



The Integrity Commission of Jamaica

Anti-Corruption and Good Governance Sensitization Workshop Series

**Specially Developed by the Integrity
Commission for the Cabinet of the Government
of Jamaica**

Anti-Corruption and Good Governance Sensitization Workshop Series

Module #3

“Principles of Good Governance and
Integrity in Government, Public Office and
Public Life”

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Overview of Presentation

- a) General Principles of Good Governance and Integrity
- b) Serving the Public Interest
- c) Conduct of Ministers – GOJ Ministry Paper No. 19/2002
- d) The Seven Principles of Public Life
- e) Selected Principles from the GOJ Corporate Governance Framework, PBMA and the Companies Act.
- f) Conflicts of Interest
- g) Codes of Conduct
- h) Guide to Identifying, Avoiding and Managing Conflicts of Interest
- i) The Role and Responsibilities of Parliament
- j) The Role and Responsibilities of the Cabinet
- k) The Role of Accounting and Accountable Officers
- l) The Role, Responsibilities and Duties of Public Officers

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- The Problem of Corruption
- Principles of Good Governance and Integrity in Public Life
- Public Procurement Overview
- Other Critical Areas Involving Integrity Commission Oversight
- IC Process - Filing of Statutory Declarations
- IC Process - Protected Disclosures Act - Whistleblowing
- IC Process - Reporting Allegations of Corruption
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- IC Process - Prosecuting Allegations of Corruption
- IC Process - Overview of Corruption Offences in Jamaica
- International Best Practices in Anti-Corruption and Anti-Bribery

General Principles of Good Governance and Integrity

- Governance is defined as:

“...the institutional capacity of public organizations to provide public and other goods demanded by a country’s citizens or the representatives thereof in an effective, transparent, impartial, and accountable manner, subject to resource constraints.”

-The Concept of Governance and Public Governance Theories, Economic Alternatives, Issue 2, 2016

General Principles of Good Governance and Integrity

Ethical Conduct	Competence and Capacity	Participation & Representation
Trust		
Openness & Transparency		
Public Interest		
Effectiveness	Responsiveness	Rule of Law
Accountability		

General Principles of Good Governance and Integrity

- “**Public integrity** refers to the consistent alignment of, and adherence to, shared ethical values, principles and norms for upholding and prioritising the public interest over private interests in the public sector.”

– <https://www.oecd.org/gov/ethics/recommendation-public-integrity/>

General Principles of Good Governance and Integrity

- Use of Office for personal advantage ✖
- Circumventing Due Process ✖
- Supporting A Culture of Accountability ✓
- Leading by Example ✓
- Delivering on Commitments and Expressed Targets ✓

“Integrity is a crucial determinant of trust...”

<http://www.oecd.org/gov/trust-integrity-and-fairness.htm>

Good Governance

**T
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T**

- Builds Social Capital
- Restores Faith in Political Leaders & Policy Makers
- Fosters a responsive and open society
- Increased Voter Turnout and Involved Citizenry
- More Inclusive Laws and Policies
- Increased Foreign Investment and Economic Performance

Serving the Public Interest

- Public Officers and Public Officials have a solemn duty and have been entrusted to serve and safeguard the interest of the people and taxpayers - not individual needs nor those of any special group.
- All decisions must be grounded in principles, objective, transparent and with the sole objective of doing what is right for all citizens, foregoing personal preferences and potential gains.

Serving the Public Interest

As Public Officers/ Officials our actions must:

Be able to withstand the highest degree of scrutiny.

Accord with ethical standards.

Be in keeping with the laws of the land.

Be driven by objectivity, sincerity and the pursuit of the greater good of our country.

Serving the Public Interest

Expose maladministration , corrupt conduct and any form of misconduct which poses a threat to confidence in the people, systems and policies of government.



Be apolitical and non-partisan, opting instead for broader objectives and concerns.

Conduct of Ministers – GOJ Ministry Paper No. 19/2002

- In April 2002, then Prime Minister, the Rt. Hon. P.J.Patterson, advanced “Ministry Paper No.19/2002 – Conduct of Minister.”
- The Ministry Paper was an adoption and adaptation of the Seven Principles in Public Life which had been developed in the United Kingdom, arising from the first report of the Committee on Standards in Public Life, published May 1995.

The Importance of the Seven Principles

- Public Officers and Officials have crucial and influential positions in society as :
 - Lawmakers,
 - Policymakers;
 - Members of the Judiciary;
 - Law Enforcement.

We are a select number whose actions impact the entire society.

The Seven Principles of Public Life

- **1. Selflessness**: Holders of public Office should take decisions solely in terms of the public interest. It is an offence to do so (*take decisions*) in order to gain financial or other material benefits for themselves, their families and friends.

The Seven Principles of Public Life

- 2. Integrity: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
 - Avoid nepotism, clientelism, cronyism, and similar acts which can bring your office or agency into disrepute.
 - Decisions should be in keeping with all rules, regulations and exhibit objectivity.

The Seven Principles of Public Life

- 3. Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office, should make choices on merit.
 - Decisions should be non-partisan, informed by facts and on the merits of each circumstance.
 - Appointments to serve on public boards should be based on the suitability of officers, competence and experience.

The Seven Principles of Public Life

4. Accountability:

• Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

- All decisions are open to scrutiny and a responsibility is owed to the public should we be called to account.
- Decisions and actions should be informed, considered and taken with the greatest care, avoiding expedience.
- If the slightest doubt arises as to whether a decision is in the best interest of the public or if same is perceived to be biased, then greater caution must be exercised.

The Seven Principles of Public Life

5. Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly so demands.

- Transparent decisions and decision making practices.
- Clear rules and operational procedures should be established and enforced throughout government
- Pertinent issues disclosed in Parliament and post Cabinet Briefings in a frank manner to build public awareness

The Seven Principles of Public Life

- 6. Honest: Holders of public office have a duty to declare any private interests relating to their public duties and take steps to resolve any conflicts arising in a way that protects the public interest.

The Seven Principles of Public Life

- 7. Leadership: Holders of public office should promote and support these principles by leadership and example.
 - Demonstrating the willingness and wherewithal to take decisive actions in the public interest.
 - Correcting breakdowns in systems and processes, if and when they arise.

Principles from the GOJ Corporate
Governance Framework, Public
Bodies Management &
Accountability Act, and the
Companies Act.

Corporate Governance Framework

- In 2011, the Government of Jamaica introduced a document entitled “Corporate Governance Framework for Public Bodies in Jamaica”
- The Framework *“...sought to clarify the governance framework within which Public Bodies must operate, taking into account lessons learnt from successful regional and international models”*

Corporate Governance Framework

*“The Corporate Governance Framework will seek to promote effective **systems of control** and accountability ... It will seek to strengthen the **governance accountability systems** of Public Bodies, in order to facilitate greater **probity, transparency** and **efficiency** in the functions of government”*

Corporate Governance Framework

Key Elements and Principles of the Framework

- Governance of Boards

- Responsible for strategic management and oversight.
- Serves as the focal point for Corporate Governance.

- Roles & Responsibilities of the Board

- The primary decision making authority of the Public Body.
- Its roles and responsibilities vis-à-vis executive management should be clearly documented.

Corporate Governance Framework

- Role of the Chairperson

- The Chairperson should be an independent outsider and hold no executive position or material connection with the Public Body.

- Role of the Chief Executive Officer (CEO)

- The CEO reports to the Board through the Chairperson.
- Accountable to the Board for the performance of the organization.

Corporate Governance Framework

- Board Selection & Appointment
 - Should be Transparent;
 - A clearly articulated and documented selection procedures should be employed.
 - Appropriately qualified and objective persons should be appointed.

Corporate Governance Framework

- Role & Independence of Audit & Internal Control Functions.
 - An effective and functioning Audit Committee should be established.
 - At least one member should be a qualified Accountant.
- Code of Ethics.
 - The Board, establishes the appropriate ethical guidelines and principles.

Corporate Governance Framework

- Role of the Board in Enterprise Risk Management.
 - The Board is responsible for developing the framework to manage risks across all functional areas and business units of the public body.

Corporate Governance Framework

- In support of each Element and Principle of the Framework, the document provides a full suite of recommended practices which can be adopted by Public Bodies.
- The complete GOJ Corporate Governance Framework for Public Bodies may be accessed at the following url:
<https://mof.gov.jm/documents/documents-publications/document-centre/file/167-revised-corporate-governance-framework-october-2012.html>

Public Bodies Management and Accountability Act (PBMA)

- Section 17 of the Public Bodies Management and Accountability Act provides for the Duty of Care, Disclosures, etc., of Directors and Officers.

Directors and Officers are required to:

- Act honestly ✓
- In good faith ✓
- In the best interests of the public body ✓

Public Bodies Management and Accountability Act (PBMA)

- Section 17 (2) – Conflicts of Interest
- A director who is directly or indirectly interested in any matter which is being dealt with by the board-
 - shall disclose the nature of his interest at a board meeting;
 - shall not take part in any deliberation of the board with respect to that matter.

The Companies Act

- Quite similarly to the PBMA, Sections 174 and 174A of the Companies Act of Jamaica makes provision for:
 - A Duty of Care
 - A Duty to Avoid Conflicts of Interest.

The Companies Act

- Section 174 provides that:

Every director and officer shall—

(a) act honestly and in good faith with a view to the best interest of the company; and (b) exercise the care, diligence and skill that a reasonably prudent person would exercise in comparable circumstances, including, but not limited to the general knowledge, skill and experience of the director or officer.”

The Companies Act

- Section 174A, provides, *inter alia*, as follows:

“174A. ---(1) Subject to subsection (9), it shall be the duty of the director of a company to avoid circumstances which, whether directly or indirectly, constitute a conflict of interest or may result in a conflict of interest with the interests of the company...”

Conflicts of Interest

$$(x + a)^n = \sum_{k=0}^n \binom{n}{k} x^k a^{n-k} ?$$

A Concept for which Perception
and Reality are of equal
importance in Public Life!

Conflicts of Interest

- “A conflict of interest is deemed to arise if a person in public life or those exercising public functions, were to make or participate in the making of a decision in the execution of his office and at the same time knows or ought reasonably to have known that in the making of the decision, there is an opportunity either directly or indirectly to further his private interest or that of a member of his family or any other person” – Code of Conduct for Persons in Public Life in TCI

Practical Conflict of Interest Scenarios

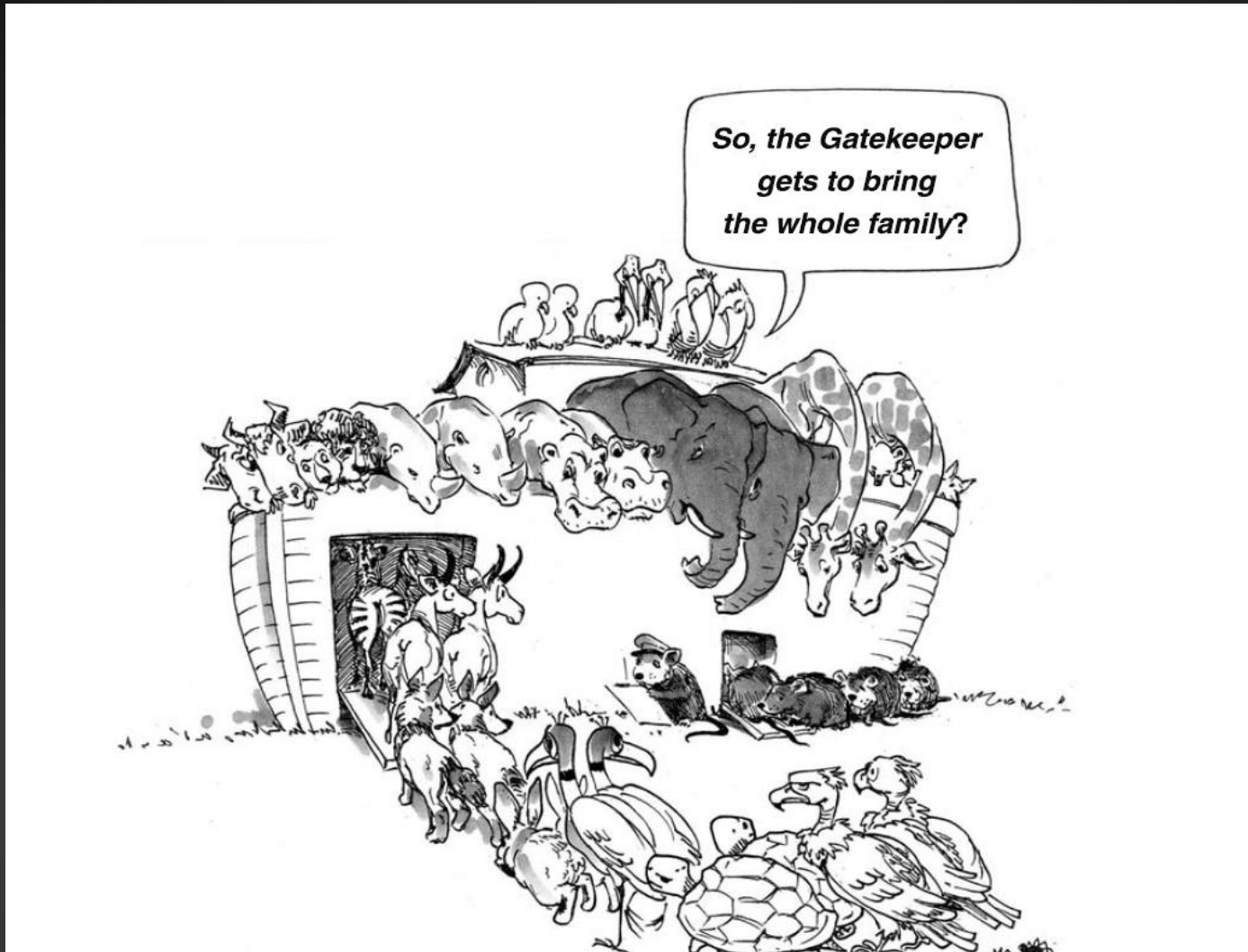
- A conflict of interest may be deemed to exist under any of the following circumstances:
 - Engaging in private activity similar to official functions;
 - Using information and/or any material gained from official position for private gain;

Practical Conflict of Interest Scenarios

- Exploiting the status and privileges of one's position for private gain;
- Soliciting and/or accepting payment and/or any other consideration relating to the performance of or neglect of official duties;

Practical Conflict of Interest Scenarios

- Conflicts of Interests may either be **real** or **perceived**.
- Either scenario can undermine efforts at good governance, damage the credibility of persons in public life and destroy public perception and trust in the apparatus of government.



Extracted from “Managing Conflict of Interest in the Public Sector – A Toolkit” –
OECD Publishing -available at <https://www.oecd.org/gov/ethics/49107986.pdf>

Guide to Managing Conflicts of Interest

Recommended Approaches:

- Office of the Services Commission –
 - Inform the appropriate authority of any perceived conflict of interest,
 - Seek clarification; and
 - Get permission.

Guide to Managing Conflicts of Interest



When in Doubt –

- Declare and document the conflict – real or perceived.
- Recuse oneself and abstain from any involvement in the process.
- Obtain guidance on how to treat with the conflict of interest.
- Be guided by the Public Interest.

The Roles and Responsibilities of Parliament

- Chapter 5 of the Constitution of Jamaica, provides that Parliament is given power to make laws for the peace, order and good government of Jamaica.

The Roles and Responsibilities of Parliament

Parliament and, consequently, Parliamentarians, are seized with the authority and power to:

- Promulgate laws and regulations to promote good governance, transparency and integrity in public life.
- Create the tone and tenor of how the public trust is to be honored by its elected representatives and appointed officials.
- The Fight Against Corruption Starts here!!
 - Promulgating Effective Anti-Corruption Laws;
 - Reviewing the sufficiency and effectiveness of the anti-corruption legislative framework.

The Roles and Responsibilities of the Cabinet

- The Cabinet of Jamaica:
 - The highest decision making body in the Executive.
 - Responsible for the general direction and control of the Government.
 - The principal instrument of policy – a duty which extends to the development of policies that will inform the country's fight against corruption.

The Roles and Responsibilities of the Cabinet

Cabinet has a responsibility to:

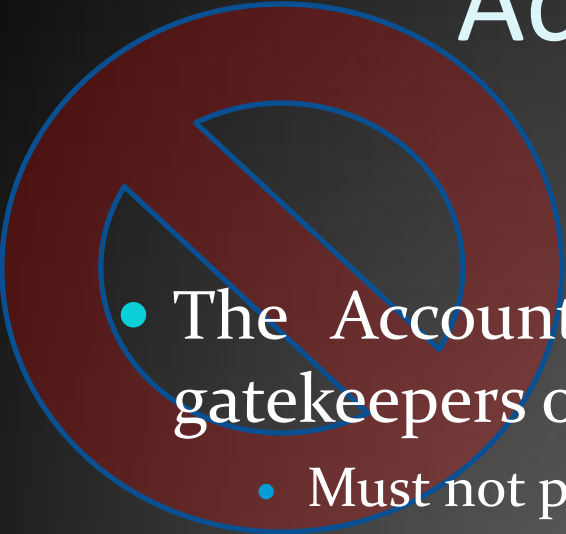
- Constantly review, assess and improve government policy.
- Define the standards by which public officers and officials must adhere.
- Develop the framework by which to hold public officers/officials accountable.
- Constantly adapt strategy and policy to ensure a heightened degree of responsive, efficiency and accountability within the public service.

The Role of Accounting and Accountable Officers

The Financial Administration and Audit Act provides the following definition of Accounting and Accountable Officers:

- “Accounting officer” means any person designated as such by the Minister pursuant to section 16 and charged with the duty of accounting for expenditure on any service in respect of which moneys have been appropriated under this Act or under any other enactment;
- “Accountable officer” means any public officer, including an accounting officer, concerned in or responsible for the collection, receipt, custody, issue or payment of public moneys or other public property;

The Role of Accounting and Accountable Officers

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- The Accounting and Accountable Officers are the gatekeepers of the public trust and public purse.
 - Must not permit wrong to occur.
 - Corrects irregularity and impropriety.
 - Responsible for ensuring the proper discharge of duties and responsibilities of assigned agencies and officers.

The Role of Accounting and Accountable Officers

- Must provide unbiased and objective professional guidance to Ministers in keeping with standard practices.
- Ensuring that the highest degree of fiduciary responsibility is exercised.

The Role, Responsibilities and Duties of Public Officers

- Public Officers, by the very nature of the services provided and duties which are performed and conferred with a position of trust.
- It is therefore the duty of every Public Officer to act in good faith, exercise sound judgement and to discharge his duties faithfully, in the public interest and within agreed standards and timeframes.

The Role, Responsibilities and Duties of Public Officers

- The Institute of Public Procurement of Canada references the role and commitment of Public Officers as follows:

“As professionals, public servants play a vital role in society. They are committed to the highest degrees of integrity. They are committed to deliver the best administration possible. They are committed to fair and transparent governance, to delivering high quality services, to a stewardship of government funds that will maximize cost-effectiveness and for accountability. Public servants are committed to the improvement of the policy-making and service delivery abilities of the state....” - https://www.ipac.ca/iPAC_EN/About_Us/Public_Sector_Ethics.aspx

Questions and Answers