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Public Ethics Standards in a Local Authority in Montenegro



EU funded project managed by the Delegation of the European Union to Montenegro and implemented by the Council of Europe

INTRODUCTION

What is the focus of the Public Ethics Standards in a Local Authority?

These standards should help a local authority to achieve a high level of public ethics in its work.

The focus of these standards is to support local authorities in making the organisational changes that will help them become more efficient, transparent and accountable. This should lead to the strengthening of democracy at a local level. The Standards will enable local authorities to assess its effectiveness in six key ethics areas – (i) transparent service provision, (ii) accountability, (iii) citizen participation, (iv) professionalism, (v) transparent decision making and (vi) leadership.

For fulfilling these tasks, a local authority in performing public affairs should:

- change its working method,
- increase transparency by preparing clear procedures for the various public services, being open about costs, setting concise criteria and deadlines for decision-making, establishing robust appeal procedures and improving information flow;
- establish instruments for procedures' application and conduct its review;
- create and give opportunities to citizens to participate in planning and defining of the services provided by the local authority;
- build partnerships with local organizations;

- behave responsibly, in accordance with agreed ethical standards and rules of conduct for local elected representatives, officials and civil servants.

In a word, the working methods of local authorities, elected representatives, officials and staff should correspond to the highest ethical standards and best practices.

For these reasons, the “Public Ethics Standards in a Local Authority in Montenegro” have been prepared by the Union of Municipalities with the assistance of experts of the Council of Europe. They are based on the “Public Ethics Standards for an Effective Democratic Local Authority”, developed by the Centre of Expertise for Local Government Reform of the Directorate General of Democracy and Political Affairs of the Council of Europe.

These standards are adapted to our conditions, to our legal framework related to the rights, duties and responsibilities of our local authorities in their service provision and in the exercise of public affairs, and to the rules of ethical conduct for local elected representatives, officials and civil servants.

In practice, local authorities are at different levels of performance, but each of them seeks to improve their performance to the levels of the best. These Standards therefore set out a range of performance from Level 1 / Basic Level, through Level 3/ Intermediate Level to Level 5 / Advanced Level. This allows any local authority to assess its level of performance in each standard and recognize its-own level of achievement.

For each standard, a local authority will exhibit indicators that may be positive or negative; a few examples of such indicators are provided. Indicators provide the evidence of performance, or level of competence. There are also questions that can be used in interviews and workshops to elicit further evidence of performance.

How can these Standards be used?

- It is possible for a local authority to apply the Standards to its performance through self-assessment. A survey of staff and citizens to elicit their perception of the local authority's ethical performance would be a valuable input if self assessment were to be really effective.

- Even better would be for a local authority to invite 2 trained consultants through the Union of Municipalities to visit them for perhaps 2-3 days and to help carry out an audit of public ethics against the standards by examining documents and interviewing key people. This would add a higher degree of objectivity than can be achieved with self-assessment.

-The Programme may also be used through a Peer Team assessment. A local authority might like to invite a peer team (consisting of 3-4 trained local elected representatives and senior civil servants from other local authority). The Peer Team would assess the performance of the local authority against the standards. This would make the assessment much more significant, and add a degree of objectivity; it would encourage local authorities to work together and learn from each other. The Peer Team can use documents, workshops and interviews to gain a picture of the performance of a local authority, of its strengths and weaknesses, over a period of

approximately 3 days. The Peer Team should discuss its draft findings with the leadership of the local authority and agree with them its recommendations for certain actions.

Whatever method will be chosen by a local authority, it should result with recommendations, on which the local authority should adopt an Improvement Plan, so it could build upon its strengths, exploit any opportunities and improve performance in areas of weakness. The Union of Municipalities of Montenegro expresses readiness to manage the programme that would be implemented local authorities which express their will to participate in this process by consultants or peer teams.

The Union of Municipalities will introduce the "Public Ethics Standard in a Local Authority in Montenegro" to the central and local authorities. A number of workshops will be also organized to present the Standards and discuss their purpose and method of use.

The Council of Europe can offer expertise and a training manual in support of such a programme.

PUBLIC ETHICS STANDARDS OF A LOCAL AUTHORITY

- (1) Transparent service provision,**
- (2) Accountability,**
- (3) Citizen Participation – Consultation within decision making,**
- (4) Professionalism,**
- (5) Transparent decision making, and**
- (6) Leadership.**

Standard 1 – Transparent Service Provision

- There is information for service users on the types of services, services provision procedures, application process, timescales, decision-making criteria, complaints procedure and services provision costs.
- Establishes service user information that ensures all potential service users have needed information on one point, with easy access.
- Ensures service user satisfaction through set up practice for getting feedback from the users and listening to feedback.
- Keeps local public servants, staff and local people well-informed about its policies and performance, and consults them on its plans.

Standard 2 – Accountability

- Carries out clear guidelines for all local civil servants and employees involved in decision-making are established and trainings for them.
- Establishes clear mechanisms for auditing and internal control of the application of procedures.
- Ensures conflicts of interest are declared and steps taken to ensure these do not influence decision-making.
- Ensures appeal, application and complaint handling is independent and does not disadvantage those making the appeal, application or complaint.
- Manages public procurement efficiently and effectively, in a way that delivers value for money for the municipality and its citizens
- Reviews procedures and outcomes to minimise fraud and comply with best practice
- Ensures effective internal communications so that all local public servant and employees are up to date on service developments and procedures
- Develops procedures to declare conflicts of interest, gifts and other substantial and non-substantial benefits within the public procurement procedures.
- There are transparent public procurement procedures and decisions on award public affairs and services that are introduced to stakeholders and the public.

Standard 3 – Citizen Participation – Consultation within Decision Making

- Local authority consults citizens in the decision-making process.
- Local authority keeps citizens informed; requests, listens and responds to local views, and reviews feedback on users' experience of services.
- It creates opportunities for citizens' participation in planning and the design of municipal services.
- It uses deferent mechanisms to encourage and involve citizens in decision-making process.
- It strengthens the role of neighbourhood bodies to ensure their participation in local decision-making.
- It builds strong partnerships with local organisations (NGO and private sector), with other tiers of Government to provide efficient services.
- It respects opinion of local organisations in decision-making local policy development.
- It has already developed a Stakeholders Involvement Plan.

Standard 4 – Professionalism

- There are clear recruitment and selection procedures to ensure appointments and promotions are based on determined criteria.
- There are clear job description and employee specifications and guidelines for all posts.
- Provides on going training for local civil servants and employees to ensure they are competent and knowledgeable about their roles and responsibilities.
- Provides effective induction training for all local civil servants and employees which includes public ethics programme.
- Reviews the implementation and outcomes of recruitment, training and promotion procedures and makes improvements based on that.
- Remuneration system is transparent, equal and based on relations between achieved results of employees and their salaries.

Standard 5 – Transparent Decision Making

- Provides citizens, NGO and private sector with information on municipal finances and expenditure, plans, programmes and activities important for the local population.
- Ensures all decisions can be justified in terms of merit, value for money and / or the interests of the municipality and its citizens and stakeholders
- Ensures complaints and appeals procedures are well publicised and easy access to relevant information
- Ensures the local population and all stakeholders in the local community are well-informed on municipal decisions enacted by its authorities.
- Ensure decisions are subject to robust external audit and internal control procedures.

Standard 6 – Leadership

- Develops a plan to promote determined ethical standards and code of conducts in the municipality.
- Sets improvement targets for ethics and reviews how well they are being achieved.
- Provides responsibility for ethics advice, training and monitoring.
- Benchmarks procedures and activities related to ethics with other local authorities and organisations.
- Embeds ethics standards in the activities, plans and decision-making of the local authority.
- Promotes public ethics standards in the public procurement procedures.
- Trains staff, assesses the risks and conducts rotation of staff to minimise opportunities for illegal actions and handling

Standard 1 – Transparent Service Provision

DEFINITION	LEVEL OF ACHIEVEMENT		
	LEVEL 1 / Basic level	LEVEL 3 / Intermediate level	LEVEL 5 / Advanced level
<p>Elected representatives, officials and local civil servants and employees are publicly open about decisions and actions. There is information including procedures, costs and how to complain and it is available to service users (restrictions are only made when clearly demanded by law: confidential data or personal privacy protection)</p>	<p>The municipality has a guidebook on types of its services, procedures, how to apply, decision making timescales and criteria, how to complain, costs, and contacts data</p> <p>Staff and local population is well-informed on local policies and activities undertaken by the municipality</p>	<p>Guidebook and application forms are available in electronic and hard copy formats to service users and all the public</p> <p>There is ongoing review and updating of the guidebook, application forms and other information to ensure informing of service users, interested groups (target groups) and individuals</p> <p>The municipality has a 'service desk', citizens office, information centre or other means of providing a single source of information on its services</p>	<p>The municipality uses different means for promotion of transparent service provision (booklets, pamphlets, flyers, radio and TV talk shows, etc.)</p> <p>The municipality researches regularly (based on inquiries or questionnaires) and collects information on service users satisfaction, efficiency and openness of service provision process.</p> <p>The municipality can demonstrate that all requests for information on services are responded to positively except where there is a clear public interest need to restrict information</p>
<p>Positive indicators:</p> <ul style="list-style-type: none"> - Defined the Guidebook on types of municipal services - Service descriptions in public places and / or website - Defined service costs - Procedures for reviewing relevance of information given and user satisfaction - Staff know the procedures for responding to 'freedom of information' requests - Means for promotion of transparent service provision - Use of 'service desk', citizens office, information centre or other information point(s) <p>Negative indicators:</p> <ul style="list-style-type: none"> - There is no a guidebook, website or other information source, neither the application forms, in hard copy or electronic formats - Information is given to service users by staff on their request - Service users critical of application process and / or decision making - decisions not taken within defined times 	<p>Key questions:</p> <p><i>How do potential service users get information?</i></p> <p><i>Do service users know the cost of the service?</i></p> <p><i>How does the municipality know that service users are satisfied with the process?</i></p> <p><i>How long does it normally take for a decision to be made? How often is the defined time exceeded?</i></p> <p><i>How does the municipality ensure its application and decision making processes match the needs of the service users?</i></p> <p><i>How many complaints have been received in the last year? How well has the experience of those making a complaint matched what is described in the complaints procedure?</i></p> <p><i>Describe how requests for information on services or decisions or other matters are dealt with.</i></p> <p><i>What means are being used by the municipality to promote transparent service provision?</i></p>		

Standard 2 - Accountability

DEFINITION	LEVEL OF ACHIEVEMENT		
	LEVEL 1 / Basic level	LEVEL 3 / Intermediate level	LEVEL 5 / Advanced level
<p>High-quality anti-corruption procedures are developed and implemented that ensures public confidence and minimizes opportunities for fraud and non-ethical conduct. They are revised in order to improve ethical conduct in the local authority</p>	<p>Clear procedures and guidelines exist in all areas where elected representatives, officials, local civil servants and employees have to make decisions</p> <p>Municipal finances and facilities are not used for election or party political purposes</p> <p>There are rules for the role of the municipality in the conduct of elections</p> <p>There are clear public procurement procedures available to everybody</p> <p>Guidelines and training are provided for all staff who have a role within the process</p>	<p>An independent complaints procedure has been developed and implemented and there is evidence that it is being used</p> <p>There are procedures for barring from elected representatives, officials and local civil servants and employees those who hold incompatible posts</p> <p>There is a register of interests, conflict of interests and gifts and hospitality procedures for local civil servants and employees</p> <p>Elected representatives, officials and local civil servants and employees receive training on decision making procedures, conflict of interests and codes of ethics.</p> <p>Method and efficiency of public procurement procedures are regularly considered and revised in accordance with good practices of other local authorities</p> <p>Risk assessment related to ethics and transparency is conducted periodically. Results are reported to management and the municipality Council, at least annually</p>	<p>Monitoring of the implementation of codes of ethics is carried out regularly and codes of ethics are reviewed periodically.</p> <p>Monitoring of applications and complaints and assessment of their impact on decision-making and local policy are carried out.</p> <p>Municipal leadership undertakes anti-corruption activities, as result of the risks assessment</p> <p>Information on procurement is gathered and reported to management and the municipality Council, at least annually</p> <p>Internal best practice on procurement management is shared with other municipalities</p> <p>Municipality conducts a public campaign on the importance of transparent public procurement procedures and sharing of good practices within the anti-corruption</p> <p>Municipality can demonstrate what anti-corruption measures have detected and their outcomes and / or if the incidence of non-ethical conduct is reduced.</p>

Positive indicators:

- Procedures against risk from the fraud and non-ethical conduct are assessed regularly.
- Municipal activities related to the establishment of appeal, application and complaint procedures are promoted.
- risk assessment reports
- means for local public servants and staff to report conflicts of interests
- register of interests and gifts and hospitality procedure for elected representatives and officials

Negative indicators:

- lack of review of procedure development and implementation
- no guidelines for staff on decision making
- procurement dominated by the same suppliers
- lack of analysis of procurement trend information
- decision makers aware of identity of potential suppliers prior to decision making

Key questions:

- What anti-corruption procedures has the municipality developed and implemented?*
- What procedures does the municipality have in declaring conflicts of interests, gifts and hospitality?*
- How does the municipality review the effectiveness of procedures in preventing and detecting corruption and fraud?*
- What register of the interests of elected representatives and officials are kept? How often is the register of interests updated?*
- How are staffs in sensitive positions vetted?*
- What changes in anti-corruption procedures have arisen because of reviews?*
- What fraud statistics and information has the municipality gathered?*
- Whether or how the municipality demonstrate that money is being spent for the intended purposes?*
- How do you ensure municipal finance and facilities are used properly?*
- What are main principles underlying the public procurement procedures?*
- Is there any and what training for members of committees and authorized civil servants for public procurement?*
- What problems are identified through changes made based on the revision of public procurement procedures?*
- How does the municipality know that its procurement procedures are fair and give value for money?*
- How does the municipality ensure its procedures are kept up to date?*

Standard 3 – Citizen Participation – Consultation within Decision Making

DEFINITION	LEVEL OF ACHIEVEMENT		
	LEVEL 1 / Basic level	LEVEL 3 / Intermediate level	LEVEL 5 / Advanced level
<p>The method and procedures for citizens, NGO, businesses and other stakeholders to express their views and opinions on drafts of municipal decisions, plans, other enactments or municipal policy are determined. Through the media or other means, they have access to information on municipal decisions, plans and actions. Local civil servants are open in their activities and decision making, exceptionally in determined cases of restrictions to the information access.</p>	<p>The municipality publicises its agendas and invites individual citizens, NGOs, businesses and other interested groups to comment on these agendas.</p> <p>The municipality has identified key stakeholder groups (that includes groups of citizens, NGOs, private sector and other interest groups). This list is subject to review and updating</p>	<p>The municipality has defined consultation process with its citizens, stakeholders (NGOs, businesses, etc.) as part of the process in creation and adoption of its decisions, plans and other activities.</p> <p>Municipal plans on participation in the consultation process are publicised and consulted on prior to adoption and a process by which individual and group views can be fed back to decision makers is defined.</p> <p>Elected representatives, officials and staff receive adequate training on the importance of communications at all levels</p>	<p>The municipality has entered into strategic alliances with stakeholders and involves them in planning, decision making and local policy development</p> <p>NGOs, businesses and individual citizens give their views to the municipality and they are included in municipal plans, decisions and documents.</p> <p>There are activities and mechanisms to encourage and involve citizens in decision making and to encourage individuals and groups to take on active roles in the process.</p> <p>Municipal information bulletins are published, regularly up-dated and available at public places within the municipality</p>
<p>Positive indicators:</p> <ul style="list-style-type: none"> - Defined method and procedures for consultation of citizens and other stakeholders from the community and gathering views - key stakeholders identified and regular means of contact - strategic alliances with key stakeholders - methods for collection of service users' needs - training on the importance of consultation and citizen participation in decision making <p>Negative indicators:</p> <ul style="list-style-type: none"> - lack of a consultation process - attitudes indicating that citizens and groups are not interested - The municipality does not give feedback related to external views 	<p>Key questions:</p> <p><i>How does the municipality balance local democratic representation and involving citizens and others in decision making?</i></p> <p><i>Describe the process by which municipal plans are developed</i></p> <p><i>Who are the key stakeholders for the municipality?</i></p> <p><i>How are consultations conducted?</i></p> <p><i>At what point in the planning process are consultations conducted?</i></p> <p><i>How are the views of citizens and stakeholders fed back to decision makers?</i></p> <p><i>How are external stakeholders involved in decision making?</i></p> <p><i>How is stakeholder satisfaction with the consultation process measured?</i></p> <p><i>How are service users informed on Municipal Assembly's meetings?</i></p>		

Standard 4 – Professionalism

DEFINITION	LEVEL OF ACHIEVEMENT		
	LEVEL 1 / Basic level	LEVEL 3 / Intermediate level	LEVEL 5 / Advanced level
<p>There are clear standards and guidelines for employees on what they should do and how they carry out their roles and responsibilities. Recruitment, training and promotion is carried out on the basis of requirements and criteria and to ensure high levels of competence in job performance</p>	<p>The municipality has a recruitment and selection policy and procedures</p> <p>Selection criteria are defined for each post and communicated to all applicants</p> <p>Ethical conduct related to recruitment, promotion and remuneration, as well as ethical are communicated to all employees and new starts</p> <p>Systems are in place to ensure that procedures apply fairly and consistently</p>	<p>Clear procedures for recruitment, promotion, remuneration and training have been implemented</p> <p>Relevant guidelines and training on procedures and criteria for recruitment, remuneration and promotion is provided for elected representatives and leadership</p> <p>Regular review and evaluation of these procedures is undertaken</p> <p>Municipal leadership understands and are committed to implementing ethical standards in these procedures</p>	<p>There are regular / periodical recruitment, promotion, remuneration and training procedures</p> <p>A clear and transparent process of career development plans based on performance assessment has been implemented</p> <p>Leadership and employees confirm that ethical standards are implemented through these procedures and that they are implemented effectively</p>
<p>Positive indicators:</p> <ul style="list-style-type: none"> - There are recruitment and promotion procedures, job descriptions and pre-set selection criteria - induction programme for new starts that includes ethical / anti-corruption issues - consultation on ethical and anti-corruption matters - Carried out public ethics and anti-corruption training programmes <p>Negative indicators:</p> <ul style="list-style-type: none"> - no review process for policy implementation - no criteria system for recruitment, remuneration and promotion with ethical conducts related to recruitment, promotion, remuneration and training in these procedures 	<p>Key questions:</p> <p><i>How are staff recruited / promoted in the municipality?</i></p> <p><i>What training on ethics and anti-corruption do's staff receive when they start?</i></p> <p><i>What guidelines and training exist on ethics and anti-corruption for local civil servants and employees?</i></p> <p><i>How does the municipality review its recruitment, promotion and training to ensure they are effective?</i></p> <p><i>What improvements / changes have been made as a result of reviews?</i></p> <p><i>What is the consultation process for developing new ethical / anti-corruption procedures or improving existing procedures?</i></p> <p><i>How do elected representatives and managers demonstrate their commitment to ethics and anti-corruption?</i></p>		

Standard 5 – Transparent Decision Making

DEFINITION	LEVEL OF ACHIEVEMENT		
	LEVEL 1 / Basic level	LEVEL 3 / Intermediate level	LEVEL 5 / Advanced level
<p>The municipality provides information to the citizens and others in the community on the municipal revenues and expenditures, plans, programs and activities important for local population. Decisions on the allocation of resources and expenditure are fair and subject to independent scrutiny</p>	<p>The municipality provides all citizens, NGOs and other stakeholders with information on revenues (their sources and level) and expenditures in a way that is easily understood and easily accessed (for example, by publishing a brochure)</p> <p>Elected representatives, officials, local civil servants and employees must declare conflicts of interest and withdraw from decision making</p> <p>Agenda, including times, dates and locations of Council meetings along with minutes and adopted decisions are published on the municipal web-site, by media and by other appropriate means</p>	<p>Decision making related to the sources of finance, determination of revenues, citizen obligations and other entities related to the obligations, service costs are open and the reasons for decisions can be ascertained by citizens and others</p> <p>Pre-set criteria are used in decision making and resource allocation</p> <p>There are open and well publicised complaints and appeals procedures for all municipal decisions</p> <p>Decisions and actions are subject to independent external audit and internal control</p>	<p>Citizens, NGOs, businesses and other stakeholders perceive financial decision making to be open and fair</p> <p>Appeals and complaints procedures are well used</p> <p>Claimants and complainants are not subject to the unprivileged position</p> <p>The municipality measures the effectiveness of projects and other major expenditure</p>
<p>Positive indicators:</p> <ul style="list-style-type: none"> - Complaints and appeals procedures that are publicised and freely available - Procedures to separate assessment and decision making - External audit and internal control procedures that are independent <p>Negative indicators:</p> <ul style="list-style-type: none"> - Lack of training of decision makers on ethical standards - Relationships between decision makers and applicants - Unused complaints or appeals procedures 	<p>Key questions:</p> <p><i>What information does the municipality provide on its sources of finance and expenditure?</i></p> <p><i>How can applicants appeal or complain about decisions?</i></p> <p><i>How are these procedures publicised?</i></p> <p><i>What criteria are used in decision making? What access do applicants, citizens / stakeholders have to those criteria?</i></p> <p><i>How does the municipality review the fairness of its decisions?</i></p> <p><i>How does the municipality ensure expenditure is for the purposes intended?</i></p> <p><i>How does the municipality protect those who appeal or complain about its decisions?</i></p> <p><i>Who audits the municipality's decision making?</i></p>		

Standard 6 – Leadership

DEFINITION	LEVEL OF ACHIEVEMENT		
	LEVEL 1 / Basic level	LEVEL 3 / Intermediate level	LEVEL 5 / Advanced level
<p>Elected representatives, officials, local civil servants and employees have clear responsibilities determined by Ethics Codes of Conduct.</p>	<p>The municipality adopted codes of ethics that clearly define responsibilities of persons the codes are adopted for within the anti-corruption</p> <p>The statements on acceptance of codes of ethics and adherence to their provisions have been signed by local elected representatives, officials, civil servants and employees</p> <p>The municipality has a plan which addresses the promotion of codes of ethics and conduct standards determined by the codes</p> <p>Ethical Committees are established and their working conditions are provided</p>	<p>Information on the implementation of Ethics Codes of Conduct, their promotion and implementation of the Promotional Plan for Ethics Codes of Conduct is gathered, analyzed, reported to local assembly, leadership and staff and acted on.</p> <p>Ethical Committee regularly monitors and analyses data and information important for the assessment of the implementation of the code of ethics that are published by media or they are subject to consideration of the municipal body</p> <p>The municipality undertakes public ethics related benchmarking</p> <p>There has been a public anti-corruption campaign in the municipality</p>	<p>Public ethics issues within the fight against corruption are considered as part of the municipality's performance and the local good governance process</p> <p>The municipality analyses the implementation of ethics standards by those Codes are referred to and in relation to that reviews the Codes, so that they could become efficient instruments in the anti-corruption fight.</p> <p>Research on public perception of ethics and conduct of local elected representatives, officials and staff is conducted annually</p> <p>Elected representatives, officials, local civil servants and employees can describe and demonstrate their contribution to meeting the municipal vision, values, aims and targets with regards to public ethics</p>
<p>Positive indicators:</p> <ul style="list-style-type: none"> - the municipality has a defined vision for ethical behaviour within the anti-corruption fight - codes of ethics adopted - codes of ethics are available at all public places and on the web-site - ethical committees established - job descriptions for leadership and other key staff that include references to their ethical responsibilities - training on public ethics in a local authority <p>Negative indicators:</p> <ul style="list-style-type: none"> - lack of understanding among elected representatives, officials, local civil servants or employees of public ethics within the anti-corruption fight - ethical committees not established - no clear responsibility for advising on, training and promoting public ethics within the anti-corruption matters 	<p>Key questions:</p> <p><i>What are the municipality's ethics and anti-corruption documents?</i></p> <p><i>What are responsibilities of local public representatives and employees with regards to ethics and anti-corruption?</i></p> <p><i>How would an individual local civil servant or employee ascertain what his / her ethics and anti-corruption responsibilities are?</i></p> <p><i>What information on ethics and anti-corruption measures and activities is gathered?</i></p> <p><i>Is research on public perception of public ethics conducted?</i></p> <p><i>What ethics and anti-corruption information is gathered from stakeholders?</i></p> <p><i>How are ethics and anti-corruption matters presented to the municipality Council and the leadership?</i></p> <p><i>What benchmarking activities with regards to ethics and anti-corruption has the municipality undertaken?</i></p>		

