of ideals? *On the design of the integrity position within the Hellevoetsluis municipal authority*

Aafje Stout, *legal advisor and integrity coordinator, the municipality of Hellevoetsluis*

The municipality of Hellevoetsluis

The municipality of Hellevoetsluis lies about 30 kilometres south of Rotterdam and has a population of some 40,000. Despite the fact that the municipality of Hellevoetsluis cannot be counted among the larger Dutch cities in terms of population, it does have a unique and historical character as a fortress town on the Haringvliet inlet of the North Sea.

Management and organisation

The municipal executive (referred to as ‘the executive’ below) forms the day-to-day management of the municipal authority. It is responsible for drawing up and implementing the integrity policy. The executive also accounts to the municipal council for the integrity policy pursued. The municipal council, which is elected by the population every four years, supervises the executive and determines the frameworks within which the executive and the civil servants of the Hellevoetsluis municipal authority work. The municipal council therefore also has a role of laying down frameworks for and monitoring integrity. The mayor chairs both the municipal council and the executive. An amendment of the Municipalities Act will enter into force in the foreseeable future. As a result of this amendment, mayors will be assigned a statutory duty to promote administrative integrity within their own municipalities. The municipal secretary heads the municipal organisation. The municipal secretary is responsible for integrity within the official organisation. The municipal secretary steers the integrity coordinator. The organisation consists of eight departments. Hellevoetsluis municipal authority has about 240 employees.

The integrity policy and the integrity coordinator

Rules apply in the organisation of the municipal authority, with which civil servants and administrators must comply in the performance of their tasks. These rules are laid down in various regulations. However, there was no umbrella policy. Because of this, and due to the fact that this is required by the Civil Servants Act, the Hellevoetsluis municipal authority adopted an integral integrity policy in 2010.

At the same time as the adoption of the integrity policy, the executive appointed an integrity coordinator. At that time, the job of integrity coordinator was still a new type of position, and is therefore still in development. Government organisations realise the position in different ways. There are organisations which deploy a separate integrity office in the ‘integrity’ task field. Other organisations assign responsibility for the performance of tasks in the field of integrity to a personnel department. Yet other organisations appoint a separate official for this. The Dutch National Integrity Office (BIOS) offers integrity management training courses. These training courses are aimed at providing an insight into the role of an integrity officer. Attention is also devoted to rules and tools that an organisation needs in order to secure internal integrity. The courses teach participants to think more deeply about integrity within an organisation. The position of integrity coordinator has now existed in Hellevoetsluis for just over five years. It is a job that is always changing.

The tasks that the integrity coordinator performs are:

- Preparing and providing for the adoption of an integrity policy and keeping it up to date;
- Preparing a code of conduct and keeping it up to date;
- Informing new employees about how the integrity policy is organised. Notifying employees about the existence of current regulations; Providing information on the integrity reporting centre (I shall return to this in a moment) and the presence of confidential integrity counselor within the organisation;
- Supervising processes when (suspicions of) misconduct arise;
- Preparing and updating regulations describing how the municipal authority deals with (suspected) breaches of integrity;
- Creating awareness among employees by maintaining a discussion on integrity. Ensuring that integrity is on the agenda and remains so in talks within the departments;

- Conducting regular talks with confidential integrity counsellors on matters that relate to integrity;
- Maintaining contacts with the management on the subject of integrity. Offering support in discussions of the subject of integrity in a department;
- Setting up a regional network of colleagues in neighbouring municipalities in order to exchange knowledge and experience;
- Preparing annual reports and presenting these to the executive. With this annual report, the executive can inform the municipal council about the integrity policy pursued.

Key elements of integrity policy

Some of the tasks of the integrity coordinator described above are among the key elements of a good integrity policy. These key elements can be divided into substantive and process-related key elements.

Substantive key elements of integrity policy

New employees

An organisation with integrity starts with employees with integrity. A good recruitment policy is important in this regard. When a new employee is hired, a Certificate of Good Conduct (VOG) is always requested. This is a certificate issued by a screening authority of the Ministry of Security and Justice, showing that the past conduct of the future employee does not give rise to any objections to performing a specific task or job in society. For example, it is not desirable that someone who has been convicted of fraud in the past should hold a financial position. In addition, a new employee must provide a copy of his or her diploma. If this is required by the organisation, an employee may be asked to take part in an assessment. At the time when a new employee is appointed, he or she is invited to attend a meeting for new employees. During this meeting, the structure of the organisation is explained. A special moment is also included in order to explain the matter of 'integrity'. New employees are referred to the current regulations within the organisation. Attention is also devoted to the different officers in the field of integrity, so that the employee knows who he or she can contact with queries or comments on this. At the end of this day, new employees take the oath or pledge laid down in the Civil Servants Act. A civil servant who takes the oath or pledge swears or pledges that he or she will adhere to the rules of conduct with which a civil servant must comply. Administrators also take an oath or pledge. The difference be-

tween an oath and a pledge is primarily a religious difference. With an oath, the person swears on the Bible and by God, which is not the case for the pledge.

Code of conduct

An integrity policy that functions well starts with good manners. These manners are determined by answering the question of how we wish to treat each other. Can we call each other to account for behaviour? How do we communicate with each other? As soon as this is clear, you can work together on good service provision. In the Hellevoetsluis municipal authority, a code of conduct for civil servants has been adopted, as well as a code of conduct for administrators. A code of conduct contains the core values of an organisation and the standards with which employees and administrators of this organisation must comply. A code of conduct provides a clear framework for employees and administrators. It offers a guide at the moment that different interests have to be considered in order to take a decision on the action to be taken.

Creating awareness

All sorts of regulations exist in order to ensure that employees perform their jobs properly. The existence of these regulations is not enough. Far more important is that employees are aware that integrity is not just some vague concept. Integrity is an integral part of everyone's work. Everyone deals with integrity in the performance of their job. Integrity is woven into the day-to-day work of every civil servant, at every level. In Hellevoetsluis, all employees have taken part in an 'integrity' workshop. This forms a first step towards increasing awareness in the field of integrity. Because integrity must be protected and kept 'alive', once-only workshops are not enough. For that reason, after these workshops a start was made with an online learning environment. Regularly, employees are presented with an online dilemma. Employees are asked to take a position (anonymously) on the dilemmas presented. In this way, everyone is 'forced' to think about this subject. On the basis of the responses, a working package on integrity is developed twice a year for managers. This working package can be used for discussions of the subject during work meetings.

Procedural rules, integrity reporting centre and confidential integrity counsellors

In 2013, the executive adopted the procedural regulations to be followed in the event of suspected abuses. These regulations contain rules on how to deal with reports of suspected breaches of integrity. Adoption of these rules secures a uniform approach to (suspicions) of integrity violations. The rules offer employees a sense of confidence in the way in which a report by or about them will be handled. They state that employees can make reports to their supervisors, a confidential integrity counsellor for integrity or to the integrity reporting centre. They also record the procedure to be followed. The rules are public, so everyone can view them. One of the matters regulated in the rules on reporting abuses is the establishment of an integrity reporting centre. This reporting centre consists of four employees (including the integrity coordinator). The reporting centre handles reports and advises (on request and otherwise) the competent authority. All sorts of matters concerning integrity are discussed at the reporting centre. In this way, you support each other, and think together about issues or processes.

In addition to the existence of procedural regulations and an integrity reporting centre, two confidential integrity counsellors have been appointed within the Hellevoetsluis municipal authority. There is an internal confidential integrity counsellor. This is an employee of the organisation. There is also an external confidential integrity counsellor. This confidential integrity counsellor worked for the organisation in the past and therefore knows it well, but is no longer employed there. The confidential integrity counsellors have regular meetings with the integrity coordinator. At these meetings, they discuss matters that are related to integrity, such as the preparation of a code of conduct and the organisation of a workshop on integrity. In view of confidentiality requirements, and in order to ensure a clear allocation of roles, the substance of current investigations is not discussed. The confidential integrity counsellors are in no way involved in investigations into possible breaches of integrity. That is a task of the reporting centre.

Since the procedural regulations entered into force, a number of investigations have been conducted into possible breaches of integrity. In none of these cases has dereliction of duty been established on the grounds of which disciplinary measures needed to be imposed. It has been found,

among other things, that permanent attention to processes in the organisation is necessary. Good processes are essential for the creation of a safe working environment.

All investigations have been closed in writing. On a number of occasions, a (closing) meeting was held between those concerned. During such a meeting, the people involved can tell their own story. These meetings help to meet the desire to be heard. Such talks can also lead to understanding of a person's actions. If the situation allows for this, people can offer each other apologies. In this way, efforts are made to maintain relationships and restore trust. Such meetings are always led by a third party, such as a staff member of the reporting centre.

The reporting centre is also regularly asked for advice on different subjects. These may be simple questions, such as whether a bunch of flowers can be accepted as thanks for good cooperation, but they may also concern more complex matters, such as questions on ancillary activities of employees or administrators. The fact that growing numbers of employees are contacting the reporting centre to make reports or to ask for advice is a positive development.

Process-related key elements of integrity policy

Formalisation of the integrity policy

The first key element is to adopt an integrity policy and to keep it up to date. The way in which an organisation develops and adopts an integral integrity policy is not laid down in the Civil Servants Act. A good integrity policy contains more than a review of existing integrity regulations and the procedures of the organisation. A policy plan must be based on a clear vision and mission, and a strategy for realising these. The Hellevoetsluis municipal authority adopted such an integrity plan in 2010. The purpose of this plan is firstly to establish clear principles applying in relation to integrity for both civil servants and administrators. Secondly, the plan is aimed at drawing permanent attention to integrity and at continually steering for this in a preventive manner. The mission and vision relating to integrity are based on the standards and values of Hellevoetsluis municipal authority. These standards and values form the foundation of the integrity plan. They show how the municipal authority wishes to work and what it regards as important.

These values are translated into concrete standards. The majority of those standards have already been laid down in law in the Civil Servants Act and in the *Model Approach Basic Integrity Standards for Public Administration and the Police Force (Modelaanpak basishnormen integriteit openbaar bestuur en politie)*, April 2006. The Basic Standards contains the minimum conditions and integrity measures with which a government organisation must comply. The mission of the integrity policy in Hellevoetsluis is to comply with the basic standards and to maintain this.

Maintaining contacts

In order to perform the job of a integrity officer properly, it is important to provide for a good network; both an internal network within the officer's own organisation and an external network with fellow officers working for other organisations. Within a network, officers support each other by exchanging information and sharing knowledge and experience. A wide network contributes to good performance of the job.

In order to secure integrity, it is necessary to keep discussing this with each other. As an integrity officer, you need the support of the management for this. Together, you continually search for ways to draw integrity to the attention of employees and the management. One way to do this is to include the subject as a fixed item on the agenda for work meetings and to actually discuss this with each other. Another way to draw integrity to the attention of employees and the management is by organising meetings on integrity. Attendance of these meetings must not be optional. The management must state that attendance of these meetings is mandatory for everyone.

It is important for an integrity officer to adopt an active role in the search for ways to draw integrity to the attention of employees, and to sustain that attention. The administration and the management are responsible and as an integrity officer, you stimulate, motivate and support them with a clear vision and the accompanying tools (Zweegers & Hoekstra, 2013: 82-85). The integrity officer must ensure that he or she is sufficiently visible within the organisation. In addition to discussing the subject of integrity in their departments, managers must also convey that they regard the subject as important. It is also important to hold regular meetings with the confidential integrity counsellors in order to keep each other informed of current matters. It is good to know what the current issues are within an

organisation. You can steer for these (in policy terms) if necessary. Structural meetings with members of the integrity reporting centre are also valuable. Even at times when there are no (suspicions of) breaches of integrity, it is good to keep in contact with each other. For this reason, the integrity reporting centre meets every three months, in addition to incidental talks.

Apart from these internal contacts, it is worthwhile to maintain contacts with fellow integrity officers who work at other organisations. The exchange of knowledge and experience in this field contributes towards a good integrity policy. Knowledge is increased and at the moments when questions arise for which there is no answer within your own organisation, you can consult each other. For this reason, Hellevoetsluis municipal authority is working to set up a regional network of integrity officers.

Accountability

Each year, the integrity coordinator draws up an annual report. This annual report is presented to the executive. The executive can present the annual report to the municipal council. The annual report is intended to provide information on the progress and activities in the field of integrity in the preceding year. It also provides an insight into the number of reports made and the amount of advice that the reporting centre has provided. The annual report also looks forward to the plans and ambitions for the future.

Evaluation of the job after five years

As an integrity officer, you try to make people aware of their own responsibility for acting with integrity. You try to make people enthusiastic, and to encourage colleagues to contribute ideas, all with varying results. Integrity is not the favourite subject of many managers, or of many employees. It is often regarded as 'difficult'. Small benefits, such as free tickets to an event that you have organised or a Christmas hamper from a contractor who has carried out a large job for the municipal authority 'suddenly aren't allowed any more'. It takes an effort to make employees (and administrators) realise that a good integrity policy primarily brings them benefits; that it contributes to a safe working environment, in which everyone treats each other with respect. And in which everyone can be open and honest and can perform their work well in an enjoyable manner.

There are times when you just have to take a deep breath. When you wonder whether this job is still worth it. But if you then see steps being taken, you get positive responses from the organisation and the issue is coming to life, you recover your enthusiasm and motivation to provide for a sound and well-supported integrity policy.

As an integrity officer, it is good to build up a network of fellow officers in order to exchange knowledge and share experiences. BIOS organises meetings for integrity officers a number of times a year. Attendance of these meetings helps the officers to maintain a critical view of the integrity policy in the municipality of Hellevoetsluis. In addition to offering an opportunity to learn, attendance of these meetings also helps you to find new energy to continue at times when you are struggling with your mission to get the notion of integrity into someone's head. At such a meeting about 2.5 years ago, the participants were asked to briefly describe the role of an integrity officer. I recently re-read the text that I wrote at the time. I can still recall the feeling that I described at the time. Fortunately, I also recognise the growing interest.

The role of an integrity coordinator (March 2013):

'The loneliness of the integrity coordinator is marked by a search for kindred spirits. As an integrity coordinator, you are continually searching for people who are willing to contribute ideas on the subject of integrity. As an integrity coordinator, you are very keen for other people to regard the subject as just as important as you do. Unfortunately, that is very often not the case. You can send information on the subject. You can continue to say that you are keen to join talks in which the subject of integrity will be raised (which, by contrast, is very often the case). You can be nice, you can smile, you can continue to share information ... And then finally, you have the subject on the agenda! Then, due to lack of time, or because there are 'more important matters that really must come first', right away, it is the first to be cut from the agenda again. Very slowly, you see some progress, a growing interest in this subject. People increasingly get in touch with you for questions, information or just a chat about a subject that relates to integrity. It just takes patience, a lot of patience. But honestly ... it is worth the effort!'

The organisation with integrity as a feasible ideal

An organisation with complete integrity, where no misconduct ever occurs, is an idealistic picture. People work in organisations, and where people work, mistakes are made. Sometimes consciously, sometimes unconsciously. The power of a good integrity policy is reflected in an organisation that offers employees an opportunity to report misconduct 'safely'. On the one hand this leads to more reports, but on the other to an organisation with greater integrity and thus a good working environment. Hellevoetsluis municipal authority invests in integrity. At present, it has an up-to-date and widely supported integrity policy. Successes have been achieved in the past few years. In addition to the adoption of an integrity policy, employees have been trained. The subject receives structural attention. Clear rules have been established, which are followed if there is a suspicion of misconduct. A reporting centre has been set up, which employees can contact with questions. This reporting centre also provides for advice to the competent authority. A start has been made on setting up a regional network for the exchange of knowledge and experience. The confidential integrity counsellors have been trained and appointed as confidential integrity counsellors for undesirable conduct and integrity. Integrity has become a permanent item of the agenda for work meetings. The Management Team has also placed integrity on the agenda. Each year, the municipal council is informed about the policy pursued.

In addition to these successes, there are also points for improvement. One of these points for improvement is the code of conduct, which is due for an overhaul. This will be addressed in the foreseeable future. Attention must also be devoted to the visibility of the confidential integrity counsellors and the integrity reporting centre, so that everyone knows who he or she can contact. Continual attention must be paid to the subject of integrity. Integrity must become part of the mind-set of the employees. This will only be possible if the management sets a good example. As an integrity officer, you have to continually invest in this, so that attention for the subject does not fade away. In this way, an organisation with integrity, where people continually work to realise ideals, has become feasible.

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9 Integrity *Part of day-to-day practice* *in the City of Amsterdam*

Jeanine Kooistra, *head of the Integrity Bureau, City of Amsterdam*

Introduction

The Integrity Bureau (IB) of the City of Amsterdam supports the organisation in attaining, practising and maintaining integrity. The IB promotes the integrity of civil servants and administrators in the performance of their work by providing advice, on request and otherwise, and support for integrity issues. The aim here is that integrity should be regarded as a self-evident part of policy and behaviour, meaning it should have a place in creating frameworks and planning, but should also be visible in the actions of the employees. The City of Amsterdam employs about 13,000 civil servants. Within the municipal organisation, the IB is the expertise centre in the field of integrity. It currently consists of twenty employees, with experts in the field of internal investigation, risk analysis, screening, training and advice. The Reporting Centre and the Central Confidential Integrity Advisor also form part of the IB.

The Integrity Bureau in more detail

History

In the final decade of the last century, a number of developments took place within and outside the City of Amsterdam which ultimately led to the formation of the IB. With her speech in 1992, the former Minister of the Interior Ien Dales placed the importance of government with integrity on the agenda. In 1996, the Parliamentary Committee of Inquiry into Investigative Methods chaired by Van Traa issued its report, which opposed the intermingling of the underworld and normal society. Within the municipal authority, a major fraud in the Parking Authority came to light in 1997. Investigations showed that cash couriers from the Parking Authority embezzled millions. An important finding of the investigation was that fraud was very easy to commit and that there were also no barriers to this in the working process.

In the year 2000, the ‘Correct or corrupt’ report appeared, describing the integrity risks of the City of Amsterdam. The purpose of the report was to increase resilience to violations of integrity. In 2001, partly in response to the above developments, the IB was formed, with the tasks of conducting internal investigations, risk analysis and providing training and advice. In 2015, screening of external parties with which the City of Amsterdam does or wishes to do business was added to these. The City of Amsterdam had been conducting such screening since 1998, but within a different department.

Structure and sections

In outline, the IB consists of four pillars: internal investigations, risk analysis, screening, and training and advice. The Reporting Centre and the Central Confidential Integrity Advisor also hold a place within the IB.

Reporting Centre

The Integrity Violations Reporting Centre is open to civil servants, administrators and councillors of the City of Amsterdam, as well as to private citizens and companies. Suspicions of violations of integrity can be reported here. The reports are recorded and validated. The sub-division of violations used is described below. In order to give an impression of the number of reports, the number of reports in the first half of 2015 is shown in brackets after each type of violation:

- conflicts of interest (1);
- manipulation or abuse of (access to) information (7);
- abuse of powers or position (4);
- incompatible positions/commitments/activities;
- inappropriate conduct: sexual harassment, discrimination, aggression and violence (8);
- criminal offences during working hours, such as theft, fraud or corruption (4x theft/embezzlement, 6x fraud, 4x corruption);
- criminal misconduct outside working hours (2);
- wastage and misuse of municipal property (4).

In total, forty reports were made in the first six months of 2015. In twelve cases, the suspicions were reported to the police and in nine cases, the IB conducted an investigation itself. Conducting an investigation is not opportune with every report, and on nineteen occasions, a report led to recommendations to the relevant organisational unit itself.

Internal investigations

If there are concrete suspicions of a violation of integrity, a director of a municipal service, a city district chief secretary or, (a member of) the municipal executive can order a personal investigation. The IB will then conduct an internal investigation. The investigation falls under the powers of the employer and may include interviews, dossier investigations, digital investigations and observations. The report on the investigation is delivered to the internal client. After taking legal advice, this client may impose measures relating to legal status.

In addition to the findings on individual conduct, an investigation also often provides a picture of the context in which a violation of integrity was able to occur. On the basis of the picture of the context, the IB notifies the management of the learning points and points for attention and makes recommendations, so that the entire organisation can learn from an investigation. In the case of criminal offences, the relevant director can report the incident to the police. The IB then serves as a liaison centre of the municipal authority for the police and the public prosecutions service.

Risk analysis

A risk analysis is a technique in which various methods can be applied to determine which integrity risks lie in a working process and/or organisational unit and the extent to which these are controlled. An integrity risk is the risk that a violation of integrity can occur in day-to-day practice within a particular working process or within a procedure during the work. Integrity risks can arise if insufficient control measures, such as establishing rules and procedures, have been taken. Often, risks cannot be completely eliminated, but they can be controlled as effectively as possible. A risk analysis focuses primarily on the control measures: whether these are adequate, whether they reduce or eliminate the risks and above all, whether the existing control measures work and are complied with.

Screening

In the case of projects and tenders, screening means that an investigation is conducted into the integrity and the financial and economic stability of a party with which the City of Amsterdam wishes to do business, and recommendations are made. The essence of the screening method is that screening is risk-driven. This means that the depth of the screening is determined by:

- the extent to which risks are associated with the agreement;
- the sector in which an agreement is to be contracted;
- the type of counter-party (complexity of the group structure, foreign or Dutch company).

The performance of the screening process starts in the municipal service or city district in the form of a basic test, an initial assessment of the documents provided by the party on the organisational structure and financial accounting. Depending on the results of the basic test, the Screening unit may screen parties with, for instance, a complex corporate structure, complex financial situation or incidents in the past in more depth. If necessary, upscaling to the Coordination Office BIBOB of the City of Amsterdam is possible. The BIBOB Act gives municipal authorities the possibility of conducting investigations into possible criminal activities by a company with the aid of information from the police and the public prosecutions service. An advisory report, including recommendations, is drawn up as a result of the screening process. These recommendations often relate to control measures that can be taken in order to limit or control the integrity risk for the City of Amsterdam as far as possible.

Training and advice

The IB advises the city districts and services on the integrity policy that they pursue and its translation in terms of their specific working practice. Together with the unit, an integrity programme can be developed, aimed at building an organisation with integrity by instituting an effective and efficient learning process and effective and fair enforcement practice. The IB provides advice and support for the formulation of such an integrity programme and its implementation. The implementation includes the supervision of training and education for employees and supervisors in the field of integrity. The objectives here are to help to increase insight into both the concept of integrity and the specific integrity issues of the work and to improve knowledge and skills in dealing with moral dilemmas and the integrity risks in the work.

On the basis of its expertise in the field of integrity, the IB also acts as a sparring partner for civil servants and administrators in relation to integrity issues. Efforts are made here to take the context of the civil servant or administrator into consideration as far as possible and to look at who else bears responsibility for the person concerned. This means that if

possible, in the case of civil servants, the supervisor also takes part in the discussions, in the case of a deputy mayor, the mayor, and in the case of councillors, the chairman of the municipal political party.

Central Confidential Integrity Advisor

Confidential integrity counsellors act as sounding boards, advisers and referral officers. They are trained to identify integrity issues and to support employees in addressing these themselves. They provide a listening ear and can offer support in the determination of any follow-up steps. The Central Confidential Integrity Advisor coordinates and supervises the confidential work within the City of Amsterdam by providing for recruitment and selection of confidential integrity counsellors, organising training, education and intervision, guidance on difficult casuistry and regular meetings. The Central Confidential Integrity Advisor is also the individual confidential integrity counsellor for people who are unable or unwilling to contact one of the local confidential integrity counsellors.

Key elements of policy

Integrity is not a matter that is the responsibility of the IB, but is the responsibility of all employees, administrators and civil servants of the City of Amsterdam. The IB advises and provides support in this regard, aimed primarily at building an organisation with integrity. It does this on the basis of the vision that learning and enforcement must go hand in hand, expressed in the seven structural elements of an organisation with integrity. Attention to these structural elements means attention to both preventive and repressive activities. The first three elements constitute the moral learning process. The final three elements of the model constitute the enforcement practice. The fourth element, the rules, forms the turning point.

The model is presented on the next page.

The basis: seven structural elements



Learning means that as an organisation, you have the task of organising the discussions on the application of the regulatory framework and integrity issues in a broad sense, at the individual level, at the team level and at the organisational level. This can be achieved through training, intervention and sessions on the oath of office, the code of conduct or other internal regulations, for example, with the ultimate aim that discussions of integrity will become a normal part of day-to-day practice. It means that the organisation has enforcement tasks in which risks are analysed and controlled, steering takes place for compliance with the rules, screening is performed and investigations are conducted if violations of integrity are suspected and, if necessary, sanctions are imposed.

Developing learning practice supports the power of judgment, the way in which employees take their own well-considered decisions. With the development of enforcement practice, the organisation relieves the burden on employees, who can then rely on a framework of regulations and standards in their work. They do then have to implement this as effectively as possible, or must call on their own willpower (the ability to want something and to actually put this into action).

In recent years, the IB has learned that an integrated approach to integrity, in which learning and enforcement go hand in hand, is a condition for

ultimately becoming, being and remaining an organisation with integrity. The integrity investigations have shown that simply removing the rotten apples in the barrel is not enough to realise an organisation with integrity. The personal investigations and any punishment that results from them execute only one structural element and do not increase resilience against future violations of integrity.

Another key finding is that the supervisor's interpretation of his or her tasks and the visible actions that he/she attaches to this are important for the management of integrity. If the quality of the management is not good, an organisation with integrity cannot be built. The conduct of investigations will then achieve no more than the removal of a rotten apple and the training of employees will be a once-only action which will be forgotten again a few days later.

Attention to integrity within the organisation

Working on integrity faces some persistent difficulties, precisely because integrity is a concept that you cannot be opposed to. When asked, everyone always says they regard integrity as very important. But this is no guarantee that they will actually be working to create an organisation with integrity. Certainly in a result-oriented environment, many other matters demand attention, so that integrity is not always high on the agenda. So how can integrity nevertheless be placed on the agenda? Roughly speaking, in two different ways: via perceptions or via the structure.

The formation of perceptions is incident-driven. For integrity incidents, the shock effect applies: the greater the damage, the greater the attention to the incident and its prevention. Naturally, this can serve as a catalyst for working on integrity, but prevention of incidents is, of course, preferable. For that reason, it is important to build a structure which promotes attention to integrity. That is why the City of Amsterdam opted to set up the IB, with staff appointed especially to work on integrity. The positioning of the IB is important here. It stands close to the chief executive within the executive organisation, but with a critical view of the executives and in close connection to the line management.

Regular meetings with the mayor in the Integrity meeting also contribute towards good positioning, in particular in order for an independent voice to be heard. This is important for the IB, in order to be able to conduct

investigations and provide advice from within the organisation and in connection with that organisation, but nevertheless in an independent manner. In order to stimulate that independence, the IB also conducts talks with and works with academics and other players in the field of integrity, with the Amsterdam Audit Office and the municipal Ombudsman.

Another example of how attention can be devoted to integrity in the structure of the organisation is the explicit reporting obligation for directors. Every employee is urged to report any suspicions of integrity violations to the IB. For members of the senior management, that is not enough, for their role of setting an example is reflected in the reporting obligation.

Risk analysis in more detail

On the instructions of directors, the BI has primarily conducted risk analyses of field work processes, such as waste collection, the building and housing inspectorate, enforcement and supervision in public spaces and market management in the past fifteen years. This is because a relatively high number of suspicions of integrity violations are reported to the IB each year for these working processes. As a result, the IB has conducted fewer risk analyses of other parts of the official organisation, where there may be conflicts of interest, fraud and corruption, for example in decision-making processes, contracting, procurement and external employment.

In the Amsterdam integrity risk analyses, the IB considers, together with those who perform the tasks, where their work may be vulnerable from an integrity point of view and whether the existing control measures have an adequately risk-reducing effect. On the basis of its expertise and practical observations, the IB also independently forms an opinion on the vulnerability of the working process. An effect of this approach is that employees become more aware of integrity dilemmas in their work and discussions of this begin more easily. This makes a contribution towards performance of work with integrity. This distinguishes the Amsterdam integrity risk analyses from conventional audits, which determine on the basis of a pre-formulated framework of standards whether the work of an organisational unit is performed in accordance with the current organisational objectives.

A recurring finding in these risk analyses of field work processes is that ‘neglected organisations’ are relatively common here. Employees then perform their work at a physical distance and in isolation from the parent

organisation. In addition, employees are extra vulnerable to integrity risks because supervisors rarely appear on the shop floor and there are no shared or explicit values and standards set for the performance of the tasks. In their contacts with the public, employees must independently assess the application of their discretionary powers, such as whether to take enforcement action or to leave matters with a warning, or whether or not to grant a licence. If a regulatory framework is not working well, employees may act for their own gain or, under pressure, take action that favours members of the public. This carries the risks of conflicts of interest, fraud and corruption. Performing work in isolation without very much supervision from supervisors can also lead to the exclusion of employees and other forms of inappropriate behaviour on the shop floor.

With risk analyses in such situations, the IB has advised clients to remove the vulnerabilities as far as possible, or to control these at an acceptable level. On the one hand, this involves measures that are aimed at the management of integrity by direct supervisors. It is their task to work on strengthening the risk awareness, attitudes, behaviour and skills of the staff, to discuss standards and values and to make dilemmas open to discussion. On the other hand, it involves measures that create barriers to conduct without integrity, such as the introduction of job segregation and job rotation, and improvement of internal control.

A condition for the success of risk analyses is that they must be of high quality: are the facts correct and is the line of reasoning sound? In order to ensure this, the IB always submits the draft risk analysis to an advisory group of subject experts for validation. This can lead to sharpening and supplementation of the risk profile. It also provides input for potential improvement measures. The IB then submits the findings to the client for feedback and the IB and the client review potential improvement measures together. The trick here is to find a good balance between better control of integrity risks and working according to the current business operation principles, such as efficiency, throughput times and customer-friendliness.

Because of their result-oriented focus as managers, clients tend to tip this balance in favour of business operation principles, while the IB, on the basis of its role, focuses precisely on eliminating stimuli for conduct without integrity as far as possible. Insight into these positions is important for the determination of strategy in the after-care process, in which the BI and

the client consider whether the proposed improvement measures are effective. Sometimes, due to resistance or other organisational constraints, improvement measures are not implemented, while the risk analysis shows that the integrity risks are high. It is then the IB's task and mandate to consider a strategy for ways to implement the proposed measures in the organisation after all.

A lesson from many risk analyses is that the organisational culture is an important success or failure factor for the implementation of improvement measures. This conclusion calls for further development of the existing instruments, because organisational culture does not yet have a place within these. In the coming period, the IB will be working to expand the risk analyses with a diagnosis of the organisational culture. This diagnosis will give direction to the change strategy that must be chosen in order to be able to implement the improvement measures effectively in the organisation.

Reflection

In early 2015, the City of Amsterdam carried out a radical reorganisation. The municipal organisation is built on the basis of the view that the citizens and entrepreneurs come first. The leading management principle is formed by the central creation of frameworks and steering, based on the concept of '1 Amsterdam, 1 city, 1 challenge'. This means that more than in the past, the organisation will work on uniformity and consistency in the field of integrity on a top-down basis. This provides an opportunity to create more uniformity in the approach to both enforcement (risk analyses, investigations, sanctions) and learning (programme-based approach, organisation-wide learning from investigations and risk analyses).

To that end, the IB will set up a city-wide integrity management programme for the first time this year. In this integrated programme, enforcement and learning will be developed in outline. The IB will coordinate the setting of priorities in the field of integrity for the coming years with the City Management Team. The input for the programme comes from signals and observations from the different IB disciplines (integrity investigations, risk analysis, screening and training and advice) and the needs and requirements of the City Management Team in the field of integrity management. Current developments in the municipal organisation and society are also taken into account here, such as location and time-

independent work, the use of social media and area-based work. The objective here is that the City of Amsterdam works systematically, throughout the organisation, to increase resilience to violations of its integrity. It is important to note here that integrity is not purely the responsibility of the IB, but of everyone in the organisation, from politicians to civil servants and from policy-makers to implementers.

With an outline central programme, custom work does remain important. Not all working processes and teams can be served through the same approach. Development and realisation of the integrity policy call for continual coordination with the intractable everyday situation in practice.

The centralisation of the organisation is also reflected in the role of creating frameworks for and supervision of integrity that has recently been assigned to the IB. The role of creating frameworks means that the IB provides for uniform frameworks, a uniform method for building an organisation with integrity and a structured approach to current integrity themes. The supervisory role means that the IB can assess whether the frameworks are developed and if they are complied with. A point for attention with regard to the supervisory role is that the IB performs this on the basis of a supporting attitude, with the focus on improving, not on calling to account.

In this new organisation, the IB, after fifteen years, is still full of life. It has acquired a wealth of experience and developed a large network, and is still building on its expertise by reflecting on its own work, by monitoring scientific research and by conducting research of its own. In the coming period, the focus will remain the further development of the integrated work of the IB, in which learning and enforcement will be associated still more closely. Insights from risk analyses, screening and research can be connected and included in the creation of frameworks, advice and training.

One reservation here is that it proves to be difficult to take time within the IB for reflection and further development, as the pressure of incidents remains high and the connection with and activation of the organisation demand a great deal of time and energy. Naturally, this also develops the IB's own expertise, but securing and recording this, and reflecting on it, require more time and attention than they receive at present. For this is

certainly necessary in order to be able to support the City of Amsterdam in the future in becoming, being and remaining an organisation with integrity. Creating scope for reflection and expanding the expertise are therefore important assignments and also major challenges for the IB in the coming years.

One further comment in conclusion. Attention to integrity has grown substantially in recent years, particularly in the media, but this does not always mean that the intrinsic motivation to work on integrity has increased accordingly. Attention within the organisation for the basis for integrity, with the regulatory framework, the code of conduct and manners, therefore remains essential. Integrity must not be solely a game at the strategic level or a subject that is raised once a year in a team session. It demands daily attention and hard work, precisely because integrity affects the heart of the City of Amsterdam and thereby, its *raison d'être*.

10 Integrity management behind bars

Dick van Lingen, *director security and integrity office, Custodial Institutions Agency*

Introduction

The Custodial Institutions Agency (DJI) provides for the execution of sentences and custodial measures. The DJI has more than seventy establishments spread throughout the Netherlands and the Netherlands Antilles, and more than 14,000 employees. Each year, it has an intake of about 45,000 new prisoners. Confinement takes place in different types of institutions: prisons and remand prisons for adults, which are known as penal institutions, but also in special institutions for juveniles, the young offenders institutions. For patients for whom treatment has been ordered by the courts (detention under a hospital order, TBS) there are forensic psychiatric centres. For foreign nationals without residence permit the DJI uses detention centres.

The DJI is an agency of the Ministry of Security and Justice. This means that the DJI has a degree of autonomy. Each year, the DJI is allocated a budget by the ministry and agreements are reached on the performance to be realised by the DJI.

In addition to confining detainees, the DJI is also responsible for their day-to-day care. DJI employees work on preparation for a return to society with each target group in a different way. For a personalised approach is necessary. For example, the DJI offers adult detainees structure, stability and assistance. The DJI helps juveniles by giving them the necessary education. Detainees in forensic care are offered treatment and guidance by the DJI. With foreign nationals who must leave the Netherlands too, the DJI ensures that alliance partners are given every scope to prepare for the deportation as well as possible.

Integrity and a good cycle for integrity policy are important for the DJI, not least because the organisation is in transition. The way in which the DJI is managed is changing, and a DJI Master Plan¹ with a substantial challenge to realise cut-backs is in full swing.

Integrity at the DJI

The most important principle of the DJI's integrity policy is the promotion of a culture in which ethical standards and values can be openly discussed. The DJI employees must be able to tell each other if something is going well, but also if something is not going well.

Work is in progress on the creation of a safe working environment with and for all employees. In addition, the possibility and opportunity is offered to discuss matters and conduct that are important in order to be able to operate safely. That is a goal that it would be hard to disagree with. The DJI does not regard integrity as an isolated phenomenon. Integrity is embedded in 'security'. But how does the DJI put this into practice?

The DJI uses four key elements here:

- respect
- reliability
- openness
- professionalism

These are four *strong values*. In an executive organisation, strong values are extremely important, because they concern human behaviour. Firstly, they must be identifiable at every level of the organisation, and must be recognised by everyone. At the same time, strong values are a binding factor which contribute towards operations with integrity in this regard. In that way, they contribute towards a good organisational culture in which the employees can rely on each other. This leads to a 'high reliability organisation'.²

Respect involves an understanding of your colleagues and detainees, showing involvement and interest and taking account of each other. It involves treating not only people and their perceptions with due care, but also their property and their living environment. This also refers, for example, to how to deal with incidences of violence.

Reliability is ensuring that colleagues can trust each other, and that they and the detainees can always count on someone. Detainees and society assume that a DJI employee will comply with the current rules, keep to agreements and ensure that his or her interests do not harm those of the DJI. 'Just as you must be able to rely on your colleagues, the DJI relies on

you.’ Breaching that trust not only leads to dangerous situations in the workplace, but also harms the reputation of the DJI. Observing the rules reduces the risks that staff will face undesirable or dangerous situations. In the practical translation, this includes the explanation of which contacts are not permitted and the fact that absence without leave is forbidden.

Openness is communicating honestly and effectively with colleagues through expression, discussion, agreement and calling each other to account. These principles support the working atmosphere and effectiveness. Firstly, a person must be able to express themselves. This may relate to an opinion, questions, doubts, errors or initiatives. Agreements are reached on matters that have been discussed. These reflect the standards and values of the DJI. Such agreements can be recorded in team agreements or in individual agreements with the supervisor. On the basis of agreements, staff can also call each other to account if agreements are not met. DJI employees keep their word. In day-to-day practice, this means ‘put your cards on the table’. The same applies with regard to reporting information that is of importance for the DJI. Do not keep that information to yourself, but share it with your supervisor and your colleagues. Do not walk around worrying about unasked questions either, but put them to your direct colleagues, supervisors or the confidential integrity counsellor’.

Professionalism is doing the work competently, observing the rules and helping colleagues to keep to the rules too. Professionalism is using the resources made available by the DJI correctly. Treating detainees correctly also shows professionalism. Training, professional knowledge and insight play an important role here. The DJI assumes that employees will maintain a professional distance in contacts with detainees, but will nevertheless be close to them. Professional conduct is essential in finding the right balance and in showing respect and being respected by the other person. That supports the working environment in the office or penitentiary focus and thus the atmosphere in the institution. ‘Penitentiary focus’ is a broad term which combines security, alertness and a sense of responsibility. A practical example: alcohol and drugs are not permitted at work and employees may not bring any items with them for detainees.

The situation in practice

Integrity thus merits our attention. But not solely as a regularly recurring item on an agenda. There is always a particular context.

At the DJI, people are detained against their will. These are people who often exhibit behavioural problems. That makes security a top priority which requires permanent attention. As I have already argued, integrity is inseparably connected with security. It is also part of the culture of an organisation. The DJI is an organisation in which (major) risks can arise, with enormous personal and political consequences. Comparisons can also be made with industry, for example, or aviation. It is interesting and instructive to see how others deal with integrity. To be brief, I refer to an integrated approach in aviation, where security, safety and culture are addressed as parts of a consistent system (Shorrocks et al., 2014).

An organisation in which the above key elements are sufficiently present is safe and you can rely on each other as colleagues under all circumstances. Integrity also forms part of the regular appraisal interviews. And finally: a matter for which repressive instruments must also be present.

Each year, an internal investigation agency handles around 250 integrity-related cases. This agency takes on integrity investigations based on a report from a supervisor (in legal terms, the ‘competent authority’, which as a rule is a director of a prison or other DJI institution), or based on a report from an employee. Obviously, a report must always be addressed, in observance of the privacy guidelines. Furthermore, proper execution of repressive integrity policy makes the boundaries drawn by the organisation clear, but also helps to ensure that employees are more likely to report cases, because they feel they can count on adequate, fair action being taken, with due care, in the event of actual incidents.

The competent authority is required to involve the investigation agency if the integrity of its organisation or its employees is at issue. In that case, the agency observes the principles and provisions of Dutch administrative law. In order to obtain an insight into a concrete suspicion of a breach of integrity, the agency opens an investigation. If it is revealed during or after an investigation that a criminal offence may have occurred, a criminal investigation may be necessary. By agreement with the competent authority, the agency may submit the facts to the Public Prosecution Service. If this

leads to a criminal investigation, this will be carried out by or on behalf of the competent authority. An important element in the approach to an investigation is the obligation to rehabilitate employees who were improperly the subject of an investigation of which, despite all the safeguards, third parties (often close colleagues) become aware. This takes place by agreement with the employee concerned, but is always a task that the management must address in a personal manner and with integrity.

The investigation agency of the DJI has eleven qualified investigators and a small executive staff. The agency is independent and answers directly to the management of the DJI. All reports and their settlement are reported to the management of the DJI. A review is also presented each year to the Ministry of Security and Justice and, for the Government-Wide Annual Review of Operations, to the Ministry of the Interior and Kingdom Relations. Part of this report on 2014 is presented below. Records of staff members guilty of confirmed dereliction of duty are kept in a database. These records are kept for up to five years after the termination of the employment. The database is checked as part of the screening of applicants for jobs at the DJI. The investigation data in the database are confidential and are used for (anonymised) trend reports according to the nature and scale of the breaches of integrity.

Most breaches (in both absolute and relative terms) take place among employees who work directly with detainees. They are our 'front-line' workers and are therefore very frequently put to the test. That sometimes leads to undesirable conduct. Swearing at detainees, writing about detainees on social media and fights are a number of more frequently occurring expressions that can lead to integrity investigations.

Breaches of Integrity, number of cases 2014

Types of (suspected) breaches	reports/ suspicions	total confirmed
involvement with (suspected):		
• financial breaches	14	5
• abuse of position and conflicts of interest	0	0
• leaks and misuse of information	8	1
• abuse of powers	4	3
• abuse of powers of force	5	2
• forms of undesirable treatment	13	4
• misconduct in a private capacity	35	16
• improper use of agency resources/breaches of internal rules	186	91
• misconduct according to the whistleblower scheme	0	0
Total number of types of breach	265	122

Source: DJI, Security & Integrity Office

The DJI has its own training institution. Every employee who comes into contact or may do so on a professional basis receives a basic training course. That course encompasses attention to integrity. A number of follow-up courses are also offered.³ More important, however, is that a supervisor devotes attention to this on the formal appointment as a civil servant. As a rule, this takes place by enclosing the DJI code of conduct with the papers for the appointment. This could be done differently and better. Subjects relating to integrity are now explicitly raised on the occasion when DJI employees take the oath. The subject of integrity is also on the agenda in the training for managers. The DJI is aware of the important role that managers play in setting an example for employees, in which active communication of the importance of acting with integrity may not be forgotten, but also in dealing with potential breaches of integrity with due care and in a balanced manner.

The DJI has two central confidential integrity counsellors. Employees who do not feel secure enough to report situations concerning integrity or undesirable behaviour (also an aspect of integrity) to a confidential integrity counsellor within their own institution can contact one of these counsellors. The Ministry of Security and Justice also has an external confidential integrity counsellor and a central integrity coordinator. Employees who are not willing or able to report (suspicions of) breaches of integrity within their own service unit can contact the external confidential integrity coun-

sellor for this. As the name suggests, the external confidential integrity counsellor is not an officer of the ministry. In conclusion: the DJI has created an 'Integrity & Society Knowledge Network'. In addition to a number of DJI employees from across the organisation, this knowledge network consists of people from the academic world (universities) and organisations affiliated to the DJI (such as the Dutch National Integrity Office (BIOS), the Police Force and the Ministry of Defence).

Next steps?

This article has described how integrity is integrated with and fits into the operations of the Custodial Institutions Agency (DJI). Specific attention is already devoted to the subject of integrity. Efforts are made here not to draw attention to integrity in isolation. For example, 'integrity' is one of the elements of the regular appraisal interviews between supervisors and employees. The most senior level of the DJI is also required to discuss this with the various management tiers. Discussion of management dilemmas cannot yet be regarded as *self-evident*. But the DJI is gradually making progress.

The Netherlands Court of Audit conducted surveys of the status of the integrity policy at the DJI in 2013 and 2014 (The Netherlands Court of Audit, 2014). The Court of Audit took an approving view of some matters, while a number of other points required improvement. It was recommended, for example, that an umbrella policy be formulated via a single integrity coordinator. Firstly, this coordinator will gather all information, so that it will be possible to draw on a single source. Secondly, policy initiatives can be proposed on the basis of analyses to be conducted by this coordinator. And thirdly, by appointing a single integrity coordinator, an internal supervisory role will be given shape in order to keep attention focused on integrity. Furthermore, an annual report will be drawn up. The DJI has now appointed this coordinator and the first results will be presented to the management team top-level in 2015. This significantly increases the opportunities to learn with and from each other.

A second point for improvement raised by the Netherlands Court of Audit was that attention seems to focus more strongly within the DJI on the 'hard' side of the integrity policy than on the 'soft' side of integrity, while the 'soft' side is an important factor for the support of the 'hard' side. Because monitoring and accounting for the integrity policy to the manage-

ment was primarily confined to the number of reports of breaches of integrity, it was questionable whether preventive aspects and the concept of professional ethics⁴ received enough attention. A point for attention here is that there appears to be little demand from the work floor for the integrity courses that the DJI's own training institution offers. Professional ethics and prevention merit more attention. Although the DJI does devote attention in the regular employee satisfaction surveys to aspects in the organisational culture relating to integrity (such as ethically aware conduct) and to preventing forms of undesirable behaviour, no research has been conducted at the DJI into the aspects mentioned above. The survey of the Netherlands Court of Audit emphasised the importance of a full policy cycle for integrity policy.⁵ Evaluation surveys of the operation of the policy will assist the DJI in this.⁶ Such a survey focusing specifically on the DJI is a good way to determine the effects of the integrity policy and, in this way, to develop the integrity policy further. The DJI made a start on this in 2015.

The world around the DJI is changing and the DJI will have to change with it. That, too, calls for a flexibility, not only in terms of capacity, but also in terms of the attitude of the staff. Staff with integrity are competent to perform their tasks and comply with the agreed rules. It is interesting to consider how organisational and technological developments affect people and the performance of their jobs. For example, the shrinking organisation makes it increasingly necessary for employees to use the available time to best effect and to make still more use of technology and the knowledge and skills of close colleagues. Technological developments such as Google Glass and drones throw a new light on current forms of work. Increasingly compact appliances (telephones, cameras and the aforementioned drones) imply changes in the field of security and security awareness. For example, are the present education and training and thereby, the experience requirements that the DJI sets for the staff then still adequate? This question is being formulated as I write, and must become a point for attention in the staff development agenda of the DJI.

Conclusion

The DJI faces major challenges. A shrinking organisation, a rising number of detainees with behavioural disorders and rapid technological changes that have an impact on the detention climate. These developments have their effects on the staff of the DJI and consequently, on the integrity of the

DJI. This is precisely the time when we must ensure that we remain alert to developments within and outside the DJI. I have illustrated in this article that these developments receive close attention, so that in the future too, the DJI can operate as an organisation with integrity.

Notes

- 1 The Master Plan concerns the realisation of the cabinet's target of cutting € 271 million from a budget of € 2.1 billion (letter of 19 June 2013 to the House of Representatives from the State Secretary of Security and Justice), which will involve the closure of a large number of institutions and will mean that many employees will have to look for a new job.
- 2 Just compare the DJI with the police force! See: De Bruine, Noordhoek & Tjon Pam Tau, 2011.
- 3 Dilemma training (for employees who may have to deal with integrity issues); professional integrity: dealing with occupational risks (for all DJI employees); integrity management (training for directors and managers of institutions on giving shape to the integrity policy and the ethical learning process within their institution); basic training local confidential integrity counsellor; refresher training local confidential integrity counsellor.
- 4 Professional ethics: every decision or action is morally correct if it does justice to the other; if the rights and interests of all concerned are sufficiently taken into account.
- 5 To be divided into general (overall framework), preventive (contributing to prevention of breaches; culture; creating conditions for safely drawing attention to breaches) and repressive (setting boundaries; adequate and fair action with due care) integrity policy.
- 6 Such forms of research have already been conducted before for the public sector as a whole, usually commissioned by BIOS and the Ministry of the Interior and Kingdom Relations. An example of such research is the study entitled *Een luisterend oor, onderzoek naar het interne meldsysteem integriteit binnen de Nederlandse overheid* (A listening ear: survey of the internal integrity reporting system within the Dutch government), conducted by the Quality of Governance research group of the Public Administration department of the VU University of Amsterdam.

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11 Integrity incorporated in strategy and daily processes *The Netherlands Tax and Customs Administration*

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About the Netherlands Tax and Customs Administration

Every country needs money to be able to function: for education, security, infrastructure, health care et cetera. As part of the Dutch Ministry of Finance, the Netherlands Tax and Customs Administration (NTCA) is responsible for collecting taxes and social insurance premiums. The Tax and Customs Administration¹ also pays out benefits, monitors imports, exports and transit of goods and protects society against fraud and the risks of goods, such as (counterfeit) medicines and drugs.

Over 10 million Dutch residents regularly have dealings with the Tax and Customs Administration. The aim of the NTCA is to collect as much of the due taxes as it can, efficiently and fairly. The focus here is on maintaining and strengthening the willingness of citizens and companies to comply with their statutory obligations. With modern communications, up-to-date information and smart linking of existing systems, the NTCA wants to give them the treatment that they deserve: equal, fast, unbiased and respectful. Deliberate failure to comply with rules will result in firm action.

Europe is changing, the Netherlands is changing and the Tax and Customs Administration is changing. In order to respond to the demands of modern society, how the NTCA works will also be changing in the coming years. In preparation, the State Secretary for Finance sent a Tax and Customs Administration Investment Agenda to Parliament in mid-2015. This focuses on modern communications with citizens and companies (*digital where possible and personal where essential*) and smart use of data for better monitoring. The new approach will generate higher tax revenues for a structural reduction in the costs.

To perform these tasks, the NTCA has varied and professional staff (SAP BI-Center Tax and Customs Administration, 30 June 2015). In mid-2015, it had 29,688 employees: 34 percent women and 66 percent men. The average age of the staff is 50.9. The average number of years of service is 25.9.

Integrity is the basis for the performance of the Tax and Customs Administration

The Tax and Customs Administration operates at the heart of society. Everyone has business with the NTCA at some point. Everything the administration does (or fails to do) is observed with a critical eye. We have an open society in which transparency is becoming a key feature. How citizens and businesses view the NTCA largely determines their willingness to comply with the (fiscal) obligations. Any incidents which cast doubt on the integrity of the NTCA and/or its employees can negatively affect that willingness. This is why an integrity policy and its management are so important and must be continually addressed.

Citizens and companies must have trust in the Tax and Customs Administration. To achieve this, the integrity of the service must be raised above any form of doubt. The main requirements set the NTCA for the conduct of its own employees are consistent with the three basic values of credibility, responsibility and carefulness.

The basic values and the code of conduct

Discussions about integrity conducted within the organisation often concern what is and what is not permissible. A standard that offers support is always sought here. All civil servants must conduct themselves *as befits a good civil servant*. But what is good and what is fitting?² The Tax and Customs Administration has developed the answer to this question in terms of three basic values: credibility, responsibility and carefulness. The values are described and explained in the code of conduct and provide a guide for the actions of the NTCA. The code of conduct makes clear what the NTCA stands for.³ The values are developed in practical examples. These are intended to give people pause for thought and to encourage discussions. The code of conduct does not provide a ready-made answer to every question.

Credibility

The Tax and Customs Administration takes its mandate seriously. Agreements are met, not only with people outside the NTCA, but also between colleagues. Credibility calls for exemplary behaviour, independence and avoidance of (any appearance of) conflicts of interest.

Responsibility

The Tax and Customs Administration and its employees deal responsibly with the powers assigned to them and are willing to account for their actions. They say what they do and do what they say. Employees also call each other to account. They let it be known if they do not understand each other's behaviour or decisions. They are reliable, accessible and transparent.

Carefulness

The Tax and Customs Administration and its employees treat everyone with respect and take expectations, rights and interests into account. This does not mean that they always have to please everyone, but it does mean that the different interests are carefully considered in each case in order to reach a good decision.

Integrity: in discussion

Rules, codes and agreements are important and essential. Nevertheless, integrity does not only concern the correct application of codes and rules. Acting with integrity says everything about how people think, which choices they make and what their own views and values are. The NTCA considers it particularly important to conduct discussions on this. It is no longer a question of what is right or wrong, but far more one of 'what should be done in this situation' and 'why?'

The employees of the Tax and Customs Administration regularly face difficult choices and dilemmas which do not always have ready-made answers and solutions. For them, integrity means continually testing their own standards in terms of those of the NTCA: what does the NTCA stand for and what does this demand of me? A safe environment in which employees can openly and respectfully share their views is important. These discussions strengthen awareness which then becomes visible in the day-to-day behaviour.

The Tax and Customs Administration is an inclusive organisation. Differences in origin, gender, sexuality et cetera are valued. Everyone is unique and welcome. Optimal use is made of a diversity of talents. Inclusiveness is all about treating each other in a careful, credible and responsible way. This makes mutual respect for individual characteristics the norm.

Who does what?

The employees of the Tax and Customs Administration are in a unique position to demonstrate what the NTCA stands for. 'Integrity is for all of us.' Everyone bears their own responsibility for this. Integrity is a part of everyone's professional actions. This awareness is present and is growing within the service.

Within the Tax and Customs Administration, specific responsibilities have been assigned for the development, application and monitoring of the integrity policy. The officers responsible work together as an internal integrity network and complement each other.

Tax and Customs Administration Administrative Body

In the Tax and Customs Administration Administrative Body (with the Dutch acronym BOBD), service-wide matters are discussed at senior level on a monthly basis. As part of the organisational policy, integrity policy is regularly on the agenda for these meetings. Each year, policy choices are made within the BOBD and the results are published (see paragraph 6.3). Every two years, the BOBD conducts an internal survey of the effectiveness of the policy and its application (see paragraph 6.7). One of the members of the BOBD has integrity as a field of policy in his portfolio and is accountable for this theme within the BOBD. It is important that this administrative body takes responsibility for and conveys integrity. Attention from senior management is essential!

Directors and team leaders

Directors and team leaders manage the daily operations within their own business units and this includes integrity issues. Focus on integrity is therefore part of every manager's day-to-day work. They have a duty to set an example in this regard. The theme of integrity is regularly addressed in management meetings, work meetings and appraisal interviews.

Integrity coordinators

Within each business unit, an integrity coordinator has been appointed to act as the primary advisor for the director and team leaders in that unit. The integrity coordinator advises and supports the implementation of the integrity policy. He or she is familiar with the business unit and can therefore identify local needs and requirements, such as the adjustment of procedures, necessary training and the required explanations. The integrity coordinator serves as the link between the Integrity Knowledge Group and his or her business unit.

Integrity Knowledge Group

The Integrity Knowledge Group consists of ten employees with a national task in the field of integrity. This concerns the task fields of policy, labour law tasks, communications, education/training, research, compliance officer and national confidential integrity counsellor. The Integrity Knowledge Group advises the Tax and Customs Administration Administrative Body on policy choices. The Integrity Knowledge Group also represents the NTCA in interdepartmental meetings on integrity, including the Interdepartmental Integrity Management Platform (IPIM) and the group of departmental integrity coordinators.

The members of the Integrity Knowledge Group work closely with the integrity coordinators. Policy and implementation are thus carefully coordinated. Supporting products are produced together. Advice for the Tax and Customs Administration Administrative Body is discussed with the integrity coordinators in advance. Within this alliance, there is scope for intervision and professionalisation.

Confidential integrity counsellors

If an employee faces a dilemma and is unable or unwilling to discuss this with a colleague or manager, he or she can talk to a confidential integrity counsellor. Each business unit has at least one confidential integrity counsellor who provides advice and help employees deal with dilemmas.

Group Works Council

The chairman of the Integrity Knowledge Group has regular informal talks with representatives from the Group Works Council (COR). The COR members are involved in making plans and products. This involvement promotes the quality of the products and the speed of the process. The

talks are open, respecting everyone's responsibilities. On request, the chairman of the Integrity Knowledge Group is invited to provide an explanation or presentation during a plenary meeting of the COR.

The integrity policy

The responsibility of each individual employee is central to the integrity policy of the Tax and Customs Administration. It acts as a mirror, as it were, in which everyone can check their own conduct.

Responsibility to taxpayers and other external parties

The Tax and Customs Administration wants employees to treat citizens and entrepreneurs with due care, professionally and with respect. A neutral and independent attitude is also required. This means that employees are polite, listen carefully and remain calm.

- The NTCA requires extreme caution with regard to the acceptance of gifts and services. Accepting gifts can create the impression that employees are allowing themselves to be influenced. Employees may only accept gifts with a maximum value of € 50;
- If an employee does business with an external party and has a personal relationship with them, this could create the appearance of a conflict of interest. In such cases, the employee must contact his or her manager in advance;
- Trading in securities with insider knowledge is a criminal offence. Even more stringent rules apply to the employees of the NTCA, because it possesses a great deal of price-sensitive information. Positions associated with such risks are identified. The employees concerned are designated as insiders and are subject to the Tax and Customs Administration Insider Trading Regulations;
- Employees of the NTCA have access to confidential and personal data. This information may never be used for their own benefit. In fact, such information may only be used for the purpose for which it was obtained. The Tax and Customs Administration attaches considerable importance to its employees' duty of confidentiality. This duty remains in effect when employees leave the NTCA.

Responsibility to the employee's own organisation

Employees have a responsibility to their own organisation. This also means that they must treat the business assets and reputation of the Tax and Customs Administration with carefulness.

- Employees may perform ancillary activities in their free time. They are not entirely free in their choice of which activities may be performed. For example, ancillary activities are not permitted if they could lead to (the appearance of) a conflict of interest or damage the reputation of the Tax and Customs Administration;
- Employees are expected to treat business assets (laptops, telephones, iPads et cetera) with due care;
- The Tax and Customs Administration supports the use of social media. However, texts, photos et cetera may not harm the reputation of the NTCA or embarrass it. Sensitive information on the NTCA, taxpayers and alliance partners may never be shared on social media.

Mutual responsibility

How employees treat each other is important, as this partly determines the working atmosphere and the effectiveness of the Tax and Customs Administration.

- The Tax and Customs Administration is an inclusive organisation. Everyone is unique. This includes differences in origin, faith, political preferences, gender, sexuality, et cetera. These differences may never lead to preferential treatment, disadvantaging or ignoring employees or to bullying;
- Colleagues support each other with difficult assignments and show an interest in each other;
- Employees and managers are aware of the effect of their own behaviour on their colleagues. Example is better than precept.
- Employees are open to questions and feedback. They make clear agreements and call each other to account if necessary.

Violation of integrity

Like other organisations and companies, the Tax and Customs Administration, as a large government organisation, faces breaches of integrity. These may include improper use of business assets, undesirable conduct or non-compliance with internal rules. The most common breaches at the Tax and Customs Administration are listed below.

Review of the most common breaches:

- 1 Misconduct in private life (including undesirable contacts, abuse of drugs and alcohol, garnishment of wages, failure to comply with fiscal obligations);

- 2 Improper use of business assets and/or breaking internal rules (including with regard to sick leave and time registration);
- 3 Financial violations (theft and fraud);
- 4 Abuse of position and conflict of interests (ancillary activities, bribery, gifts);
- 5 Undesirable conduct;
- 6 Leaking/misuse of information (violations of the duty of confidentiality, viewing files for private purposes).

There are also breaches of integrity that the Tax and Customs Administration may face as a specific organisation.

Dealing with confidential information

In connection with its specific tasks, the Tax and Customs Administration has access to a great deal of confidential information relating to citizens and companies. They must be able to rely on their information being secure with the NTCA. For that reason, stringent action is taken within the NTCA if employees use or view confidential information for purposes that are not relevant to the work of the Tax and Customs Administration.

Compliance with fiscal obligations

With a view to the reputation and credibility of the service, the Tax and Customs Administration requires its own employees to strictly comply with their own fiscal obligations. This means, for example, that employees must file their tax returns in the correct manner. Failure to do so is regarded as a breach of integrity.

Integrity permanently on the agenda

The theme of ‘integrity’ is more current than ever. Public expectations of politicians, administrators, the government and thus the Tax and Customs Administration have risen. Social media have made the world around us far more transparent. Conduct lacking in integrity (both at work and in private situations) is no longer accepted from anyone. One only has to open a newspaper to see this. The NTCA is also openly monitored and assessed by the outside world. This fact necessitates continual attention to the theme of ‘integrity’. This does not take place automatically.

How does the Tax and Customs Administration embed and secure integrity within its operating policy and how can integrity be kept high on

the agenda? The NTCA has learned the following lessons through practical experience.

Ensure that policy, regulations and procedures are well organised

Policy, rules, codes and procedures establish the frameworks for acting with integrity. They apply to everyone: no one is exempt. They are the basis and the compass for day-to-day actions. The Tax and Customs Administration has built up a meticulous system. Rules and procedures are included in the code of conduct, brochures and on the NTCA website. Every year, the rules and procedures are assessed and if necessary, adapted to meet new requirements, new agreements and developments.

Assign responsibilities and identify the resulting tasks, then connect these within an internal integrity network

The responsibilities and tasks of the Tax and Customs Administration Administrative Body, directors and team leaders, the integrity coordinators, the Integrity Knowledge Group, confidential integrity counsellors and the Group Works Council are listed in paragraph 3.

Every year, create focus and show what has been achieved

Every year, the Integrity Knowledge Group and the integrity coordinators jointly draw up an annual plan. Taking account of the changing society and developments within the NTCA, appropriate actions are established for the planning period. The plan is adopted by the Tax and Customs Administration Administrative Body (BOBD) and discussed with the Group Works Council (COR). The plan is then published via our digital newspaper (*Beeldkrant*). Every manager and every employee can read the plan.

At the end of each year, the Integrity Knowledge Group draws up an annual report to which each business unit contributes. After being presented to the BOBD and COR, this report is also published via the digital newspaper. Anyone can read the report.

Contents of annual plan and annual report:

- the necessary adjustments to rules and procedures;
- the joint activities of the integrity network;
- the activities in the field of training, education and communication;
- the way in which the integrity policy is monitored;
- the way in which the integrity policy is enforced.

Make the theme recognisable: connect integrity to the work

We regularly hear from managers and employees: ‘We find it difficult to talk about integrity. What should we discuss?’ The policy plan of the Tax and Customs Administration was recently screened with regard to the application of the basic values. It was established that the plans of the NTCA can only be implemented with careful, responsible and credible employees.

On that basis, we encourage managers and employees to discuss how they can make the basic values (even more clearly) visible in their work:

- Via internal contacts: how they treat each other as colleagues;
- Do we always not only say what we do, but also do what we say? Do we help each other and share knowledge? Are we honest and open and do we call each other to account?
- Via external contacts: how they treat private citizens, companies and alliance partners;
- Do we treat powers awarded with care? Do we fulfil agreements reached? Does every citizen and entrepreneur receive equal, unbiased and respectful treatment?
- In the design and implementation of processes: how they organise and perform the work. Are our processes consistent with public requirements and modern expectations? Are the risks defined within the work processes and sufficiently covered? Have we built in control points at the right places in our processes and do we conduct correct and timely checks at these points?
- In steering: how the work and the employees are steered;
- As managers, do we deal with agreements reached with our employees with due care? As managers, do we set an example and are we credible to our employees, and what form does this take?

Communicate clearly and provide explanations

Policy, rules, procedures and their application require explanations: not just once, but on a regular basis. The NTCA has an extensive intranet site for this purpose and various brochures have been produced:

- A Tax and Customs Administration with integrity: our basic values and code of conduct;
- Tax and Customs Administration Integrity Investigations Protocol;
- Communication in the case of breaches of integrity;
- Dealing with breaches of integrity.

A publication regularly appears via the digital NTCA newspaper. These publications always relate to topics of current interest. Every two years, an Integrity Day is organised, at which a representative selection of the staff (more than 200 participants) meets and discusses various integrity themes. Forum discussions are also organised, for example on the theme of ‘exemplary management behaviour’.

Make integrity a fixed value in training and education courses

Within the Tax and Customs Administration, integrity is a fixed value in the available training and education courses for both new employees and professionals with a long service record. Besides knowledge of integrity, the main focus of every course is how to deal with moral dilemmas. The training material can be applied digitally and flexibly. A digital library is available with theoretical material, practical exercises, films, presentations et cetera.

Every new employee is required to follow the integrity module as part of the induction programme. Human Resource Management (HRM) employees can follow a specific HRM module. Managers receive courses and modules tailored to the target group (including moral opinion-forming).

The digital integrity programme ‘Response and Insight’ is widely used. Participants are shown films covering familiar working situations. In each situation, four different types of response are shown. The participant is required to choose the most effective response. The personal score is then compared with the score of a reference group. The programme can be followed individually and as part of a team. The programme supports discussions on integrity and is aimed at increasing awareness.

Regularly monitor the application and effect of the policy

The Tax and Customs Administration regularly asks itself: Are we doing the right things and are we doing them right? Are we on track? Are adjustments needed? Every two years, the NTCA organises an integrity monitor among a representative group of employees. Questions are asked on the following aspects: cooperation, fair treatment, honest attitude towards work, exemplary management, integrity policy, rules and procedures.

The outcome is presented within the Tax and Customs Administration Administrative Body and the Group Works Council. Each business unit

then produces its own improvement plan. The plans are coordinated at an intervision meeting with the integrity coordinators.

Results of integrity monitor 2015:

- The Tax and Customs Administration is an organisation with integrity; slight progress in relation to 2013 is visible;
- Cooperation is good and solid within all business units;
- Employees perceive better moral awareness and compliance with rules;
- The conduct of managers in setting an example could be improved;
- Employees are more familiar with 'what' (rules) and less familiar with 'how' (procedures).

Enforce agreed rules and procedures

Besides formulating policy, regulations and procedures, enforcing them is also important. The Tax and Customs Administration has developed a uniform registration system in which (alleged) breaches of integrity are recorded, along with the related reports, processes and decisions. An up-to-date review of reports and the current status of each case are available at any time.

The NTCA has chosen to describe all aspects that could be raised in an integrity investigation in a document: the Tax and Customs Administration Integrity Investigations Protocol. This protocol improves the clarity and due care in the conduct of an investigation. This is in the interest of the NTCA and of the employee concerned. The protocol promotes equal treatment of cases of this kind.

Reflection

The Tax and Customs Administration has given high priority to integrity for many years. Much has already been developed and published and there has been training and education on this subject. Nevertheless, we are not there yet. Public and political requirements remain subject to change. The design and organisation of the work continually requires adjustment. This all has a direct impact on the integrity policy to be pursued. One thing is certain: integrity will continue to demand our attention. Our work is never done!

What is going well?

- There is structural attention to integrity within the Tax and Customs Administration Administrative Body;
- The operations of the Integrity Knowledge Group, the performance of the integrity coordinators and the joining of the two groups in an enthusiastic and effective alliance;
- Annual update of the integrity policy;
- Every year, we draw up an annual plan and annual report: focus on planning and implementation;
- Linking the work with integrity and vice versa: integrity is part of the business!
- Application of the insider trading regulations: implementation and supervision of compliance with the regulations;
- Integrity as a fixed value within the induction programme for new employees;
- Composition of various brochures and publications;
- The organisation of integrity days;
- Regular monitoring of the integrity policy and its perceptions and application by employees;
- Mandatory use of the uniform registration system in the event of (suspected) breaches of integrity;
- Mandatory use of a uniform working method/protocol for investigations into (suspected) breaches of integrity.

What can be improved?

- Integrity is everyone's responsibility. This discussion can be deepened further. What does this responsibility involve and how does that affect me? Thinking and talking about this together and learning from each other;
- Integrity is not yet a standard subject during management and team meetings or in appraisal interviews;
- The content of the integrity policy is not always quickly available;
- The procedures to be followed are not always clear;
- Communication in cases of breaches of integrity could be improved;
- The quality of the performance of integrity investigations could be improved;
- Managers have low scores for their role in setting an example;
- More attention to risk analyses.

Ambitions for the coming years

- Show even more clearly how we can deal with dilemmas in a positive and simple manner;
- Work on the role of management in setting an example;
- Integrating integrity into the management and meeting cycle;
- Continue to promote a conscious and professional approach to work;
- Develop an even more accessible code of conduct for all employees and managers, highlighting integrity;
- Study the existing and further professionalisation of employees involved in integrity investigations;
- Study effective ways to deploy integrity investigators;
- Structural performance of risk analyses;
- More and more effective cooperation within Central Government.

Notes

- 1 The Tax and Customs Administration has eleven business units. Customs and the Fiscal Intelligence and Investigation Service (FIOD) are part of the NTCA, as business units.
- 2 The literal translation of 'fitting' is 'proper, appropriate, becoming, decent, civilized'.
- 3 The brochure Een integere Belastingdienst (A Tax and Customs Administration with integrity) can be downloaded via www.werken.belastingdienst.nl/arbeidsvoorwaarden.

12 The Province of Limburg

The integrity network works

Rick Duiveman, *senior integrity policy advisor, Limburg Provincial Authority*

Introduction

Administration with integrity

Integrity is an intrinsic part of good public administration. The government's monopoly position, coupled with the fact that it spends public funds, means that a high degree of integrity is demanded of the administration. Public trust in the government and its civil servants depends largely on the ethical status of public administration and the ways in which it is manifested. In the province of Limburg, that awareness is strongly represented. Promotion of the integrity of public administration in this province is a joint effort of the municipal authorities, the water authorities and the provincial authority. Limburg puts effort into integrity. This article outlines the alliance formed within Limburg in the field of promotion of official (concerning civil servants) and political-administrative (appointed and elected office holders) integrity; 'the Limburg method.'

Public administration

Dutch public administration consists of central government, the provincial authorities, the municipal authorities and the water authorities, with each of these tiers of government having its own duties. The provincial authority is an administrative tier lying between central government and the municipal and water authorities. The provincial authority has a supervisory role in relation to the municipal and water authorities. 'Province' refers both to a tier of government and to a geographical region of the Netherlands. The key tasks of the provincial authority lie in the fields of spatial development, the environment, energy and climate, public transport, the economy, culture and the quality of public administration.

Limburg is one of the twelve Dutch provinces, lying in the southernmost part of the Netherlands, between Germany, Wallonia and Flanders. Limburg has a population of 1.2 million. The public administration consists of the provincial authority, 33 municipal authorities and two water authori-

ties. The Limburg Provincial Parliament is the highest legislative body in Limburg, while the day-to-day management is in the hands of the Provincial Executive, with the King's commissioner chairing both administrative bodies. According to an old tradition, in Limburg the commissioner is known as the governor.

The provincial objective for the coming four years is best summarised by the name of the coalition accord recently drawn up: 'In action for a prosperous and socially committed Limburg'. The provincial authority employs 750 civil servants.

Joint integrity policy

Following a recent legal amendment, the King's commissioners are responsible for providing for integrity promotion at the provincial level. The mayors and chairmen of the water authorities have the same responsibility in relation to their organisations. In laying down the duty of care for integrity in law, the legislators aimed to eliminate the vulnerabilities relating to the position of these administrators in this field and to support them in the unrestricted enforcement of administrative integrity within their own organisations. On the basis of this joint responsibility, the mayors, the chairmen and the King's commissioner decided in 2012 to work intensively together in the field of integrity, on a voluntary basis.

In the southern part of the province, officials from the different authorities had already been working together in the field of integrity since 2006. In order to be able to advance the development of the integrity policy and to broaden this to the political-administrative environment, this alliance was upscaled in 2012 to the level of the entire province. Because the administrators took the initiative for this jointly, on the basis of the responsibility relating to their duty of care, it became clear to stakeholders that in Limburg considerable value is attached to ethical administration. The members share the view that the theme of integrity merits permanent attention.

Limburg has several alliances for different dossiers. Over the years, the larger municipal authorities have adopted the role of core municipal authorities, with both large and smaller municipal authorities experiencing the importance and power of administrative collaboration. The resistance to alliances that apparently exists in other provinces is considerably

smaller in Limburg, due to predominantly positive past experiences. In that light, the willingness to enter into far-reaching collaboration in the field of integrity can be explained.

Collaboration Objectives

The objective of the alliance is to develop the integrity maturity of public administration in Limburg. Every public administration in the Netherlands, including those in Limburg, has a duty to develop its domestic integrity policy and to set its own priorities. As a result of this policy, enormous diversity in the development of domestic integrity policies has arisen. Not every administration attached the same importance to the development and implementation of a balanced integrity policy and some municipal authorities all but lost interest in the theme of integrity. Consequently, the development of integrity policy remained primarily incident-driven across the board.

In Limburg too, the development of a uniform vision of integrity has only partly been realised. Not every administrative body proved able to deploy resources, experience and expertise in order to develop and implement a high quality integrity policy on its own. By addressing policy development together and linking the parties that are trailing to the leaders, strong professionalisation is now taking place in all the organisations working together in this domain, with relatively little effort.

Due to some incidents in the past, Limburg suffers an image problem concerning integrity. The members of the public administration in Limburg accept that little or no influence can be exerted on shifting perceptions. The decision to work together intensively in the field of integrity was therefore based on the need for professionalization of policy-making and to address the administrative duty of care. Furthermore, the fact that intensification of policy could be coupled with an increase in the number of reports and further to this, increased national attention to incidents in Limburg, was accepted without reserve. The envisaged secondary effects of the alliance therefore lie in the field of sharing knowledge, experience and expertise and the joint application of the instruments developed. The alliance offers the possibility to learn from each other at all levels and to consequently develop a common vision of integrity.

Improving the quality of the integrity policy, increasing efficiency, the development and application of best practices and creating the ability to address the theme of integrity on a permanent basis are also objectives of the alliance.

The integrity structure in Limburg

Embedding of collaboration

In order to be able to embed the alliance in the affiliated organisations, a form was sought in which the development of the joint integrity policy could take place. This led to the creation of the Limburg integrity structure. The structure consists of a steering committee, a working group, an official counsellor (for civil servants), an administrative counsellor and integrity officers. The organisations participate in the structure on a voluntary basis. The administrative bodies have consented fully to joining the alliance structure. The structure has an informal character and the members are equal; there is no hierarchy. That enables a fast and effective collaboration

The steering committee

The steering committee heads the alliance. The steering committee consists of four mayors, the chairman of a water authority and the governor, who also serves as chairman of the steering committee. The committee meets as often as is considered necessary, but at least twice a year.

The tasks of the steering committee are:

- To promote administrative collaboration in integrity policy;
- To develop a long-term vision;
- To focus continual attention on integrity risks in public administration;
- To stimulate new developments;
- To create support in the members' own organisations;
- To assign tasks to the working group and confidential integrity counsellors;
- To monitor product quality criteria;
- To act as a sparring partner and sounding board for administrators.

The steering committee discusses proposed or developed policy with the mayors and chairmen of the water authorities each year. This meeting also serves as input for future policy development or for the adjustment of existing policy.

The working group

The working group supports the steering committee. The working group also has the objective of supporting administrators and organisations in the field of integrity, either with expertise or with the development of concrete instruments in the field of integrity. The working group meets once a month. The chairman is also an advisor of the steering committee and in that capacity, serves as a linking pin within the structure. The working group is broadly-based, consisting of civil servants of the member organisations. Various disciplines and competencies are represented (by choice), such as legal, financial, management, registrar, human resources management and executives. The broadly-based composition ensures that the theme of integrity can be addressed from the most varied range of angles, viewpoints and experiences. This approach promotes the expertise of the working group and improves the quality of the output.

The tasks of the working group are:

- To perform tasks for the steering committee;
- To support the steering committee;
- To develop integrity instruments;
- To support and advise public administration within the integrity domain;
- To create support in the members' own organisations;
- To act as a sparring partner and sounding board for official organisations;
- To keep attention to integrity alive;
- To develop expertise and make this available.

In order to increase the support base for the joint integrity policy and promote the use of the instruments, the working group organises meetings with the stakeholders in the official (civil service) and political-administrative environment, where the policy proposals or the instruments developed are presented and discussed.

The official counsellor

The official counsellor was installed in order to enable civil servants to discuss integrity dilemmas with a completely independent confidential integrity counsellor. The counsellor is available to the civil servants of the administrative bodies in the alliance. The counsellor is the designated official with whom to discuss misconduct in confidence. In the collaborating

organisations, policy is aimed at immediate reporting of misconduct to the management of the organisation concerned. If this is not possible or desirable, the report can be made to the confidential integrity counsellor.

The position of counsellor is held by different persons in the alliance. Because the counsellors are not affiliated to the member organisations, they can operate entirely independently. The position of counsellor has a statutory basis. In the interests of good employment practice, official organisations are required to create the position for their civil servants.

The administrative counsellor

In order to facilitate counselling for political administrators, the position of administrative counsellor has been created. This counsellor is available to provide advice and information in the field of integrity for administrators, i.e. mayors and aldermen, the governor, the chairman and members of the water authority executive. The counsellor is available to administrators who face questions and dilemmas relating to integrity in the performance of their duties. This position has no statutory basis but was created to meet the need of administrators to be able to discuss dilemmas in confidence. The counsellor must be seen as a coach, who has a supportive role.

This counsellor is an experienced administrator who holds a completely independent position and is subject to the confidentiality obligation. In view of the confidential nature of the work and the increased risk of traceable casuistry, the administrative confidential integrity counsellor does not account for his or her work in public. Structural policy-matters are submitted to the steering committee in the form of policy recommendations.

The official integrity officer

In order to increase the integrity network, the position of official integrity officer was added to the structure. Every member of the alliance is represented in this group by officials. These officers are civil servants with a (co-ordinating) task within their organisations, or in any event, with a responsibility in the field of integrity. They are also responsible for the implementation of the jointly-developed policy or promoting the application of the instruments developed. The integrity officers also develop (regional) alliances and provide input for the working group.

Innovation

The structure chosen is not new or innovative, but the alliance within Limburg public administration is. The policies and the supporting instructions and best practices have been developed in a way that allows the members to add or omit their own accents, without prejudicing their essence. Consequently, each individual organisation can now take steps forward with their own integrity policies in a manner appropriate to the local context, while preserving their own identity and autonomy.

The intensive collaboration has led to a joint integrity framework in public administration in Limburg which can count on wide support. The structure is an alliance organised on the basis of voluntary participation and as such, does not have its own entity or legal status. The members contribute on a proportional basis to the alliance, in time and money, so that the structure functions without a budget of its own. The provincial authority facilitates the structure (in advance), but any costs are shared afterwards.

Its own website at integriteitlimburg.nl is used in the communication of the policies. Via this website, the policy and the instruments developed are shared and are made widely available. This methodology has led to the application of the policies and the instruments outside Limburg too.

Development of joint integrity policy

The first step

During the meeting of the mayors, chairmen of the water authorities and the governor in 2012, it was decided that the alliance should focus on policy development in the broadest sense within the integrity domain. The policies and the instruments and methods developed were to be made accessible and applicable within the public administration in Limburg and also, if necessary, beyond. The steering committee establishes the policy frameworks, while the working group is responsible for the execution and implementation. The municipal authorities expressed a wish to develop two instruments to support the integrity policy for the municipal elections in 2013. The steering committee decided in the start-up phase to assign priority in the alliance to the promotion of integrity in the political-administrative environment, because a catch-up drive could still be made there.

The first step in the joint policy development was the development of a screening procedure for proposed administrators, as well as an integrity introductory programme for newly-elected representatives.

Screening (risk analysis) of administrators

The essence of the approach is the performance of screening prior to the appointment of an administrator, so that integrity risks are identified and can be managed. The screening process is recorded in an instruction that has been made freely available. In the jointly developed process, candidates for appointed offices / administrators are subjected to screening. On the basis of open sources and with the cooperation of the candidate, an external agency investigates whether circumstances have arisen or could arise in the field of integrity that could prevent unobstructed performance of the candidate as an administrator. If such circumstances are revealed, it is investigated whether sufficient preventive measures can be taken to manage the risks and thus make the appointment possible. After the analysis of the screening has been discussed with the candidate, an advisory report is drawn up, with his or her consent, and is then discussed with the chairman of the executive, the mayor. The mayor monitors integrity within the executive. The screening is therefore also the starting point for integrity development during the term of office of the executive.

For the appointment, the chairman of the executive shares the findings with the elected representatives, the municipal council, which then takes the outcomes of the screening into account in the nomination of the candidate. In this form, the screening, in the form of an integrity risk analysis, is an aid for the person involved in relation to integrity awareness. It is not a selection tool or a barrier. Naturally, the outcome of the screening may be a reason for the candidate to withdraw from the appointment procedure before the municipal council takes a decision on appointment.

This approach was followed in all municipal authorities in Limburg during the last elections in 2013. In the rest of the Netherlands, after the Minister of the Interior and Kingdom Relations had sent a letter to all administrators drawing attention to the instruction 250 of the 403 municipal authorities participating in the elections applied the screening process. In the elections in 2017, the application of this screening process can be expected to be a fixed part of the appointment procedure. The screening approach was made available to the municipal authorities in good time, via the website.

After this, the screening approach was used nationally in two thirds of the administrative bodies for the provincial elections and the elections of water authorities in 2014. Here too, the process can be expected to become a fixed part of the appointment process for administrators in 2018.

Integrity introduction programme for elected representatives

At the same time, an integrity introduction programme was introduced for newly-elected representatives. The programme was set up in order to provide newly-elected council members with guidance regarding integrity in relation to service as people's representative. The programme supports the elected representatives in interpreting integrity rules, strengthening their own ethical opinion-forming and in jointly maintaining a justifiable form of enforcement of integrity rulings. The programme also provides a first step towards a long-term integrity programme, focusing on deepening these themes. The mayor, as holder of primary responsibility for integrity in the municipal authority, is responsible for the implementation of the introductory programme. In this case too, the process is recorded in an instruction which is made freely available within the public administration.

Both the screening approach and the introductory programme were produced by the working group in a short space of time and, in order to increase the support base, were presented at a meeting with the stakeholders. An evaluation of the process with the municipal authorities showed that this is a successful approach to implementing integrity policies. What makes this working method exceptional is that the policy is realised and applied jointly, without prejudicing the individual contributions and input of each member. This strongly promotes the application of the jointly-developed approach.

State of affairs

Review

The alliance has been active since 2012, enabling a form of reflection. A number of successes can be noted. The alliance is administratively embedded and its importance is recognised and acknowledged. The most striking result is the realisation of a shared integrity framework within public administration in Limburg. The integrity policy has passed the incident-driven era and the panic factor has been sharply reduced.

This does not alter the fact that not all the members have yet reached the same level of integrity maturity. At some members, the Basic Standards have not yet all been implemented. Some of them regard taking preventive measures to avoid the appearance of conflicts of interest as fairly invasive of personal privacy, which leads a number of members to take a cautious line in this regard. The voluntary nature of the alliance also makes it possible for members to deviate from the joint policy with regard to certain dossiers or subjects. This could harm the common vision of integrity.

Outlook

The steering committee's challenge for the coming years lies in continually activating the members to work together to reach a higher level of integrity maturity. Now that the start-up phase lies behind us, the ambition of the steering group is directed at embedding the theme of integrity in the thinking and actions of the organisations, with the aim of including integrity as a core value in the quality of public administration in Limburg. In order to achieve this goal, apart from the activities in the political-administrative environment, the promotion of integrity in the official environment is also being addressed.

The working group is currently developing policies in the field of financial integrity (conflicts of interest, the reporting of secondary positions and income, claiming behaviour and the possession of financial interests and avoiding the appearance of conflicts of interest in the broadest sense. At the same time, the working group is developing codes of conduct for mayors, aldermen and elected representatives. In response to growing demand from Limburg administrators, the working group is setting up a general advisory functionality in which questions relating to policy or the application of instruments can be answered within a reasonable term or can be given policy follow-up.

The alliance will soon be holding a theme-based meeting with the stakeholders of the joint integrity policy. In this way, the involvement of the members is stimulated and the theme of integrity remains on the administrative agenda.

Summary and conclusion

Since 2012, the provincial authority, the municipal authorities and the water authorities in Limburg have worked together to promote the integrity of public administration. The alliance has been embedded through the creation of an integrity structure with broad, active participation by the members. This form of collaboration is unique in the Netherlands. It has ensured that a joint framework is developing in Limburg around the theme of integrity. This has made integrity open to discussion and identifiable, within both the official (civil service) and the political-administrative environment. In short, Limburg is genuinely working on integrity.



ACADEMIC
REFLECTIONS

13 Integrity as a shared responsibility

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Introduction

In the Netherlands, major steps forward have been made in recent years with the development of an organisation-specific integrity policy. For the embedding of integrity, it is important that organisations also look beyond their own organisational boundaries and ask themselves how they can work on integrity together. This chapter concerns the Dutch ‘National Integrity System’ (NIS). The NIS model shows what individual institutions contribute towards a country’s integrity performance. At the same time, it opens our eyes to the opportunities available if integrity becomes a common goal and institutions perceive this as a shared responsibility

Outcomes of the NIS study

We have already been thinking for decades now about the questions of whether and how we can organise our society in a way that promotes integrity and prevents corruption. Policy-makers and academics now share the view that this requires a joint approach: an approach in which central and decentralised institutions work together. Partly for that reason, the international anti-corruption NGO Transparency International (TI)¹ has developed the National Integrity System (NIS)² model. This model makes it possible to investigate the extent to which a country’s system of institutions, policy instruments and laws and regulations is effective enough to stimulate integrity and prevent corruption. In 2011/2012, 25 European countries were investigated on the basis of this model. The study³ (Slingerland et al., 2012a) commissioned by TI Netherlands shows that the Netherlands has a fairly solid NIS. This means that the Netherlands is strong in promoting integrity and the prevention, detection and punishment of corruption. This does not alter the fact that the study also exposes weak points in the Dutch NIS. Some of these have since been addressed. This chapter briefly explains the most striking features of the Dutch NIS.

The formal NIS is strong

If a country wants a strong NIS, a condition for this is a strong political-institutional and socio-economic basis. After all, the 13 central institutions of a country, which are individually and jointly responsible for promoting integrity and preventing corruption, are based on this. Critical factors here include the available resources, the degree of independence and transparency, the method of accountability, the realisation of the integrity policy and the institution's interpretation of its own role. On this basis, most Dutch institutions appear to be adequately to very well organised (Slingerland e.a., 2012a: 285). Three institutions stand out, through their watchdog function and strong focus on the field of integrity.

The Netherlands Court of Audit

The Netherlands Court of Audit (Algemene Rekenkamer)⁴⁴, for example, is one of the stronger institutions in the Dutch NIS. (Slingerland e.a., 2012a: 183-197) The Court of Audit monitors the accuracy of central government income and expenditure and whether the central government implements policy as intended. The Court of Audit does this entirely independently and decides for itself what it investigates. One example is the *Trendrapport Open Data (Open Data Trend Report)* published in 2015 (Netherlands Court of Audit, 2015a). In this report, it warns that the supply of data of importance for public control of government finances and government action has not yet increased substantially and that furthermore, there is a fragmented landscape on the supply side of open data (Netherlands Court of Audit, 2015a: 41-42). Its critical findings are not always warmly welcomed by government organisations, but do ensure that political and public discussions on certain policies can be substantiated on the basis of its reports. The website of the Court of Audit contains an Integrity Guide on the main tips and standards for integrity within public organisations (Netherlands Court of Audit, 2015b). The Netherlands Court of Audit conducts regular audits of the status of integrity management, including in central government, and makes clear statements on any shortcomings (Netherlands Court of Audit, 2010).

The National Ombudsman

A second strong Dutch institution is the National Ombudsman.⁵ This institution enjoys a high degree of independence, both by law and in practice. The Dutch House of Representatives appoints the National Ombudsman on the basis of criteria that it formulates itself. The National

Ombudsman is successful in the way in which it settles complaints of individual citizens regarding government actions. The organisation is also successful in advising public organisations on the quality of their service provision (Slingerland e.a., 2012a: 168-182). Because the National Ombudsman also conducts research on its own initiative into the propriety of government action in individual and structural matters, the institution increasingly makes statements on cases in which integrity is at issue. For example, the National Ombudsman emphasises the importance of independent investigation of potential abuses or tragic events in which the responsibility of a government organisation is investigated. In such cases, the appearance of any conflict of interest must be avoided (National Ombudsman, 2011: 9). At the same time, the institution is alert to conflicts of interest that arise when government organisations both maintain supervision and handle complaints. A recent example is the Ombudsman's criticism of a Bill which would make the Intelligence and Security Services Review Committee also responsible for independent handling of complaints (National Ombudsman, 2015). The decisions of the National Ombudsman are not enforceable, but in practice, they do have a degree of authority, as the media reports on them and the House of Representatives regularly calls the government to account in response to these decisions (Slingerland e.a., 2012a: 181-182).

The media

The media form a third substantive pillar in the strong Dutch NIS. Dutch law guarantees free and independent media. As far as we are aware, censorship is rare in the Netherlands and journalists enjoy a high degree of freedom. The media play an important watchdog role (Slingerland e.a., 2012a: 218-240). They regularly report on matters concerning violations of integrity and corruption. In some cases, it was also the media that brought these instances of corruption to light. Thanks to these publications, local administrators and businesses were investigated by the judicial authorities and court cases are currently in progress regarding this local corruption. The watchdog role of the media is under pressure, partly through cut-backs in the public broadcasting service, the falling number of newspaper subscriptions and a strong concentration of ownership in the media sector. This primarily constitutes a risk for control of local and regional administration. The emergence of new media such as the internet and smart phones offers citizens the possibility of sending digital messages into the world which reach large numbers of people in a short space of time. This

public journalism is important, but only partly fills the gap that has been created.

Corruption not easy to investigate

It is notable that the strong institutions are not those specifically focused on integrity, such as the Law Enforcement Agencies, Anti-Corruption Agencies or Civil Society. If we look at the Dutch Law Enforcement Agencies, we find that the complex, major corruption cases take up a large part of the capacity of the police force, the Public Prosecution Service (Openbaar Ministerie) and the Rijksrecherche (Central Criminal Intelligence Agency), sometimes at the expense of other (corruption) cases. Corruption is not easy to investigate. In practice, suspicions of corrupt conduct are far from always reported, but are often settled through disciplinary measures. This means that no lessons can be learned from the incidents and furthermore, the risk remains that those involved will continue their corrupt practices elsewhere. Private research agencies are also often involved in an investigation into possible integrity violations. As a result, important evidence has sometimes disappeared at the moment that the enforcement agencies were called in (Slingerland e.a., 2012a: 128-152). The enforcement agencies still do little to prosecute Dutch companies that are guilty of corruption in other countries. The Public Prosecution Service is not active enough in countering foreign corruption. It is important that extra resources become available to counter corruption and that there is openness regarding settlements in corruption cases. (Transparency International, 2015). The Public Prosecution Service should also prosecute natural persons more often, in order to eliminate the impression of impunity (Transparency International, 2015).

None of the pillars cooperate enough yet with other public, social and private organisations in the field of anti-corruption. One could therefore justifiably ask whether the NIS forms an integrated whole that works jointly for integrity, or whether each one is working for itself, to perform its own tasks, without being sufficiently aware of their interdependence in promoting integrity and combating corruption.

Promoting of integrity in the forefront

In the Netherlands, most matters concerning anti-corruption and promotion of integrity are well laid down in law. Institutions are also sufficiently well-equipped to perform their own tasks. In addition to this strong for-

mal basis, the Dutch NIS is distinguished by the positive central message of promotion of integrity, while there is less attention to the negative message of combating corruption (Slingerland e.a., 2012a: 287). Various forms of fraud and bribery are penal offences in Dutch criminal law and many institutions are responsible for the enforcement of this. However, in general, the emphasis can be said to lie on prevention. For a number of years, for example, all government organisations have been required to pursue an integrity policy, including a code of conduct and attention to increasing integrity awareness. Self-regulation in the public and private sectors also focuses primarily on promoting integrity. A conscious choice was also made to form the Dutch National Integrity Office (BIOS),⁶ rather than an Anti-Corruption Agency. This organisation supports government agencies in setting up and implementing their integrity policies. For example, BIOS organises an Integrity Day each year (National Integrity Office, 2015). Scientists, policy-makers and those involved with integrity in the public domain conduct talks with each other here.

Various studies show that it is primarily local government that is vulnerable to corruption (Veldhuisen & Snel, 2014: 45-46; Koster, 2014a; Koster, 2014b; Slingerland e.a., 2012a: 26). In the relatively small community of a town or village, administrators and people's representatives often 'wear different hats' and are active within the local social networks, as a result of which the risks of (the appearance of) conflicts of interest and corruption are lurking around every corner. The Netherlands does not have anti-corruption agencies and the local integrity offices can also be counted on the fingers of one hand. Amsterdam is one of the few Dutch cities with an Integrity Bureau (IB).⁷ This Bureau has expertise in the field of integrity and its objective is to promote the integrity of the administrators and civil servants of the Amsterdam municipal authority. Among other things, it conducts integrity studies and risk analyses, and provides training courses. Citizens, politicians and civil servants can report suspicions of violations of integrity to the Integrity Violations Reporting Centre, which is part of the Bureau (Amsterdam municipal authority) (undated). The Netherlands has no civil society organisations which work for local integrity. Furthermore, local audit offices and local media do not always have sufficient capacity to monitor the local administration, while at the same time, more and more powers are delegated to municipal authorities due to the decentralisation in the field of healthcare.

Both central government and local authorities have now implemented local integrity policies. In the past, these policies were aimed primarily at civil servants. In recent years, local integrity policies have also been directed at holders of political office and councillors (National Integrity Office (undated); Koster, 2014a; Koster, 2014b). For example, integrity is included in the induction programmes for new municipal councillors. After elections, mayors may subject their candidate Aldermen to an integrity test. Consequently, the emphasis of the Dutch NIS lies primarily on the promotion of integrity and the prevention of corruption. Dutch criminal law has recently been amended and now imposes more severe penalties for corruption, but the criminal law is in every respect the *'ultimum remedium'*, which is reflected in the actions of the NIS institutions: prevention rather than repression.

Towards effective protection of whistleblowers

The active promotion of integrity within Dutch public administration is qualified as positive in both the NIS study and in the Anti-Corruption Report of the European Commission (Slingerland e.a., 2012a: 289-290; European Commission, 2014a: 4). At the same time, the NIS study shows that the protection of whistleblowers is still inadequate, both on paper and in practice. Various institutions are involved in handling reports from whistleblowers, but their powers vary from merely advising whistleblowers to actually investigating abuses. Furthermore, some institutions can only be contacted by civil servants, while others are also authorised to handle reports by employees from the private sector (Slingerland e.a., 2012a: 115-116). Temporary reporting centres have also been set up in response to structural abuses within specific sectors. For example, the Netherlands has the 'Housing Corporations Integrity Reporting Centre' and the 'Temporary Integrity Reporting Centre for National Police Force Procurement and Contracting'.

Since 2012, the Netherlands has been working hard to improve the protection of whistleblowers. In July 2015, the 'House for Whistleblowers' Bill was adopted⁸ unanimously. The House for Whistleblowers is to become a central institution where whistleblowers from both the public and private sectors can report abuses and that must guard against whistleblowers suffering difficulties as a result of their reports. The House can provide advice and has the competence to investigate. Its independence will be assured partly because the members of this House will be appointed by royal

decree.⁹ Public organisations and companies will be required to set up internal regulations for handling integrity violations. If whistleblowers cannot obtain a response internally, they can contact the House for Whistleblowers. Nevertheless, various social organisations have expressed concerns about the House now to be set up (Transparency International Netherlands, 2015). For example, it is not clear how the House will offer adequate protection against reprisals resulting from the report. The inadequate protection for the self-employed, temporary workers and seconded persons after they make a report is also insufficiently thought-out. These organisations also call for segregation of the advisory and investigation functions of the House. The protection of whistleblowers is now high on the political agenda, but the fact that the wide variety of reporting centres could be perceived as non-transparent by whistleblowers, which could have the effect of raising the barriers to making a report, remains a point of concern. The House for Whistleblowers will advise the whistleblower on where to turn to.

Political parties under the microscope

Political parties are a weaker pillar of the Dutch NIS (Slingerland e.a., 2012a: 212-217). Less than 3 percent of the Dutch population is a member of a political party, but nevertheless, these parties play an important role in Dutch society. Not only are people's representatives elected, in practice, via the line of political parties, but the key positions in the Dutch (semi-)public sector are also largely held by members of political parties (Slingerland & Wempe, 2013). The NIS study also found a serious lack of transparency in the field of the financing of political parties. As a result of this, donors (both individual persons and organisations) could exert an influence on the determination of the positions of political parties (Slingerland e.a., 2012a: 209-213). In 2013, the Political Parties (Financing) Act¹⁰ was adopted, as a result of which donations, subsidies and debts must now be registered and published. This should make visible how the parties raise their funds, in order to avoid (the appearance of) conflicts of interest.

In addition to insight into the financing of political parties, Dutch political parties should account for the strong influence that they exert on the functioning of Dutch society. A number of national political parties have now created their own Integrity Committees, which party members can contact for advice or to report violations of integrity. This does not alter the fact that in the case of all political parties, either there is no clear

vision of their own integrity or this vision is not adequately translated into practice (GRECO, 2015: 11-12). Recent corruption cases in the Netherlands show that there is an urgent need for political parties to address the matter of integrity. It is precisely politicians and administrators who, together with civil servants and entrepreneurs, form part of networks, often local ones, where there is a risk that lobbying for certain interests could result in unfair competition and corruption (Slingerland & Wempe, 2013).

Importance of system awareness among institutions

The NIS model shows what every institution contributes towards the embedding of integrity in a society in a formal sense. An official role is assigned to each institution, which is tested in practice. But what does it mean to form part of an NIS? As soon as we refer to a system, this implies that institutions do not operate entirely independently, but that a certain relationship and dependence exists between them (Slingerland, Six & Huberts, 2012b: 220-221). For every system, in order to be able to realise a certain objective, it is necessary that all actors have this same objective in mind (Meadows, 2008: 14). It is therefore a requirement that all central institutions in the NIS are aware of the role that they play in relation to the promotion of integrity. Integrity is a value, and that value must be named in laws and regulations and in policy. Even more important is that this objective should become visible in the actual actions of all parties. Precisely because a value is involved, its significance is time and context-dependent. Integrity can only be captured in laws and rules to a certain degree (Slingerland, Six & Huberts, 2012b: 233-236). The finding that the formal NIS is strong, is an encouraging conclusion. At the same time, it forces us to think through the concept of an NIS in more depth. An initial step would be to not to leave thinking and talking in terms of integrity systems to academics alone, but to ask the institutions and persons who work in them to consider themselves as part of this larger system, so that the awareness is embedded in the breadth. Which cog do they represent in this larger machine and which role do they actually play? In this way, a better understanding will be developed of the translation and functioning of the NIS in day-to-day practice.

In order to illustrate this distinction between the formal NIS (the model) and the actual NIS (the translation into practice), the role of political parties in Dutch society could be considered, for example. The NIS model assumes that political parties form an independent pillar and political

parties are therefore assessed in terms of aspects such as individual independence, transparency and integrity. At the same time, in practice, political parties are not an isolated pillar but also form part of other NIS institutions (Legislature, Executive, Civil Society and Business). A vote for a candidate of a political party, for example, results in the appointment of people's representatives and administrators, which form two separate institutions in the NIS. In addition, the influence of political parties in the Netherlands goes far beyond politics alone. (Former) administrators and politicians also play other roles in society, for instance as members of executive boards or supervisory boards in the (semi-)public or private sector (Slingerland & Wempe, 2013). In the NIS, these too are separate institutions. The role that political parties play in the NIS is consequently far greater than that shown on paper. In the Dutch situation, political parties play a key role in the NIS. As soon as these parties embrace their key role and take more responsibility for promoting integrity, many institutions will become (still) stronger and consequently, so will the NIS as a whole.

Importance of embedding

It is precisely the interplay between these institutions and the way in which they interact that determine the protection of integrity in a society. A system is dynamic and is subject to many different influences (Meadows, 2008: 76-85). At the time of the economic crisis and the austerity measures that followed, for example, there were fears of the consequences that the crisis was expected to have on the actions of persons and organisations (Hoekstra, Hooegeveen & Zweegers, 2012). A NIS that functions well will be resilient enough to manage changes of this kind and corrective measures can be taken. This requires a system awareness among institutions and of everyone who works in these institutions. Matters that constitute a threat to integrity within or outside their own organisations must be raised. It is extremely important in this respect that organisations and officials work together, so that they can learn from and with each other and a picture is formed of what is happening beyond the boundaries of their own organisations. This type of informal exchange of experiences and the joint development of integrity instruments will then take place within external integrity networks (Hoekstra, 2014: 25). An example of this is the cooperation in the Netherlands between the different enforcement agencies (the police force, Rijksrecherche, the Fiscal Intelligence and Investigation Service (FIOD) and the Public Prosecution Service) in the detection of corruption.

The integrity policy described above is essential for this purpose. In addition to the fact that it is important for every civil servant, employee, administrator or people's representative to be aware of the specific integrity rules that apply, it is very important that continual attention is devoted to ethics and moral dilemmas. In this way, a moral compass develops for situations that are not encompassed by policy. Education and training play a crucial role in this. In the Netherlands, more and more professional training courses and educational institutes devote attention to integrity in their curricula. Through practical (investigation) assignments, students and employees come into contact with integrity dilemmas, which forces them to think about the values and interests at stake and the consequences of their actions in the short and longer term. This feeds the critical thinking, moral judgment and investigative attitude of everyone (Bildung), in particular also that of students: the integrity guardians of the future.

Actual embedding of integrity requires that, in addition to the tasks formally assigned to them, institutions also recognise their role in protecting a strong NIS. Cooperation with other institutions is a prerequisite for this. Rules of conduct and an integrity policy can contribute towards a strong NIS, provided that they are coupled with continual attention to integrity in education, in training programmes, during meetings and above all, in the discussions that everyone conducts with others on a daily basis. After all, integrity is a never-ending issue and stands or falls with its concretisation and discussion in day-to-day practice.

Notes

- 1 www.transparency.org
- 2 www.transparency.org/whatwedo/nis
- 3 Transparency International developed the NIS instrument in the 1990s with the aim of defining each country's exposure to corruption. It is a tool for qualitative research on the basis of primary and secondary literature, international reports and interviews with people working in the institutions studied or who have an insight into these. The NIS model is based on the metaphor of a Greek temple, for which the political-institutional, socio-political, socio-economic and socio-cultural foundations of a society form the base. On this foundation, the 13 pillars of a country are built: Legislature, Executive, Judiciary, Public Sector, Law Enforcement Agencies, Electoral Management Body, ombudsman, Supreme Audit Institution, Anti-Corruption Agency, Media, Civil Society, Political Parties and Business. These pillars each have their own, but also a shared responsibility for promoting integrity and controlling corruption. The extent to which this takes place is assessed on the basis of the criteria of facilities, independence, transparency, accountability, integrity and the

way in which the pillar performs its own role. The full Dutch NIS report is available on the TI website at www.transparency.org/whatwedo/nisarticle/netherlands_2012, viewed on 29 July 2015.

- 4 www.rekenkamer.nl
- 5 www.nationaleombudsman.nl
- 6 www.integriteitoverheid.nl
- 7 www.amsterdam.nl
- 8 Parliamentary Papers I 2014/15 34 105 A.
- 9 Kamerstukken II 2014/2015 34105 nr. 12
- 10 Political Parties (Financing) Act, in force on 17 July 2015.

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14 A ‘forerunner’ in public service ethics in Europe *A critical evaluation*

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Introduction

In the Netherlands, public discussions on ethics and integrity took a broader direction than in many other countries. Here, the debate focused on holistic discussions about ethics and value-based strategies. One could also say that the Dutch distrust legal or compliance-based approaches. This opens up the horizon for broader discussions. In fact, values, standards, morals, ethics and integrity have been discussed on the political level and in the academic community.

Despite the fact that the Dutch discourse about integrity is less abstract and more political than in other countries, it is still a discussion conducted in niches and amongst elites. Also in the Netherlands, discussions on integrity are rarely linked to power, other politics, justice and organizational issues.

The purpose of this paper is to critically evaluate the role of the Dutch government and Dutch academics in the European debate around ethics and integrity in the last fifteen years, when the subject as such was debated intensively on the EU-agenda.

Comparative ethics in the EU – the role of the Netherlands

Policies in the fight against corruption and supporting public service ethics are not formal competencies of the European Union. However, this lack of formal competencies does not mean that the EU is not active in these fields. For example, the European Union actively monitors the efforts of accession countries in the field of anti-corruption. In fact, intensive discussion on ethics and integrity take place in informal settings: the meetings of the Directors-General of Public Service of the member states of the European Union and the European Commission. These meetings have discussed the issue of ethics and integrity (indirectly or directly) on several occasions within the European Public Administration Network (EUPAN).

The Dutch government played an important role in this context. Initially, under the German EU Presidency, preliminary discussions took place in 1994 on disciplinary rules in the European member states, and the findings were presented in 1994. Subsequently, different questions regarding the ethics of civil servants were discussed during the French Presidency in 1995.

This illustrated that, until 2004, the study of ethics and integrity was associated with normative and theoretical issues and the focus was on compliance approaches or legal matters. No further research in the field of ethics and integrity was conducted at EU level until 2004.

In 2004, the Irish and the Dutch EU Presidencies decided to pursue the issue in greater depth. It was agreed that two studies should serve as discussion documents, and provide common voluntary standards of integrity in the member states of the EU. At the time, one interest of the Dutch Presidency was to win international support for the adoption of an EU-wide informal EU code in the field of ethics and integrity. Ultimately, this initiative failed because of the lack of support from a number of EU member states. However, another initiative was very successful: the Dutch government used political leadership as a supportive platform for a wider European debate in order to professionalize ethics policies in the ten new member states.

Thus, Dutch international leadership has contributed to progress in the field: ethics and integrity became a (politically) popular agenda item. As a consequence, those member states that entered the European Union in 2004 have developed an impressive arsenal of laws, standards and codes after accession to the EU. Overall, in all EU countries, there are more policies, rules, procedures and monitoring procedures in place than ever before (Demmke et al., 2008). In the meantime, ‘achieving an ethos of honesty and transparency becomes the Holy Grail’ (Oonagh 2006: 107). The reasons for these developments are manifold (and cannot be discussed here in full detail). However, it is fair to say that the Dutch initiated a debate on integrity on the EU level that has continued ever since.

In 2006, the Finnish EU Presidency continued working on the subject (Moilanen & Salminen, 2007). In 2007, the European Commission commissioned an empirical study on regulating conflicts of interest for hold-

ers of public office in the EU member states (Demmke et al., 2008) which was supported by the EUPAN network. In 2008, the Slovenian EU Presidency carried out a study on successes and failures in the field of HR management (Demmke, Henökl & Moilanen, 2008) and included a chapter on ethics and public trust. Next, a study on improving trust in government was carried out in 2009 within the informal settings of the European social dialogue for central public administrations (Tarren, 2009).

Finally, in 2011, the Polish EU Presidency commissioned the author of this chapter to undertake a new comparative study and to analyse and compare the effectiveness of various policies, rules and standards of professional ethics in the field of good governance. At this time, countries were eager to learn more about the Dutch National Integrity Office (BIOS), one of the European forerunners as regards a more holistic approach to institutional integrity in government.

Thus, judging by its capacity to initiate an international debate in the field, the Netherlands has been a clear forerunner since 2004. It therefore comes as no surprise that, for 2016, ethics and integrity was again chosen as a priority topic for the Dutch EU Presidency.

The state of affairs in 2015 – one step forward and two steps back?

Today, new ‘austerity’ reforms have supported perceptions of increasing organizational injustice. From what is known in the academic field, current austerity reforms are most probably linked to increased distrust in leadership, misconduct, and less work commitment. In all of these situations the emergence of new dilemmas, value conflicts, abuses of power, conflicts of interest, corruption and fraud are likely to occur more frequently. This again can also result in more ethical violations, such as stealing organisational resources, misconduct at work, inappropriate behaviour, et cetera.

In a study by Demmke/Moilanen (Demmke & Moilanen, 2012), officials from central administrations of all EU member states were asked whether reform policies which were introduced as a reaction to the financial crisis have had effects on workplace behaviour, such as decrease of trust in leadership, less job commitment, lower job satisfaction, anger et cetera. In line with this, Hoekstra reported on negative effects of austerity measures on the Dutch integrity system (Hoekstra, 2016). Official statements take a

more moderate tone. However, the reality seems to be harsh. In fact, the results of the Demmke/Moilanen study show a strong relationship between the introduction of austerity measures and workplace behaviour. Recent data from the OECD (Demmke, 2015) confirm these findings.

Whatever the right interpretation of reform effects, one thing is certain: the impact of austerity reforms is also contextual and – sometimes – contradictory. For example, whereas some countries experience strong decreases in loyalty, unethical behaviour and job satisfaction, in other countries this is not the case. Thus, although it is possible to derive general conclusions as regards the effects of HR reforms on workplace behaviour, the impact of reforms is also influenced by other contextual factors such as culture and parallel developments in the private sector.

Ethics infrastructures – best practices or best fit?

For many years, international research on ethics and integrity has focused on the characteristics and prevalence of high performance ethics infrastructures that are applicable in both the public and in the private sector. This research, which was originally initiated by Transparency International (Pope, 1996), has also been influenced by Dutch scholars.¹

Much of this literature assumes that high performance ethics infrastructures constitute ‘best practice’ and universally applicable management, although a distinction can be drawn between those arguing for a contextual best-fit approach and those arguing for more of a best-practice approach, based on a belief in the more universal advantages of these systems. The best-practice approach (European Foundation for the Improvement of Living and Working Conditions, 2009) is based on the belief that ethics infrastructures can be used in any organisation and the view that all organisations can improve performance if they identify and implement best practices.

In the meantime, there is considerable consensus on what constitutes bad practices, for example, the absence of codes of ethics, poor leadership, unfair HR policies, lack of training, unprofessional performance measurement etc. However, it is much more difficult to identify institutional best practices, although the search for benchmarks is becoming ever more popular.

Still, the search for best ethics infrastructures is confronted with a context and institution-based, fragmented and pragmatic reality. Overall, institutional differences – notably the levels of budgetary resources, social legitimacy, work systems, labour markets, education and training systems, work organisation and the collective organisation of employers and employees – mediate the impact of converging processes.

Consequently, the proposition for implementing institutional and organisational models such as ethics infrastructures is ambiguous. In fact, according to neo-institutional theories, the political and institutional world is currently moving away from universal or even European best-practice institutional configurations towards more specific best-fit context-related models. New developments lean more towards the testing of new organisational models and work systems that fit into the national, regional, local or even organisational and leader-follower context. Best fit schools are associated with this contingency approach and argue that organisations must adapt their strategies and implement reforms to the specific local strategy and to its environment.

In fact, the effectiveness of any particular ethics infrastructure system will be determined by the degree of consistency amongst its constituent elements and the way they fit into the organisation, HR policies, culture and leadership styles.

To conclude, one may agree about the importance of the socio-political-institutional context in the field of building up ethics infrastructures. According to Huberts (2014), it is possible to stress the ‘basics of an integrity system’ (Huberts, 2012: 190). However, whether it is possible to define complex best-practice infrastructures in the field of integrity is another question.

I also claim that the performance of an ethics infrastructure always depends on the management of multiple and conflicting goals. Furthermore, in the future, ethics management strategies will not be associated with any particular philosophy or style of management. Working conditions, leadership styles and work organisations continue to differ, ranging from traditional taylorist models to high-involvement or high-job autonomy models with low hierarchies and high levels of job autonomy. Also, the role of employees varies from very paternalistic to very communicative and

partnership-oriented forms of social dialogue. Consequently, there will be multiple forms of organisational structures, ranging from traditional and bureaucratic working systems to innovative workplaces and learning organisations within different governmental organisations and even within the same organisations (OECD, 2010).

All the same, it is important to continue the work on ‘common elements’, ‘best practices as regards the effectiveness of instruments’ and ‘suggestions for ethics infrastructures that really work’ in the field of ethics. In this regard too, the Dutch have advanced progress in the field.

The Dutch and the value based approach

Rightly or wrongly, the Dutch like to see themselves as modern, dynamic, innovative, individualistic and tolerant. In the field of public management, the Dutch were indeed one of the first to abandon a classical Civil Service System and – within the process of ‘normalisation’ – aligned the working conditions of civil servants and private sector employees. Unlike their neighbours (Germany, Belgium and Luxemburg), they were also much more supportive of the introduction of New Public Management (NPM) trends.

In the field of ethics, together with the British, the Dutch were also the first to call for an alternative to the ‘compliance-based’ ethics model. As a consequence, discussions on the need for an alternative model (the ‘value based’ model) were highly influential and successful. Many countries started to move away from legal, top-down approaches.

For a number of years, changes have been in progress. In fact, while past reform trends were characterized by a move away from the ‘old-fashioned’ compliance model, current reforms do not indicate convergence towards a new value-based model. Let us take a step back to look at these interesting trends. According to Max Weber, the essence of administrative behaviour is to follow legally given orders. Following this, at a minimal level, administration was considered to be good and ethical if it achieved the implementation and enforcement of the existing laws and policy goals of the government of the day. Moreover, ethically good or acceptable behaviour was also defined in terms of obedience to the law, impartiality and standardization. The purpose of rule-orientation was also to achieve fairness and equity, to implement the merit principle, to allocate rights to citizens

and to protect public employees against arbitrary administrative decisions. Thus, 'the ethics of neutrality and structure' (Thompson, 1985: 555-561) is the cornerstone of the traditional bureaucracy. From the ethical point of view, following the law or the superior's orders is usually not problematic, as long as obedience and excessive adherence to rules do not become absolute values.²

However, the problem with the weberian concept is that as an ethical guideline it is simply too narrow for today's multi-level governance. Today, the level of awareness is growing that work in the public sphere is much more complex and no longer dominated by the principle of rationality as Weber predicted. In reality, work in the public sector is more individual, value-laden, emotional, pluralistic, political and more unpredictable than ever. For example, modern public officials have much more individual decision-making discretion than that predicted by Weber. On the other hand, the rule of law and administrative law as such remain the core principles of all administrative systems in Europe.

The opposite direction

However, with the emergence of NPM euphoria, reform fashions moved in the opposite direction. One reason for this may be that administrative law was mostly seen as a constraint that blocks policy choices and reform policies. Traditional administrative behaviour was held to be rigid, rule-bound, centralised and obsessed with dictating how things should be done – regulating the process, controlling the inputs – but totally ignoring the end results. As a consequence, NPM theories dominated from the 1990s onwards and the compliance approach was seen as old-fashioned and ineffective. Suddenly, the focus was on codes of ethics, training, leadership, decentralisation, delegation and flexibility, instead of on law.

The Netherlands was a forerunner in this field. The Dutch perception was that the field of anti-corruption and ethics and conflicts of interests was defined too narrowly and should be complemented by more discussions on a broader concept: integrity! The term ethics was seen as too narrow and negative in terms of avoiding wrongdoing. Overall, the Dutch position was also that there was too little focus on ethics management and shortcomings in implementation, especially in the new EU member states. Consequently, the Dutch call (within the EUPAN network) in 2004 for a broader approach and a focus on soft and value-based instruments (such as

ethics codes, better training, awareness raising and a more positive understanding of integrity) was instantly met with strong support.

As a result, discussions focused on the adoption of new codes of ethics and more countries followed the Dutch call for modernisation of ethics policies, evaluations and informal approaches and a move away from regulatory approaches.

A survey carried out under the Dutch Presidency (Demmke, 2004) concluded with a number of optional solutions and strategies to maintain high standards of integrity in the national administrations of the EU member states. When looking at this list from some distance (i.e.: ten years later), it is striking to see that suggestions for better ethics policies have not changed much since then. But this also relates to the existing challenges.

The circle of new ideas and concepts has started again

On the other hand, today, academic discussions have turned away from the 'grand old' dichotomy: value-based approaches versus compliance-based approaches. This can best be seen in the field of conflicts of interest, where countries have started to realise that the management of conflicts of interest does not work without clear rules, formal procedures, and strong enforcement mechanisms but also not without awareness raising, strong leadership, independent ethics committees, registers of interest and more and better management capacity. Most 'compliance-based' countries such as Germany no longer focus entirely on rules and trust in the effectiveness of sanctions. However, the focus on both concepts has lost much of its appeal, since the focus on NPM theories (and an excessive focus on rational choice theories and soft-instruments) as much as on classical bureaucratic approaches is in both cases also revealing many negative effects.

This means that the circle of new ideas and concepts has started again. Here, the focus is no longer on private sector models, or on new soft-managerial models. Instead, it is about the search for more efficiency, effectiveness, quality, better outcomes and citizen-orientation. In fact, it is all about better administration and the ongoing search for new good-governance models.

Unfortunately, the concept of good governance and good administration is becoming broader and broader and includes different things, such as the call for reduced administrative burdens, better quality of service, higher levels of citizen satisfaction, more transparency while enhancing efficiency and levels of public trust. Likewise, discussions on effective ethics policies are also becoming more complex and have expanded from an early focus on rules, sanctions, anti-corruption and fraud to many other fields, including ethical leadership and the development of new incentive policies, such as ‘nudging policies’ (Thaler & Sunstein, 2008).

Moreover, our moral understanding is also becoming more complex. Concepts such as good government, values, moral, ethics and integrity are teeming with good intentions, but also with conflicting intentions, with some unintended results. We want better governance, better leadership, representative and diverse administrations, more flexibility, less hierarchy, more job autonomy, participatory management, effective anti-discrimination rules, more performance, better accountability structures, more transparency, more openness and more citizen-orientation. All of these requests produce new unintentional effects.

According to Salminen et al. we are moving from a minimalist concept to a maximalist concept of good and ethical governance (Salminen (ed.), 2010). Thus, the increase in complexity in the society correlates with the increase in the complexity of morality and ethics as such. Neither the compliance-based nor the value-based approaches give an answer to the question how ethics can be integrated into the different system logics. Likewise, the search for new ethics policies, ethics management and ethics instruments has become more complex and situative.

The state of research in Europe

In Europe, for a long time, literature on ethics focused on legal, abstract and philosophical concepts. Parallel to this, the focus of attention was on the fight against corruption. It is still astonishing to see that interdisciplinary publications in the field of ethics and integrity appeared very late and, if so, were almost entirely discussed in the private sector and, mostly by US and Canadian experts. Debates on the relationship between NPM and ethics also started on the other side of the Atlantic.

Overall, Dutch academics changed the focus of attention in the field of ethics and integrity. As long ago as 2002, Van den Heuvel, Huberts and Verkerk broadened the discussions with the publication of ‘The moral face of the Government’ (Van den Heuvel et al., 2002). Dutch scholars were also the first to suggest a move away from a focus on fraud and corruption towards ethics, integrity (Van den Heuvel, Huberts & Muller (eds.), 2012) and the integrity of governance (Huberts, 2014). Thus, whereas in most countries, interdisciplinary academic discussions were almost completely missing, Dutch (and, to some extent, Belgian³) scholars filled this gap.

Moreover, for a long time, only a few publications existed on the ‘output’ side and the impact of reform policies on workplace behaviour, the institutionalisation of ethics committees and agencies, the effectiveness of ethics policies and the relationship between good governance and ethics policies. The same can be said of literature on managerial ethics – and more concretely on ethics infrastructures, integrity systems and institutional ethics. One of the greatest strengths of the Dutch academic discourse in the field of public sector ethics lies in the diversity and interdisciplinarity of approaches which, mostly, focused on the (above mentioned) third trend in the literature.

Where else could we find more empirical and analytical studies and publications and where else more leading ethics experts, public management scholars, political scientists, moral philosophers, psychologists, criminologists, organisational sociologists and behavioural economists who are all addressing the subject of ethics from different angles?

Next, many of these experts carried out (empirical) research, which so far has often been a subject of fashionable thinking: for example, as regards the effects of NPM reforms on value conflicts and unethical behaviour. In the past, the debate about NPM and ethics had an ideological tone, as many experts offered (often, simplistic) explanations about contradictions between public and private sector values. Overall, the mainstream argument was that NPM would lead to more ethical challenges (For example Frederickson, 2005). In contrast to this, a Dutch scholar (Emile Kolthoff) was the first to address this issue from an empirical angle and discussed the effects of NPM reforms on ethics in a more systematic way. His conclusions were more pragmatic and balanced (Kolthoff, 2007).

Dutch researchers were also forerunners in other fields such as ethical leadership. According to Lasthuizen, ‘there is little empirical data on the extent to which different leadership approaches contribute to organisational and employee integrity and discourage different types of integrity violation within an organisational context’ (Lasthuizen, 2008: 149). Consequently, Lasthuizen’s work on ethical leadership was the first to show that not only is ethical leadership complex, but that different leadership styles are needed in different situations (Lasthuizen, 2008: 149). This important piece of research put an end to the rather superficial and simplistic discussion to which ethical leadership is regarded as the most important instrument in the fight against unethical behaviour.

Nevertheless, defining and measuring ethical leadership remains just as difficult as auditing ethics or measuring corruption.

Next, publications on managerial ethics, the institutionalisation of ethics and integrity policies have advanced since the work carried out by Hoekstra and Kaptein (Hoekstra & Kaptein, 1998, 2013, 2014). Also, the first international comparative study on local integrity systems which devoted attention to the policies, practices and actors at the local government level was published, including important Dutch input from Anechiarico, Huberts and Six (Huberts, Anechiarico & Six (eds.), 2008).

One could easily continue along these lines. Of course, there is no space here to mention the important contributions of Dutch scholars in academic networks such as the European Group of Public administration (EGPA). It is therefore certainly no exaggeration to say that, while the field was dominated by US and Canadian scholars (see Menzel, 2005) for many decades, in recent years, Dutch scholars such as Huberts, Kaptein, Hoekstra, Lasthuizen, De Graaf, De Boer and Van der Wal have also greatly influenced the field, worldwide. Interestingly, many experts are from the VU University Amsterdam.

Quo vadis integrity policies – some tentative conclusions

Today, compared to the situation in 2004, the context of ethics policies has dramatically changed, but whether it has changed to the better is not easy to say. Is this the case in the former fifteen EU member states? In the ten new member states that have since joined the EU?

Recent trends also indicate a growing interest in evaluating the effectiveness of ethics policies, powerful forms of institutionalisation of ethics and in the right design of ethics infrastructures. This trend is also consistent with important work already carried out by Dutch scholars.

Obviously, there is still too little evidence regarding the outcomes and effects of ethics policies. There is still no objective answer as to whether we have too much or too little ethics or what the precise impact of specific instruments is on trust, democracy, effectiveness, efficiency, performance and behaviour.

The concept of ‘Integrity of Governance’ is more complex than ever. Progress in the field is combined with new challenges, conflicts and dilemmas. In his publication *What money can't buy* (Sandel, 2012), Sandel suggests that the ‘marketisation’ of societies leads to ever new forms of moral and ethical dilemmas and conflicts. On the other hand, other experts believe that trends are moving towards the end of the ‘secular state’ and a return to ‘moral politics’.

Certainly, governance trends towards more decentralisation and individualisation in the field of social policy and HRM (recruitment, pay and promotion) are changing perceptions of fairness, attribution and justice: ‘The age of standardisation and the decline of patronage government were well suited for the belief in and practice that equal treatment for all is fair treatment. Postmodern societies along with ethnic, racial, gender, and age diversity have challenged elected officials and administrators around the world to rethink how to treat people unequally and yet to be fair’ (Menzel, 2011).

In the field of governance, this is one of the biggest challenges as new ways of conceptualizing merit and fairness are also creating new dilemmas, flaws and fairness issues. One example is the abandonment of the standardised and seniority-based pay system observed in many member states. Today, these systems are seen as being in conflict with our modern understanding of merit and fairness. In addition, the case law of the European Court of Justice is addressing the question of whether seniority-based pay systems are in conflict with the principle of anti-discrimination in relation to age.⁴ Thus, countries have become more meritocratic but, at the same time, more polarized. This also relates to the situation in the Netherlands.

There is no space here to elaborate on these lines. In Europe, Mark Bovens from the University of Utrecht (see amongst many others Bovens, 2006) was one of the first to discuss the ambivalence of new merit and accountability conceptions. Swierstra and Tonkens continued along these lines in ‘De beste de baas?’ (Swierstra & Tonkens (eds.), 2008).

Overall, it seems, the increasing interest in public-service ethics has not necessarily produced more clarity and consensus on the effectiveness of ethics policies in different contexts and the right choice of policy instruments within the best-fit organisational design of ethics infrastructures. More work is also needed as regards ‘what types of rewards or penalties work best to create incentives for responsible and accountable behaviour, including the search for improvement’ (Jarvis/Thomas, 2009: 11).

As long ago as 2000, Paine published ‘Does Ethics Pay?’ and discussed the added value of ethics (Paine, 2000). While evidence is indeed mounting that ethics are related to organisational performance, significant methodological and theoretical challenges still exist. Consequently, European (and Dutch) research is still relatively silent in this field, although it is badly needed. Methodologically, there is no consensus regarding which practices constitute a theoretically complete set of ethics policies, how to conceptually categorise these practices; the definition of ethical performance, the link between ethics and organisational costs/benefits, discussions on the effectiveness of incentives; or how ethics and ethical leadership are to be measured. Theoretically, there is still no consensus regarding the mechanism by which ethics might impact on outcomes. Therefore, we argue that more empirical studies and more non-ideological deliberations in the field of ethics are badly needed if we are to better understand ethical promises, challenges and limitations.

Thus, ethics and integrity policies will never achieve a state of perfect integrity. Values as such are ambivalent (Seel, 2011). As a consequence, a ‘bit of integrity’ should not be an objective (*een beetje integer kan niet*) but nor should a state of full integrity. In the above mentioned Demmke/Moilanen study (2012), only one country reported that ethics policies are mostly value-driven. That country was – the Netherlands!

However, a value-driven approach is not enough. Past experience shows that the best integrity policies can only fill the gaps that other policies produce. Many countries are good at filling some gaps, or even many. The Dutch are equally good, or even better at filling many gaps.

However, ethics should not be a ‘plug-in policy’ that fills the gaps that other policies and other governance logics produce. It is time to acknowledge that ethics is not only a normative question. It is a practical, daily-life issue that is everywhere. It is therefore ‘our mission to relate the significance of our topics to power and power politics, to organisation and management logics, and to other logics and rationalities of governance’ (Huberts, 2014: 200).

Notes

- 1 Slingerland, Six & Huberts, 2012; Huberts, Anechiarico & Six (eds.), 2008; Huberts & Six, 2012.
- 2 Adams & Balfour, 2008; Zimbardo, 2008.
- 3 See especially publications by Jeroen Maesschalck.
- 4 See the ECJ cases C-17/05 (Cadman), C-184/89 (Nimz), C-243/93 (Hill and Stapleton), C-109/88 (Danfoss) and C-297/10/298/10.

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15 Dutch approach to integrity of governance in context

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Introduction

The preceding chapters offer a great deal of information on many exciting initiatives and involvement in integrity and integrity policy in the Netherlands, at the national level and in organisations that shape policy within that framework. The analyses of the Dutch system and its significance in the European context are also very interesting. All in all, this does not make it easy to (also) reflect critically on the ‘Dutch approach’ in this closing chapter and what it teaches us, for the Netherlands itself and also for the many people who work for integrity in public administration elsewhere. I shall nevertheless make an attempt at this, coloured by the research that we have conducted and still are conducting at VU University Amsterdam.

‘The Dutch approach’ plays a key role in this. I shall first take a brief step back in time. How did integrity win a place on the agenda within Dutch public administration? This is followed by a summary of developments since then, addressing the crucial question: does a Dutch approach actually exist and if so, what does it involve? I summarise this approach from an international point of view, but that outline is followed by attention to the dilemmas and reservations that can be made with regard to the present situation in this country in relation to integrity and the policy and organisation directed at this. This is based on the idea that both insight into developments so far and openness on the current dilemmas can contribute to the urgently needed reflection on the theme that concerns us: arriving step by step at a policy and organisation that do justice to the integrity of governance.

Start

The start of the Dutch integrity policy is often related to two speeches given by the former Minister of the Interior Ien Dales in 1992 (Dales, 1994). There are good reasons why Minister Dales is mentioned in various contributions in this book.

These reasons arose through a number of different circumstances. At the time there were corruption scandals, particularly in Limburg (Dohmen & Langenberg, 1994; Dohmen, 1996). The Society and Police Foundation organised the 5th International Anti-Corruption Conference in The Hague in March (Punch et al., 1993). The General Intelligence and Security Service (AIVD) named it a theme (after the Cold War) that ‘threatened the state’ and the minister herself was also well aware of the importance of this theme. Whatever the case may be, Minister Dales placed the theme of ‘integrity’ on the political and administrative agenda with a speech which attracted attention and led to a fair amount of discussion and policy development at different government levels. This took place step by step, including in a number of organisations, partly under the influence of problems and scandals and via leaders who played a pioneering role in this.

The previous chapters and descriptions provide fine typifications and overviews of this development. Regulations were introduced, units with integrity included in their primary mandates (investigative, but also preventive) were formed, and the theme captured a place on various administrative agendas. This does not mean that there was consensus on the nature and importance of the theme. Opinions that built on the consistently positive scores for Dutch government and public administration in international perception and other studies continued to conflict with the interpretation that corruption and violations of integrity happen at all times and places and that, therefore, permanent attention is desirable (Bovens, 2006; Huberts, de Graaf & Nelen, 2006).

In the meantime, attention for the theme also grew in research into politics and public administration. There were a few pioneers (Wertheim & Brasz, 1961; Hoetjes, 1982, 1991), as well as research in the period in which the theme landed on the administrative agenda, including research into scandals and corruption and fraud investigations (Huberts, 1992; Punch et al., 1993), followed by involvement in research and reflection in many disciplines. There is no space here for an adequate overview, but I shall return to some elements of this. It is clear that the work of Dutch researchers also had an influence on the international stage (Demmke gives examples of this in this book).

A review and analysis of the current situation of integrity and the growing attention for integrity are presented below, making use of scientific and applied literature, as well as my own experiences and contacts working in the field. I provide support for these insights, without claiming to provide truly ‘scientific’ evidence.

Typification of the Dutch approach

Of course it is always great if a country succeeds in taking the lead in a theme that is regarded as important everywhere. If it does succeed in this, the pride reflected in many contributions in this book from Dutch integrity practice is merited. I shall take a somewhat more critical view of this below, but to start with, some appreciation of all the activities and initiatives is appropriate. This is also consistent with the more analytical contributions of Slingerland and Demmke in this book. The former researched the Dutch National Integrity System (NIS), the outcome being reasonable to good scores for the NIS on many points. Demmke uses his long and broad experience in the European institutions to summarise what the role of the Netherlands has been in European policy development, building on and following from what can be distinguished as such in national initiatives (see also Demmke & Moilanen, 2012). Demmke is fairly complimentary, but also presents some reservations to which I will return in a moment.

I distinguish six elements of the Dutch approach. This is expressly without claiming that these are specifically ‘Dutch’ or have only been raised by Dutch officials and researchers. On the contrary. All elements are also raised in discussions and developments elsewhere. At the same time, the combination of the elements to be named does typify many of the initiatives I see in the Netherlands, including in comparison with the discussions and developments in other countries, and they are therefore logically reflected in the Dutch contribution on the international stage.

What it is about: integrity beyond corruption

Internationally, the discussion on good governance focuses strongly on corruption. This applies for public attention, for policy development and for research.¹ This was and still is the case, although it is fitting to note here that there are many definitions and interpretations of ‘corruption’. The traditional one is that of bribery, in which a stakeholder promises benefits to a decision-maker if a decision is made in favour of the briber.

The description in terms of ‘private profit from public power’ (Pope, 2000) or ‘the abuse of entrusted power for private gain’ (Transparency International,² ‘corruption can be classified as grand, petty and political, depending on the amounts of money lost and the sector where it occurs’) is broader. Unfair private profit without external stakeholder(s) involved then falls outside the scope of the definition. The very broad view that is frequently reflected in common parlance equates corruption with ‘everything that is improper’. In the latter case, it concerns all types of integrity violation distinguished in Chapter 1.

All in all, therefore, there is some confusion of definitions. Nevertheless, the dominant view is that ‘corruption’ refers to the misuse of authority in order to favour external parties with an interest in past, present, or future decision-making. As a consequence, the focus on corruption ignores a number of integrity violations, for example fraud and theft, leaking information, conflicts of interest, buying influence through campaign donations, misconduct in private time, sexual intimidation, and discrimination. This has led to the use of a broader typology in the Netherlands, in research as well as in policy-making. This also seems to somewhat counter the often-heard objection to the international focus on corruption, with a cultural or Western bias on the moral values and standards for evaluation of the integrity of governance. What is relevant will vary in different social and cultural contexts, and in ‘western’ countries, often rich and democratic ones like the Netherlands, the broader spectrum appears to be necessary.

This is also confirmed via the information in this book on the content of integrity reports and investigations (see the various contributions). Corruption and fraud are not missing, but integrity violations such as conflicts of interest, undesirable forms of treatment (intimidation, discrimination) and misconduct in private life are reported and investigated far more often.

Broad attention for integrity

It is clear that since 1992, the theme of integrity has become an essential part of political, administrative and social agendas in the Netherlands. The exact situation regarding attention in other countries is less clear. At the same time, it is not illogical that the aforementioned broadening of the theme from corruption to integrity should lead to more attention. This applies to attention from the public and the media as well as to the

relevant politicians, administrators (appointed office holders) and civil servants themselves. Officials must think in broader terms about the ethical quality of their actions, also devoting attention to conflicts of interest, manners, abuses of power, and the relationship between the personal and the public.

Attention beyond the individual

Attention in the media and in the public debate is often directed at scandals relating to prominent individual politicians and administrators, involving exorbitant self-enrichment or sexual escapades. In the Netherlands, too, the media report on individual scandals every year, with juicy details and heated discussions on the consequences.

Alongside this, there is also explicit attention within public governance to the context, the structure and culture in which things can go wrong, and to the measures that can prevent repetitions of incidents. For example, in the aforementioned speeches, Minister Dales explicitly referred to themes such as leadership, culture and organisational structure (including open and critical communication). The awareness that scandals must not only lead to removal of the ‘bad apple’ but also to reflection on the organisation in a broad sense is widely shared. The outline of policy development also shows that step by step, attention and work have been devoted to rules and legislation, as well as to awareness and culture.

Attention beyond compliance

There are different views on how integrity can be fostered and how integrity violations can be controlled. This was discussed in detail in Chapter 1, with reference to the hard and soft controls and to the typification of policy as regulation-oriented/compliance versus value-oriented/integrity (see also Hoekstra, Belling & van der Heide, 2008). Ultimately, the conclusion is repeatedly drawn that both parts are important and cannot be separated.

At the same time, Demmke’s outline makes it clear that the Netherlands is distinguished in the international debate and policy-making by the attention to ‘soft’ instruments aimed at awareness, the culture and values. This is consistent with developments within the Netherlands itself, as shown by the outline of policy development.

This has been reflected somewhat more explicitly in recent years in more emphasis on integrity ‘in a positive sense’. It is not only a matter of controlling violations, but the values that matter to politicians and civil servants, the mission and significance of the work, professional ethics and professional pride are also crucial (Karssing, 2013).

Attention to the effectiveness of policy and policy instruments

It is generally assumed that the integrity of politicians and public servants is of crucial importance for the credibility and public trust in politics and the government. When scandals occur, this almost automatically leads to a reflexive need to ‘get to the bottom of the matter’ and to well-intentioned attempts to show, primarily via new rules, that everything is being done to ensure that the violations will not be repeated. In the heat of the moment, there is little scope for reflection on the effectiveness of the measures.

There is more scope for this in regular policy development and it is primarily in that area that we have seen initiatives in the past few years. This is illustrated by the fact that:

- which investigations of violations are conducted and which policy instruments are present are widely monitored within the administration;
- evaluation studies have been conducted into, for example, the NIS (Slingerland et al., 2012), the quality of integrity investigations (Zouridis & Van der Vorm, 2013), the system for reporting abuses (De Graaf, 2010; Maas et al., 2014) and specific instruments such as training courses (Van Montfort, Beck & Twijnstra, 2013);
- a risk analysis has been performed with regard to the question of where new integrity risks could arise (through changes such as globalisation, decentralisation etc; Van Veldhuisen & Snel, 2014);
- lengthy and detailed debates have been conducted in Parliament on the design of the national integrity system, entitled the ‘House of Whistleblowers’.

Interchange between research and policy

There are many examples of research supported and funded by public administrative bodies, as well as demonstrable consequences of such research for the social and public debate and the development of integrity policy. The contributions to this book show this, with an international dimension too (see Chapter 14). A community of researchers in various disciplines has

developed in the Netherlands, who have contributed and still contribute to our scientific knowledge of many different themes, which also has an influence on policy. This chapter does not do justice to that diversity, as there is not enough space to devote adequate attention to the countless books, compilations and articles from many different research units,³ devoting attention to the development of understanding, including of the significance of virtue ethics, professional ethics and ethical competencies, to reporting systems and confidential integrity counsellors, ethical leadership, violations of integrity and scandals, including corruption scandals, the operation of systems, policy and instruments such as training courses, good governance and (conflicting) public values, et cetera.

Through direct contacts during research assignments and the exchanges in many networks, this fostered a profitable and exciting interchange between research and policy which, in my experience, was more intensive than in many other countries.

Critical reflection on the Dutch approach

This book outlines how the integrity of public governance was and is addressed in the Netherlands. It contains fine factual material from the ministries and various public organisations and also, we hope, worthwhile suggestions for all those who concern themselves with the integrity of the public sector, particularly in a European context. I have summarised the exceptional Dutch approach above, with in my view nice angles and suggestions for policy and research elsewhere. This framework probably also provides leads for initiatives from the Dutch EU presidency in 2016.

At the same time, it is clear that this chapter is intended to offer ‘academic’ reflection on the great deal of information on the Dutch approach and this calls not only for an outline of the approach, but also for critical reflection on the current position in the Netherlands regarding integrity, integrity policy and research. In line with the foregoing, I shall consider the position concerning the interpretation of integrity (and corruption) and attention to this, the development of policy with special attention to the organisation/context and the policy strategies (beyond compliance), the extent to which an effective integrity policy and system have been realised and the interchange between research and policy.

The broad interpretation of the integrity of the administration (beyond corruption) is important and useful, but also leads to fundamental discussions on the question of what truly matters with regard to the integrity of politics and administration. It should be about current ethical standards and values, about what really matters and is broadly recognised and shared as the crux of the matter for the performance of politicians and administrators. At odds with this is the fact that in practice and in the heat of the political and social debate, the integrity of a person or organisation is frequently put at stake, while the issue is in fact political differences of opinion or labour or other conflicts. I have previously referred to this as ‘integritism’ (Huberts, 2005) and it is important that action is taken to counter it. Accusing someone of acting without or of being without integrity goes far and should be linked to the core of professional ethics. This should also not concern the content of the decision taken, but the way in which the decision was taken. For example, did improper interests have an influence? In the media and the public debate, a search is visible into what precisely integrity is, what still qualifies as integrity and what does not. If a politician or administrator has a say in local projects and at the same time is good friends with the main local project developer, there is a conflict of interest. But what is the position if he or she knows the developer, but at somewhat more of a distance, for example through a Rotary club, or if he or she is not personally best friends with the developer, but his or her brother or neighbour is? The awareness of the grey area is then pertinent, there are no simple black-and-white answers, but reflection and openness are important, in view of the importance of the values of incorruptibility and independence.

The discussion on the exact meaning and the particulars of ‘integrity’ also play a role in the design of the system for reporting objections, dissatisfaction or misconduct by citizens and organisations. This dissatisfaction can relate to many different things. Someone may disagree with the procedure for political or administrative decision-making, feel unfairly treated in contacts with an civil servant or higher official, or have doubts about the effectiveness of decisions. For complaints and reports of this type, we have the regular political democratic system with complaints committees, ombudsmen and audit offices. Doubts and reports on integrity go further than this, affect the core of the performance of the accused and call for other investigations, via institutions equipped for that purpose. In fact, this concerns the design of the infrastructure for the system of good

governance, within institutions that watch over important public values (such as the audit offices, which watch over effectiveness and legality) and an institution focusing on integrity fits within that infrastructure.

Some Dutch self-reflection on the position regarding policy development with special attention to the organisation/context and the policy strategies (beyond compliance) is also appropriate. The approach is clear, but the extent to which integrity awareness and integrity policy have penetrated to all levels of politics and public administration is also open to question. This applies at both the senior levels and in the 'breadth'. There were good reasons why earlier evaluations of the integrity system raised questions about, for instance, the cabinet's and parliament's deployment of their own rules and codes of conduct. This indicates the importance of (ethical) leadership and of taking the lead in personal conduct, but also in policy and management. Dutch cabinets and ministers have varied quite considerably in that respect

In general the good examples of initiatives in previous chapters show how it should be done, but those efforts are still anything but standard in the rest of public governance. What actually happens is often incident-based, with little consistency. It is not the general practice of public leadership to automatically attach importance to integrity, to translate responsibility for this in terms of policy and organisation (units, officials) or for local initiatives to benefit much from an exchange of experience with others (in which BIOS plays an important role in the Netherlands).

A fair number of evaluations of Dutch policy (the Dutch approach) have been performed since 2001, with other questions also being raised about a number of policy themes. A number of these have been addressed (to a degree), such as disclosure of funding for political parties, but what still remains includes, for instance, the protection of whistleblowers and the integrity of the private sector, including banks and businesses. In the past, the regulation of this was appalling (with bribes/commission qualifying as tax-deductible), but step by step the 'merchant' has given way to the 'priest', with more support slowly being provided for initiatives to prevent tax avoidance by multinationals, efforts to address corruption by Dutch companies abroad and action under criminal law against not only civil servants who accept bribes, but also against the businesses that pay bribes.

With regard to the attention to the effectiveness of the present integrity system, the national design of that system is at least a subject of vigorous debate. That debate and policy development offer insights and lessons, but it is also important to note the recognition of the dilemmas which were already raised above. What exactly does good governance involve, which role does integrity play, and how do you translate this in terms of policy and organisation?

A critical note is also appropriate here with regard to what I have called ‘the ethics industry’. The attention to the theme of integrity, which is a good thing in itself, has led to consultancies and consultants spotting a new market which they have addressed with vigour. There are no clear shared requirements and criteria for research and assessment, so all in all, this is a situation that gives cause for a fair amount of concern with a theme that affects the core of a person’s actions. This continues to raise questions. If laws and regulations are violated, we have an administrative and criminal law system with all the accompanying care requirements. Furthermore, the system leads to reflection on the concrete application of the rules or jurisprudence. This is lacking in the assessment of codes of conduct and informal moral standards and values, and no moresprudence (ethical theory or system of ethical principles; Karssing & Spoor, 2009) is built up. Integrity research was and is a free-for-all, with many different stakeholders and interpretations which are open to question.

Finally, I turn to the interchange between research and policy. If I consider recent decades, then there is no reason for extreme optimism about the present state of affairs. The efforts of ministries and, for example, the police force and semi-public organisations, were crucial, but, to some extent, because of cut-backs and reorganisations, the picture is now a little less bright. I regret this, partly because of my own interests as a researcher, of course, but also in view of the agenda for the EU presidency, promoting the interchange with research would be an obvious step.

Conclusion

Naturally, the Netherlands would like to present itself vigorously as a standard-bearer for a ‘Dutch miracle’,⁴ with wise and successful initiatives based on the Dutch approach to serve the integrity of governance. The foregoing shows that on the one hand, I see many reasons for this, but that such an effort must be linked with openness on the dilemmas of the approach.

In the European context, the Dutch approach shows for all countries concerned, and for the EU itself, that it is vital to the credibility and legitimacy of politics and public administration that integrity is seen as crucial, and that this involves far more than corruption in a specific sense. This theme is widely relevant to the governance agendas at every level, with attention to the context and circumstances that promote and prevent violations. What can and should be done to protect integrity and to control violations therefore also relates to policy and organisation (including leadership), throughout the public sector. This calls for a combination of compliance, with adequate rules and standards and sanctions, and value-based initiatives aimed at culture and awareness. At the same time, critical consideration of the effectiveness of what is developed and applied in terms of policy and organisation always remains important. It is precisely in that regard that the interchange between research and policy is also relevant.

However, this approach, the Dutch approach, is not without its critics and it is associated with dilemmas and questions that should be put on the agenda. What exactly does integrity involve, is the relationship with other values and who supports them sufficiently clear in our minds, how do we design the system or infrastructure for good governance, and do we know enough about how it really works...? This offers a challenging agenda for discussion, reflection and policy development, also through an interchange with the researchers involved.

Notes

- 1 For the focus on corruption, see, , Transparency International's Anti-Corruption Research Network corruptionresearchnetwork.org/ and the EU-funded research at anticorrrp.eu/.
- 2 See www.transparency.org.
- 3 An idea of their number and diversity can be obtained from the series of Integrity Yearbooks published by the National Integrity Agency (BIOS) and, for example, in the overview compilation of Van den Heuvel, Huberts and Muller (2012). Unfortunately, there is less overview literature in English (for far more literature, including literature from the Netherlands, see Huberts, 2014).
- 4 Term used for typifying Dutch model regarded as successful: Visser & Hemerijck, 1999.

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