



National Integrity Systems
Transparency International
Questionnaire

United Kingdom 2004

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United Kingdom

The National Integrity System Indicators

Questionnaire

Executive

Can citizens sue Government for infringement of their civil rights?

Formal or Legal Position

Yes. Citizens have the right to apply for judicial review and to seek redress under human rights legislation.

What Actually Happens

It is an extremely rare occurrence, but the Human Rights Act now allows for damages to be rewarded.

Are there procedures for the monitoring of assets, including disclosure provision, for Cabinet and other Government Ministers?

Formal or Legal Position

Yes, the Ministerial Code of Conduct states that Ministers should declare financial interests to their Permanent Secretary, Ministerial colleagues, and the Prime Minister. In addition, each Minister must complete the Register of Members' Interests that applies to all MPs.

What Actually Happens

Procedures are followed in practice.

Are there procedures for monitoring of assets, including disclosure provisions, for high-level officials?

Formal or Legal Position

Public Bodies – no – disclosure/monitoring of assets is not in the Public Bodies code of conduct, although rules against conflicts of interest are there (see below).

Civil Servants – no - disclosure/monitoring of assets is not in the Civil Service code of conduct, although rules against conflicts of interest are there (see below).

What Actually Happens

Procedures are followed in practice.

Are there any differences in procedures and disclosure provisions between elected ministers, appointed ministers and high-level officials?

Formal or Legal Position

Yes.

What Actually Happens

Procedures for disclosure, and in particular monitoring of assets, apply far less to high-level officials, with the exception of local government members.

Are there conflict of interest rules for ministers?

Formal or Legal Position

Yes - Ministers are advised but not required to declare in writing any financial interests that may lead to a conflict, which are then disclosed to Ministerial colleagues. This rule applies to the ministers themselves, their partners, children and close associates. In addition, each Minister must abide by the Code of Conduct and the Register of Members' Interests that applies to all MPs.

What Actually Happens

Procedures followed in practice.

Are there conflict of interest rules for high-level officials?

Formal or Legal Position

Civil Servants – yes – see paragraph 8, Civil Service code of conduct.

Special Advisers – yes – paragraph 5, Special Advisers code of conduct.

Public Bodies – yes – Cabinet Office model codes of conduct recommends that all public bodies draw up rules for conflict of interests including a register of members' interests.

What Actually Happens

The code is generally adhered to.

Are there rules and registers concerning gifts and hospitality for Ministers?

Formal or Legal Position

Yes - all receipts of gifts must be reported to the Permanent Secretary. Gifts of a value of under £140 may be retained, although if they are worth more than £125, gifts must be declared in the Register of Member's Interests.

What Actually Happens

With some rare but notable exceptions, procedures are followed in practice.

Are there rules and registers concerning gifts and hospitality for high-level officials?

Formal or Legal Position

Public Bodies – yes – Cabinet Office model codes of conduct recommend that all public bodies draw up rules for conflict of interests including a register of members interests.

There are also registers of interests for MP's Secretaries and also MP's Researchers.

What Actually Happens

There have been a small number of abuses, which, when discovered, have resulted in adverse publicity.

If so, are these registers kept up to date? By whom?

Formal or Legal Position

MPs' and associated Parliamentary registers - Register on Members' Interests, the Register of All-Party Groups, the Register of Interests of Members' secretaries and Research Assistants, the Register of Journalists' Interests and the Approved List of All-Party Parliamentary Groups and Associate Parliamentary Groups – are maintained by the Parliamentary Commissioner for Standards along with the Registrar of Members' Interests. Investigations are directed to the Committee for Standards and Privileges.

What Actually Happens

Registers are updated annually or if/when the rules of registration are altered, as happened in 2002.

Have they legal powers to enforce disclosure?

Formal or Legal Position

The Committee has power under its Standing Order to send for persons, papers and records; to order the attendance of any Member before it; and to require that specific documents in the possession of a Member relating to its inquiries or to the inquiries of the Commissioner be laid before it.

What Actually Happens

Such demands can be avoided, as was the case of Keith Vaz. However, such action can itself lead to disciplinary procedures. The decisions of the Committee are usually followed and implemented.

Have they staff to investigate allegations?

Formal or Legal Position

Yes.

What Actually Happens

In a report of 2003, the Parliamentary Commissioner called for more investigative staff, despite the fact that the number of complaints to the Commissioner has fallen recently.

What powers of sanction are in place against parliamentarians?

Formal or Legal Position

Parliamentarians can be suspended for periods of time.

What Actually Happens

This does occur. The Commissioner has suggested the power to fine MPs.

Have they ever been invoked?

Formal or Legal Position

Yes.

What Actually Happens

Vaz was suspended for a month (2002); Clive Betts suspended for a week (2003); Michael Trend suspended for two weeks (2003).

What powers of sanction are in place against ministers who are also parliamentarians?

Formal or Legal Position

As above.

What Actually Happens

As above.

Have they ever been invoked?

Formal or Legal Position

Yes. Ministers have been subject to rulings of the Committee.

What Actually Happens

As above.

What powers of sanction are in place against ministers who are not parliamentarians?

Formal or Legal Position

Ministers who are not Parliamentarians will be members of the House of Lords and, as such, will be subject to the Code of Conduct for Lords.

What Actually Happens

The Code and the requirements of the Register have been implemented.

Have they ever been invoked?

Formal or Legal Position

In principle.

What Actually Happens

There have been no cases.

Are there restrictions on post ministerial office employments?

Formal or Legal Position

Yes – Ministers consult the Independent Advisory Committee on Business Appointments if they wish to take up a paid business appointment within two years of leaving office.

What Actually Happens

Procedures followed in practice but no minister has been debarred or delayed in taking up an appointment.

Are members of the executive obliged by law to give reasons for their decisions?

Formal or Legal Position

Yes. By judicial review.

What Actually Happens

This has happened; e.g., the Pergau Dam case.

Do Ministers or equivalent high-level officials have and exercise the power to make the final decision in ordinary contract award and licensing cases? Is this power limited to special circumstances?

Formal or Legal Position

The relevant Secretary of State can take final decisions. This usually only happens in government-to-government contracts (such as arms sales contracts).

What Actually Happens

There are occasions when governments have overridden civil service advice to promote major contracts.

Are there administrative checks and balances on decisions of individuals of the executive?

Formal or Legal Position

Yes. Ministers may be questioned in Parliament. The NAO may, although it cannot investigate government policy, may investigate actual expenditure.

What Actually Happens

Ministers are required to account for their decisions and the NAO has drawn attention to decisions of ministers in terms of why certain expenditures were incurred.

Legislature

Is the legislature required to approve the budget?

Formal or Legal Position

Yes – HM Treasury produces the annual Finance Bill, which is normally published in early January and is considered by Parliament in the Spring, with Royal Assent being given by the start of May.

What Actually Happens

Government uses its parliamentary majority to have the budget approved.

Are there significant categories of public expenditure that do not require legislative approval? (which departments does this involve, what is their expenditure and what percent does this represent of the government's annual expenditure?)

Formal or Legal Position

Yes – there are 834 public bodies comprising approximately 22 000 members. They account for £377 million of public money.

Secret service funds are not fully accounted for in government estimates and expenditure.

What Actually Happens

Chief Executives and Chairs of public bodies may be called before the Committee of Public Accounts.

Is there conflict of interests rules for parliamentarians?

Formal or Legal Position

Yes – MPs must register their interests within 3 months of their election, in the Register of Members' Interests, which is updated annually and is available to the public.

What Actually Happens

Procedures are followed in practice.

Are there rules and register concerning gifts and hospitality?

Formal or Legal Position

Yes – gifts worth more than 1% of salary made to either an MP or their partner must be registered in the Register for Members' Interests.

What Actually Happens

Procedures are followed in practice.

If so, are these registers kept up to date? By whom? Have they legal powers to enforce disclosure?

Formal or Legal Position

The Register for Member's Interests is maintained by the Registrar for Member's Interests, who works with the Parliamentary Commissioner for Standards. The Commissioner also investigates complaints made against MPs, in which case he/she reports to the Select Committee for Standards and Privileges, which acts as the adjudicator.

The Committee has power under its Standing Order to send for persons, papers and records; to order the attendance of any Member before it; and to require that specific documents in the possession of a Member relating to its inquiries or to the inquiries of the Commissioner be laid before it.

What Actually Happens

The Register is updated annually, or whenever new procedures come into effect, as they did in 2002.

Have they staff to investigate allegations?

Formal or Legal Position

Yes.

What Actually Happens

The Commissioner has recently requested that additional staff be made available purely for investigative purposes.

What powers of sanction are in place against parliamentarians?

Formal or Legal Position

Parliamentarians can be suspended.

What Actually Happens

Although rare, it does occur.

Have they ever been invoked?

Formal or Legal Position

Yes.

What Actually Happens

MPs usually re-register and/or apologise to the House before sanctions are imposed. Others will serve their period of suspension or resign.

Are there restrictions on post legislature employment?

Formal or Legal Position

No.

What Actually Happens

N/A.

Electoral Commission

Is there an independent Electoral Commission (if not, are the arrangements for elections in the hands of agencies who are widely regarded as being non-partisan)?

Formal or Legal Position

Yes – the Electoral Commission was established in November 2000, following recommendations made in the Committee on Standards in Public Life's 5th report (1999).

What Actually Happens

The Commission is seen as non-partisan and has made plain its intention to enforce rules on reporting of funds to parties.

Who appoints the Head of the Commission?

Formal or Legal Position

All Commissioners (including the Chairman) have been appointed by Royal Warrant to exercise the functions of the Commission. They are independent, non-partisan and are accountable directly to Parliament.

What Actually Happens

N/A.

Political Parties

Are there rules on political party funding?

Formal or Legal Position

Yes – outlined in Political Parties, Elections and Referendums Act 2000 (PPERA).

What Actually Happens

Failure to comply with any part of the act can result in criminal charges against the party. None have been brought as yet.

Are substantial donations and their sources made public?

Formal or Legal Position

Yes.

What Actually Happens

There is no ceiling on the amount that can be donated, although all political parties must submit a quarterly donation report to the Electoral Commission, listing all donations of £5000 or more accepted by party headquarters. Parties must also report any donations made to branches of £1000 or more. During a general election political parties must provide weekly reports of donations worth £5000.

Donors themselves must register with the commission if they donate £5000 or more to an organisation or more than £1000 to an individual within a calendar year.

Are there rules on political party expenditures?

Formal or Legal Position

There are rules on campaign expenditure, as set out in PERA Part V.

What Actually Happens

For parties contesting elections to the UK Parliament, the campaign expenditure limit is £30,000 per seat contested.

Are political party accounts published?

Formal or Legal Position

Yes.

What Actually Happens

Procedures followed in practice.

Are accounts checked by an independent institution, are they published and are they submitted to parliament?

Formal or Legal Position

Under PPERA Part III, party accounts must be sent to the Electoral Commission.

What Actually Happens

Procedures followed in practice – as of March 2003.

Does that institution start investigations on its own initiative?

Formal or Legal Position

If PPERA Part III is breached the Electoral Commission have the power to appoint an independent auditor.

What Actually Happens

The power has not been invoked to date.

Who appoints the Head of the institution?

Formal or Legal Position

The head of the Electoral Commission is appointed by Royal Warrant.

What Actually Happens

N/A.

Supreme Audit Institution

Is the national auditor general independent? i.e. Is the appointment of the general auditor required to be based on professional criteria/merit?

Formal or Legal Position

Yes. The Comptroller and Auditor General is a public officer, reporting to Parliament.

What Actually Happens

The Comptroller and Auditor General is a respected public officer.

Is the appointee protected from removal without relevant justification?

Formal or Legal Position

Yes.

What Actually Happens

N/A.

Are all public expenditures audited annually?

Formal or Legal Position

Yes - NAO is responsible for the financial auditing of all government departments and agencies. It also conducts audits on approximately half the NDPBs in the UK as well as some foreign clients. In total this amounts to 550 bodies being auditing, at a value of £650 billion per year in expenditure and revenue. The NAO reports to Parliament.

What Actually Happens

HM Treasury aims to improve this system further by producing an audited set of accounts for the whole of the public sector, a process to be known as Whole Government Accounts (WGA). WGA will hopefully be instituted by 2005-06. Local authorities (who are currently audited by District Audit) will be included within WGA when the coverage of the accounts is extended from central government to the whole of the public sector.

Is reporting up to date?

Formal or Legal Position

Yes.

What Actually Happens

Since 1983, the NAO has also produced approximately 50 value for money reports per year for Parliament, which considers the economy, efficiency and effectiveness of public spending.

Are reports submitted to a Public Accounts Committee and/or debated by the legislature?

Formal or Legal Position

Yes – the NAO reports to Parliament and must bring to its attention any “material misstatements or irregularities”, which may then be considered by the Committee for Public Accounts (PAC).

What Actually Happens

The PAC works alongside the NAO, investigating approximately 40-50 NAO reports each year. During these investigations the committee takes evidence from HM Treasury appointed Accounting Officers. The PAC may subsequently produce a follow up report to which the government responds within two months. After this response either the NAO or PAC may decide to conduct a further investigation.

Are all public expenditures declared in the official budgets?

Formal or Legal Position

Yes.

What Actually Happens

There are some exceptions, such as the security services. There is also a grey area surrounding limited companies that are formed by public bodies.

Judiciary

Have the courts the jurisdiction to review the actions of the executive (i.e. Presidency, the Prime Minister's and their officials)?

Formal or Legal Position

Yes – through the process of judicial review.

What Actually Happens

Judicial reviews have taken place.

Are judges/investigative magistrates independent? i.e. Are appointments required to be based on merit? Are the appointees protected from removal without relevant justification?

Formal or Legal Position

Yes and no.

What Actually Happens

Judges and magistrates are appointed on merit, but (up until June 13th, 2003) they were appointed by the Lord Chancellor, who is himself appointed by the Prime Minister. Therefore there is not an entirely clear-cut distinction between executive and judiciary. Furthermore lay magistrates (approximately 29,000) are appointed by the Lord Chancellor who consults with local advisory committees. The composition of the advisory committee is kept secret, and potential magistrates can put their own names forward for selection, or else are nominated by a body such as a trade union or political party. This selection process can be seen as controversial in so much as there is little accountability in the selection of such an important post, and there is a suspicion that some appointments could be made for personal or political reasons.

Are recruitment and career development based on merit?

Formal or Legal Position

Yes.

What Actually Happens

The Lord Chancellor ultimately decides upon all appointments, and therefore some political suspicions may remain. It must be noted that the position of the Lord Chancellor is, however, in limbo. It was effectively abolished on June 13th, 2003, but no distinct alternatives have yet been implemented. The government's favoured option is for a publicly elected judiciary.

Have there been instances of successful prosecutions of corrupt senior officials in the past 3 years?

Formal or Legal Position

No.

What Actually Happens

N/A.

Civil Service

Are there laws establishing criminal and administrative sanctions for bribery?

Formal or Legal Position

Yes:

- 1889 Public Bodies Corrupt Practices Act.
- 1906 Prevention of Corruption Act.
- 1916 Prevention of Corruption Act.
- 2001 Anti-Terrorism, Crime and Security Act.
- Common Law offence of Bribery.

What Actually Happens

These acts are currently being replaced by an all-embracing Corruption Bill, which was produced as a draft in March 2003.

Are there rules requiring political independence of the civil service?

Formal or Legal Position

Yes – paragraph 5 of the Civil Service Code of Conduct explicitly demands impartiality to every administration.

What Actually Happens

The role of Special Advisers is slightly different. Special Advisers are technically temporary Civil Servants under Article 3 of the Civil Service Order. They also have their own specific Code of Conduct, which explicitly states that special advisers do not have to independent, because Ministers appoint them directly. However there are strict limits on an adviser's capacity to campaign politically.

Are recruitment/career development rules based on merit?

Formal or Legal Position

Yes.

What Actually Happens

Career appointments are invariably made on merit. Again, Special Advisers are an exception to this rule. Paragraph 4 of their Code of Conduct states: "they [special advisers] are exempt from the general requirement that civil servants should be appointed on merit and behave with political impartiality and objectivity so that they may retain the confidence of future governments of a different political complexion."

Are there specific rules to prevent nepotism? (note: rules discriminating positively in favour of marginalized or minority groups are not included in this description).

Formal or Legal Position

Not specifically.

What Actually Happens

Rules for recruitment are clearly merit based, which therefore preclude appointments through nepotism.

Are there rules (including registries) concerning acceptance of gifts and hospitality? By whom?

Formal or Legal Position

No registers exist for Civil Servants, although paragraph 8 of their Code of Conduct clearly states: "civil servants should not misuse their official position or information acquired in the course of their official duties to further their private interests or those of others. They should not receive benefits of any kind from a third party which might reasonably be seen to compromise their personal judgement or integrity."

What Actually Happens

N/A.

Have they legal powers to enforce disclosure?

Formal or Legal Position

No.

What Actually Happens

N/A.

If so, are these registers kept up to date? By whom? Have they staff to investigate allegations?

Formal or Legal Position

N/A.

What Actually Happens

N/A.

Are there restrictions on post public service employment?

Formal or Legal Position

Yes – Section 1.7 of the Civil Service Management Code.

What Actually Happens

Civil servants may be subject to a range of restrictions or delays to taking up appointments but rarely do they affect the movement of civil servants to the private sector.

Are procedures and criteria for administrative decisions published (e.g. for granting permits, licenses, bank loans, building plots, tax assessment, etc?)

Formal or Legal Position

Yes.

What Actually Happens

The public may challenge these and most government departments and public sector agencies have complaint and redress procedures.

Are there complaint mechanisms for public servants and whistleblower protection measures?

Formal or Legal Position

Yes- Paragraph 8 of the Code of Conduct states Civil servants must report any instances where they feel that they have been asked to behave illegally, improperly or unethically.

What Actually Happens

Whistle blowing legislation exists, with protection afforded through employment legislation and the employment tribunal system.

Are there means of complaints by members of the public?

Formal or Legal Position

Yes. There is a range of procedures for formal redress.

What Actually Happens

There are a number of tribunals and committees dealing with the official decisions. Further complainants may ask a Member of Parliament to request that the independent Parliamentary Commissioner for Administration (the Ombudsman) investigates the complaint and how it has been handled. If the Ombudsman is satisfied that the complaint has been dealt with fairly, he will close the case.

Police and Prosecutors

Is the commissioner of police independent? i.e. are appointments required to be based on merit?

Formal or Legal Position

There is no single commissioner of police nor a single national police force.

What Actually Happens

Chief Constables of each of the 43 regional police forces in England and Wales are selected by the relevant police authority, which adds a potentially political dimension to their position. Police authorities are made up of: Local Authority members (selected by their relevant local authority); Magistrate members, who are chosen by the relevant Magistrates Court Committee; and Independent members, who are appointed by the Councillor and Magistrate members of the Police Authority, following a selection process involving an Independent Selection Panel and the Home Secretary.

Is the appointee protected from removal without relevant justification?

Formal or Legal Position

Yes.

What Actually Happens

In certain cases it has been for political pressure to be brought to bear upon a Chief Constable. For example, following the Inquiry into Stephen Lawrence's death the then Home Secretary, Jack Straw, publicly criticised the then Chief Constable of the Metropolitan Police, Paul Condon.

Are public prosecutors independent?

Formal or Legal Position

No in theory.

What Actually Happens

The Director of Public Prosecutions, who heads the Crown Prosecution Service, is appointed by the Attorney General, who is a member of the government's Law Officers' Department.

Are there special units for investigating and prosecuting corruption crimes?

Formal or Legal Position

Yes:

- The Economic and Specialised Crimes Unit of the Metropolitan Police (Public Sector Fraud Unit).
- Individual fraud squads in police forces.
- Serious Fraud Squad.
- CPS - Casework and Policy Directorate (specialised anti-corruption unit employing four full-time prosecutors).

What Actually Happens

In London, the Public Sector Fraud Unit looks at all corruption cases (including overseas cases), and some immigration cases. Its current caseload is 53 reactive jobs (where they investigate in the basis of allegations made to them from external sources) and 5 proactive jobs (generated internally, where the police target areas of concern or where police intelligence suggests criminal activity may be involved). The reactive jobs are primarily investigating local government, although 3 cases are dealing with central government departments (1 case of contract fraud and 2 cases of fraudulent expenses claims) and there are a small number of cases dealing with the NHS.

Is there an independent mechanism to handle complaints of corruption against the police?

Formal or Legal Position

Yes – the Police Complaints Authority (PCA), which will be replaced in 2004 by the Independent Police Complaints Commission.

What Actually Happens

Appointments to the PCA are made by the Home Secretary, which gives a political edge to the selection process. In addition to the PCA, most police forces now also operate professional standards units (PSUs) to work alongside traditional complaints and discipline

departments. PSUs are proactive rather than reactive to complaints. PSUs comprise an intelligence cell, and one or more operational teams. They can mount their own investigations of officers.

Does civil society have a role in such a mechanism?

Formal or Legal Position

Yes.

What Actually Happens

There are independent members of the PCA.

In the last five years, have police officers suspected of corruption been prosecuted (or seriously disciplined or dismissed)?

Formal or Legal Position

Yes.

What Actually Happens

Such cases are extremely uncommon. Probably the most high-profile case in recent years, Operation Lancet, ended in an unusual fashion. The officer in question admitted full responsibility for all disciplinary charges, and left the force, only to run successfully for election as the Mayor of Middlesbrough.

Are there any cases of corruption within the prosecuting agencies?

Formal or Legal Position

Yes.

What Actually Happens

Extremely rare.

Which legislative instruments can be used by the police and public prosecutors for the investigation and prosecution of cases of corruption/bribery?

Formal or Legal Position

- 1889 Public Bodies Corrupt Practices Act.
- 1906 Prevention of Corruption Act.
- 1916 Prevention of Corruption Act.
- 2001 Anti-Terrorism, Crime and Security Act.
- Common Law offence of Bribery.

What Actually Happens

A number of police forces have professional standards units to investigate police corruption.

Is the law applied?

Formal or Legal Position

Yes.

Is private-to-private corruption punishable by law?

Formal or Legal Position

Yes. The 1906 Act.

What Actually Happens

It is applied by the police and the SFO. In recent years there have been a number of high profile cases.

Is the law applied?

Formal or Legal Position

Yes.

What Actually Happens

It is applied by the police and the SFO. In recent years there have been a number of high profile cases.

How many cases of prosecution have been undertaken in the past years? How many have been successful? If the number is low, are there other effective measures or other good reasons why the number is low?

Formal or Legal Position

The police prosecute around 40-60 cases of corruption each year.

What Actually Happens

In most cases convictions are secured.

Public Procurement

Do rules for public procurement require competitive bidding for all major procurements with limited exceptions?

Formal or Legal Position

Yes – section 5 of the procurement policy guidelines (in Government Accounting, ch.22) states: Goods and services should be acquired by competition unless there are compelling reasons to the contrary.

EC requirements are also followed.

What Actually Happens

The rules are usually followed in practice.

Are the rules laid down in documents publicly accessible?

Formal or Legal Position

Yes – legal and policy framework is contained in ch 22 of Government Accounting, available on the OGC website. Procurement rules are also subject to EU procurement directives, which were implemented in the UK in 1992 (also available on the OGC website).

What Actually Happens

As above.

Are there strict formal requirements that limit the extent of sole sourcing?

Formal or Legal Position

Yes.

What Actually Happens

Under EU regulations public bodies can engage in sole sourcing, although it is overwhelmingly more common to advertise for and publish a list of preferred tenders.

Are all major public procurements widely advertised to the private sector?

Formal or Legal Position

Yes, all public procurements over £100 000 value must be advertised in the appropriate press.

What Actually Happens

Principles followed in practice.

Are procurement decisions made public?

Formal or Legal Position

Yes, although access to many decisions may be limited and citizens may not understand where such information may be found.

Is there a procedure to request review of procurement decisions?

Formal or Legal Position

Yes.

What Actually Happens

Procedures are not consistent, as each public body has their own regulations laid down in their own standing orders. Furthermore, some bodies (for example many Housing Associations) are reluctant to engage in reviews of decisions. Usually the NAO may investigate procurement arrangements in government departments.

Can an unfavourable decision be reviewed in a court of law?

Formal or Legal Position

Yes – there is a standard procedure under common law to challenge “perverse judgements” of public bodies.

What Actually Happens

Decisions are occasionally challenged.

Are there provisions for blacklisting of companies proved to have bribed in a procurement process?

Formal or Legal Position

There is no formal provision to blacklist companies.

What Actually Happens

N/A.

Are there rules and procedures to prevent nepotism/conflict of interest in public procurement?

Formal or Legal Position

Yes, although again different bodies are subject to different rules as established in their standing orders.

Are assets, incomes and life styles of public procurement officers monitored?

Formal or Legal Position

No, they are subject to the normal public service rules and procedures on conduct as noted above.

What Actually Happens

N/A.

Ombudsman

Is there an ombudsman or its equivalent (i.e. an independent body to which citizens can make complaints about mal-administration)?

Formal or Legal Position

Yes – the Parliamentary Ombudsman's powers and responsibilities are set out in the Parliamentary Commissioner Act 1967.

Is the ombudsman independent? i.e. Are appointments required to be based on merit? Is the appointee protected from removal without relevant justification?

Formal or Legal Position

Yes – the Ombudsman is independent of the government, and is an Officer of the House of Commons. He/she is officially appointed by the Queen.

What Actually Happens

The Ombudsman operates independently and the reports are published.

Has an ombudsman been removed without relevant justification in the last five years?

Formal or Legal Position

No.

Can petitioners complain anonymously if they fear possible reprisals?

Formal or Legal Position

Yes.

What Actually Happens

Anonymous complaints cannot be acted upon although they are allowable in principle. All complaints must be sent to the Ombudsman through a local MP on a specific form that requires identification details. The Ombudsman does, however, guarantee confidentiality.

Are reports of the ombudsman published?

Formal or Legal Position

Yes.

What Actually Happens

Not every case is published, but many are. The latest report of investigations was published in July 2003 – the Ombudsman concluded 2235 cases in 2002/03.

Does the government act on the ombudsman's recommendations?

Formal or Legal Position

Yes.

What Actually Happens

The government acts on the vast majority of the Ombudsman's conclusions, although he/she has no official power to personally enforce any recommendations.

Investigative/Watchdog Agencies

Are there special investigative or watchdog agencies?

Formal or Legal Position

There is a wide variety of public body watchdog agencies in the UK.

What Actually Happens

For a list of many agencies see <http://www.bioa.org.uk/BIOA-New/UKOmbudsmen.htm>

What are their main responsibilities: Investigation; Prevention; Education and Awareness, Prosecution.

Formal or Legal Position

Each of the agencies operates different responsibilities. Many are simply there to investigate complaints.

What Actually Happens

There is a range of effective agencies.

Are they independent? i.e. Are appointments required to be based on merit? Are appointments generally based on merit?

Formal or Legal Position

The appointments are made on merit.

What Actually Happens

As above.

Are the appointees protected from removal without relevant justification?

Formal or Legal Position

Yes.

Are their reports published (other than when criminal charges are pending)?

Formal or Legal Position

Yes.

What Actually Happens

As above.

Do they report publicly to the legislature on the general scope of their work?

Formal or Legal Position

Yes.

What Actually Happens

As above.

Can people complain to the agency without fear of recrimination?

Formal or Legal Position

Yes.

What Actually Happens

As above.

Media

Is there a law guaranteeing freedom of speech and of the press?

Formal or Legal Position

No.

What Actually Happens

There are limits placed upon freedom of expression and of the press: libel, slander, obscenity, privacy and others.

Is there censorship of the media?

Formal or Legal Position

Generally, no.

What Actually Happens

Subject to the above constraints.

Is there a spread of media ownership?

Formal or Legal Position

Yes.

What Actually Happens

UK has 20 national newspapers (Daily and Sunday), which are owned by 7 companies, as well as 5 terrestrial television channels, and over 200 cable channels available on subscription. Some cable channels have links with the printed media. The BBC is a nationalised broadcaster with 2 terrestrial channels, 6 cable channels, and 5 national radio channels all paid for via a licence fee.

Does any publicly-owned media regularly cover the views of government critics?

Formal or Legal Position

Yes.

What Actually Happens

Government criticism is extremely common, and has recently led to a head on collision between the BBC and the government regarding the role of intelligence during the build-up to the Iraq War.

Have journalists investigating cases of corruption been physically harmed in the last five years?

Formal or Legal Position

No.

Does the media carry articles on corruption?

Formal or Legal Position

Yes but the number of newspapers and television channels carrying out investigations has diminished.

What Actually Happens

Corruption stories regularly appear in the liberal newspapers.

Do media licensing authorities use transparent, independent and competitive criteria and procedures?

Formal or Legal Position

Yes.

Are libel laws or other sanctions (e.g. withdrawing of state advertising) used to restrict reporting of corruption?

Formal or Legal Position

Yes.

What Actually Happens

Several prominent corruption cases have been restricted in the media due to libel suits being pursued against the press and/or television, e.g. Aitken, Hamilton, etc.

Civil Society

Does the public have access to information and documents from public authorities?

Formal or Legal Position

Yes. A Freedom of Information Act will come into effect in 2005.

What Actually Happens

Public information is widely disseminated in websites and in printed forms.

Do the public authorities generally co-operate with civil society groups?

Formal or Legal Position

Yes.

What Actually Happens

Civil society groups are often consulted by government and parliamentary committees, although obviously not all of their suggestions are adhered to.

Are there citizen's groups or business groups campaigning against corruption?

Formal or Legal Position

Yes.

What Actually Happens

There are an increasing number of charitable and voluntary organisations concerned with issues of ethical culture on numerous levels. Some organisations are internationally focussed (e.g. Transparency International); others (e.g. Public Concern at Work, Institute of Business Ethics) are concerned with business ethics and working practices; as well as human rights organisations, and environmental groups. There are also ethical businesses (such as Trade Direct, or the Co-operative Bank) that appear to give developing nations a "fairer deal".

Are there citizen's group monitoring the government's performance in areas of service delivery, etc?

Formal or Legal Position

No.

What Actually Happens

As above.

Do citizen's groups regularly make submissions to the legislature on proposed legislation?

Formal or Legal Position

Yes.

What Actually Happens

Civil society groups are often consulted by government and parliamentary committees, although obviously not all of their suggestions are adhered to.

Does the education system pay attention to integrity issues and corruption/bribery? Is it expected to?

Formal or Legal Position

No, nor is it expected to.

What Actually Happens

As above.

Regional and Local Government

Are there, at regional and local level, rules and disclosure provisions similar to those operating at national level on nepotism, conflict of interest, gifts and hospitality, and post public office employment?

Formal or Legal Position

Yes.

What Actually Happens

Local Government Act 2000 legislates that all local authorities must ensure a register of interests dealing with disclosure, assets, conflicts of interest and gifts and hospitality issues. There are also Standing Orders governing such matters as procurement.

What public offices at regional and local level are appointed by the national government?

Formal or Legal Position

In local government – no. For regional public bodies – yes.

What Actually Happens

As above.

Is there a legal requirement that meetings of city/town councils be open to the press and public?

Formal or Legal Position

Since 1984, subject to confidential matters.

What Actually Happens

Most meetings are open to the public, but they do not have to be by law. Section 22 of the Local Government Act 2000 states Meetings of a local authority executive, or a committee of such an executive, are to be open to the public or held in private. However, any meetings held privately must keep written records, which are then available to the public.

Are there clear criteria restricting the circumstances in that city/town council can exclude the press and public?

Formal or Legal Position

Section 22(2) of the Local Government Act 2000 stipulates that it is for a local authority executive to decide which of its meetings, and which of the meetings of any committee of the executive, are to be open to the public and which of those meetings are to be held in private.

What Actually Happens

As above.

Do national agencies with a remit to deal with corruption (anti-corruption agencies, ombudsmen, supreme audit institutions, and so on) work at regional or local levels and are there specific agencies with regional and local responsibilities?

Formal or Legal Position

Yes, several local, regional and national agencies operate in this area.

What Actually Happens

- Police – criminal investigations.
- Local Government Ombudsman – deals with maladministration.
- Standards Board – Ethical Standards Officers investigate complaints made against local authorities.
- District Audit – operates a Fraud Network, which is divided into 5 areas: 4 English regions (Northern, Central, South West and South East and London), and Wales.
- Local authorities must also each have a Monitoring Officer and a Standards Committee (comprising a mix of elected councillors and appointed independent members) to help self-regulation.

Progress with Government Strategy

Has the government announced an anti-corruption strategy and a timetable for implementation?

Formal or Legal Position

There has been no publicly announced overall strategy.

What Actually Happens

Many government departments (Home Office, MoD, HMT) have established their own anti-corruption strategies.

How much of the strategy has been implemented?

What Actually Happens

N/A.

Is the strategy at national level or regional/local level?

What Actually Happens

N/A.

Is the government meeting its own timetable?

Formal or Legal Position

N/A.

What Actually Happens

N/A.

Donor Anti-Corruption Initiatives

Which bilateral and multilateral donor agencies are based in the country?

N/A.

What types of anti-corruption initiatives have they supported?

N/A.

Are there any examples of donors cooperating or coordinating their programs?

N/A.

Future Research and Donor Support

Can key areas or issues be identified in terms of corrupt activity that the research for the report has demonstrated as requiring immediate attention, and which are they?

See Key Issues in UK corruption report.

Is there a particular aspect of corrupt activity either particular to the country concerned, or significant in terms of effect or impact, that would require more in-depth research?

See Key Issues.

Is there a particular approach or initiative to combating corruption that may be considered for further research or study as an example of best practice?

Inter-agency coordination and cooperation.

Can key areas or issues relating to possible anti-corruption initiatives be identified as requiring donor support.

N/A.

Can key areas or issues relating to anti-corruption initiatives be identified in terms of forming the basis for potential donor prioritization, sequencing, cooperation and coordination?

N/A.