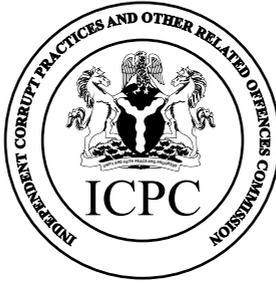




**INDEPENDENT CORRUPT PRACTICES
AND OTHER RELATED
OFFENCES COMMISSION (ICPC)**

**STANDING ORDER
FOR THE**

**OPERATIONS
OF
ANTI-CORRUPTION AND
TRANSPARENCY UNITS (ACTUs)
IN
MDAs
2023**



STANDING ORDER

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(ACTUs)

IN

MDAs

2023

PREAMBLE

WHEREAS the Federal Government has considered and approved the request of the Commission for the establishment of Anti-Corruption and Transparency Units (ACTUs) in MDAs vide circulars Ref. No. OHCSF/MSO/192/94 dated 2nd October, 2001, circular Ref. No. OE/MS/MSO/196/S1/7 dated 16th April, 2003 and another circular Ref. No. OHCSF/SPSO/CSTD/314/T2/61 dated 5th October, 2016 respectively.

WHEREAS the Federal Government of Nigeria has established the Independent Corrupt Practices and Other Related Offences Commission pursuant to Section 3(1) of the Corrupt Practices and Other Related Offences Act 2000 AND WHEREAS Section 7 (1) of the Act 2000 and Section 70 of the same Act 2000 vested the Chairman of the Commission with powers to make “Standing Orders” and also to make rules respectively for giving effect to the provisions of the Act 2000.

THESE Guidelines are hereby made for the smooth operation of the Anti-Corruption and Transparency Units (ACTUs) in Ministries, Departments and Agencies (MDAs) of government and shall empower ACTUs to carry out their responsibilities within the MDAs.

1.0 SHORT TITLE AND COMMENCEMENT

These guidelines may be cited as, the Standing Order for the Operations of the Anti-Corruption and Transparency Units (ACTUs) in Ministries, Departments and Agencies (MDAs) 2023 and shall come into force on the 1st day of

January 2023. This Standing Order supersedes and replaces the previous Standing Order in operations before this date.

2.0 INTERPRETATION

2.1 In these guidelines,

- (a) “The Commission” means Independent Corrupt Practices and Other Related Offences Commission.
- (b) “The Act 2000” means Corrupt Practices and Other Related Offences Act, 2000.
- (c) “The Unit” means Anti-Corruption and Transparency Unit.
- (d) “MDAs” means Ministries, Departments and Agencies. This shall also include institutions and all establishments of Government.
- (e) “Sub-Unit” means a Unit under another Unit in a Ministry, Department or Agency.

3.0 STATUS OF THE UNIT

3.1 The Anti-Corruption and Transparency Unit in each organization shall operate as an autonomous outfit, with functional linkage with the office of the Chief Executive of the respective establishment. The independence and protection of the Unit shall be guaranteed by each establishment for the effective discharge of its mandate.

3.2 Organizations with operational offices across the country shall, where necessary, and with the directives of the Commission, establish Sub-Units in such offices, provided that the Sub-Units shall be responsible to the main Unit

3.3 Units in Departments and Agencies that are self-accounting shall report directly to the Commission and not to their supervising establishment; provided that Units in such Agencies shall be in regular consultation with one another and the supervising establishment's Unit.

4.0 COMPOSITION OF THE UNIT

4.1 The membership of the Unit in each MDA shall depend on the size, peculiarities or complexity of the organization concerned but shall not be less than five and not more than 12.

4.2 Unit Members shall be composed of experienced, competent, transparent and honest officers within the Organisation.

4.3 The Head of the Unit shall be an officer of Management level, not being less than Grade Level 16 in large establishments. However, lower salary grade level officers not below Grade Level 15 could be appointed to head the Unit in Departments, Agencies and Parastatals where there is a dearth on GL 16 in such Organizations.

4.4 Other members of the Unit shall be drawn from both Management and Senior Level Cadres not below Salary Grade Level 08.

4.5 Selection of members of the Unit shall as much as possible be spread over relevant professional skills and special interests within the organization but shall ensure inclusion of officers from Accounting, Procurement and Audit Department/Unit.

4.6 Each Unit shall have a Chairman and Secretary from among its members.

5.0 APPOINTMENT OF THE UNIT MEMBERS

5.1 Members of the unit shall be appointed by the Permanent Secretaries, Directors-General or Executive Secretaries or the Chief Executive of the Establishment as the case may be.

5.2 The appointing authority shall ensure widespread consultation in the selection process as well as consider gender balance in the selection.

5.3 All appointments shall be subject to confirmation by the Commission after screening. List of Nominees and their detailed Curricula Vitae shall be forwarded to the ICPC as part of the Screening process.

5.4 In addition to members of the Units, other officers may be co-opted to perform specific functions.

6.0 TENURE

6.1 All members in whatever capacity shall hold office for a period of three (3) years and may be reappointed to serve

for another three (3) years subject to satisfactory performance. Any person who has served for two terms cannot be reappointed to serve for a third time in the same establishment.

6.2 Each appointment in the office referred to in paragraph 6.1 above shall be subject to ratification and confirmation by the Commission. Members shall be inaugurated by the Commission after confirmation and the date of inauguration shall be the commencement date of the tenure for each member.

6.3 Where any nominee is not available to take the oath along with other nominees, such absent nominee shall take the oath on another day no later than one month from the date of the inauguration or forfeits his/her membership on the Unit. The tenure of the nominee is however deemed to have commenced from the date of the inauguration of the Unit.

6.4 MDAs shall ensure stability and continuity on the job by avoiding the deployment and transfer of members from the Unit during their tenure except for career progression.

6.5 Each Unit shall notify Management of their respective organization as well as the Commission of the expiration of the tenure of the Unit. This notice shall be given three months prior to the date of expiration.

6.6 Where the Unit is inactive for a continuous period of 3 months, the Commission shall inquire in writing the cause of the inactiveness of the Unit and where such Unit remains

inactive after 6 months, the Commission shall request the Unit to be reconstituted and new persons selected. The tenure of the new Unit members shall commence from the date of inauguration.

7.0 DUTIES OF THE UNIT

The Unit shall perform all the duties detailed in Section 6 (a)-(f) of the Corrupt Practices and Other Related Offenses Act 2000, except that of prosecution. The Unit shall therefore perform the under-listed functions:

7.1.0 PRELIMINARY INVESTIGATION

7.1.1 The Unit shall undertake the preliminary investigation of each petition received with minimum delay and forward findings to the Commission. The decision as to whether further investigation and possible prosecution should be undertaken shall be that of the Commission as provided in the Act 2000.

7.1.2 Copies of such allegations and findings shall be sent to the Permanent Secretary, Director-General or Executive Secretary or Chief Executive of Organisations, except where any of the aforementioned officers is directly involved.

7.1.3 Cases involving Ministers and Permanent Secretaries Managing Directors, Directors-General or Executive Secretaries shall be forwarded to the Commission directly for necessary investigation and further action.

7.1.4 For the purpose of clarity and further guidance, the Unit shall conduct preliminary investigation into corrupt practices as contained in the following sections of the Corrupt Practices and Other Related Offences Act 2000, as follows:

- a) Section 8: Gratification by an official
- b) Section 9: Corrupt offers to the Public Officers
- c) Section 10: Corrupt demand by persons
- d) Section 11: Counseling offences relating to corruption
- e) Section 12: Fraudulent acquisition of property
- f) Section 13: Fraudulent receipt of property
- g) Section 14: Penalty of offences committed through postal system
- h) Section 15: Deliberate frustration of investigation by the Commission
- i) Section 16: Making false statement or return.
- j) Section 17: Gratification by and through agents, and definition of agent
- k) Section 18: Bribery of public officer.
- l) Section 19: Offence of using office and position for gratification.

- m) Section 21: Bribery in relation to auctions
- n) Section 22: Bribery for giving assistance etc, in regard to contracts
- o) Section 23: Duty to report bribery transactions.
- p) Section 24: Dealing with, using, holding, receiving or concealing gratification
- q) Section 25: Making of statement which is false or intended to mislead, etc.
- r) Section 26: Attempts, preparations, abetments and criminal conspiracies punishable as offence, delegation of Attorney-General's power to prosecute.

7.1.5 The Unit shall protect the identity of its informants at all times. Identity of informants/petitioners shall not be disclosed except to the Commission where requested.

7.2.0 MONITOR AND OVERSEE COMPLIANCE WITH CERTAIN CATEGORIES OF PUBLIC SERVICE RULES:

7.2.1 In order to avoid or minimize conflicts arising from an overlap of functions with the existing appropriate authorities responsible for enforcing discipline in each establishment, the following categories of misconduct and serious misconduct shall be monitored and reported on by the Anti-Corruption and Transparency Unit as follows:

(a) Suppression of Record: This is a Serious Misconduct as provided in Public Service Rule 030402(b) and it becomes a crime if the suppression is to cover up fraud or to cover up “corruption”, vide Section 28 of the Corrupt Practices and Other Related Offences Act, 2000.

(b) False Claim: The false claim provided in Public Service Rule 030402 (f) as Serious Misconduct becomes a crime under the Section 16 of the Corrupt Practices and Other Related Offences Act, 2000 if it was made by an officer in the course of his duty and against the Government or any of its Agencies.

(c) Corruption: Public Service Rule 030402 (k) defines “corruption” as a serious misconduct and by virtue of Section 2 (interpretation section) of the Act, 2000, that act includes “bribery, fraud and other related offences”. This, therefore, amounts to serious misconduct under the Public Service Rules and a crime under the Act 2000.

(d) Embezzlement: By virtue of Section 12 of the Corrupt Practices and Other Related Offences Act, 2000 embezzlement, recognized as a serious misconduct in PSR 030402 (l), is equally a crime.

(e) Dishonesty: Dishonesty is a misconduct in the Service under PSR 030301(g). The import of the provisions of Sections 25 (a) & (b) of the Corrupt Practices and Other Related Offences Act, 2000 is that dishonesty in the discharge of official duty, which may cause the Government financial or proprietary loss, is also a crime.

(f) Falsification of Records: This is a serious misconduct under 030402 of the Public Service Rules. The Falsification of Records becomes a crime by virtue of Section 16 and 25 of the Corrupt Practices and Other Related Offences Act, 2000, if the “falsification of records” is with respect to government finances or government proprietary interests.

7.3.0 SYSTEM STUDY AND REVIEW/ CORRUPTION RISK ASSESSMENT

7.3.1 The Unit shall examine the practices, systems and procedures in their respective establishments to identify existing corruption trends and block the loopholes as provided in Section 6 (b-d) of the Act 2000 not less than once in a year or as shall be directed by the Commission.

7.3.2 The Unit shall undertake Corruption Risk Assessment once in two years to proactively identify areas vulnerable to corruption and prevent such from occurring.

7.3.3 The Unit shall have power to make recommendations to the Management of their respective organizations pursuant to its functions.

7.3.4 After such exercises, the Unit shall submit a detailed report with recommendations to the Commission for appropriate action. Copies of such reports shall be sent to the Permanent Secretary or Chief Executive of the organization for implementation.

7.3.5 The Management of respective MDAs shall ensure that it puts necessary machinery in place to effect

implementation of the recommendations made to it by the Unit within 90 days of official receipt of such recommendations or proffer in writing, reasons for not implementing the recommendations.

7.3.6 The Commission shall monitor compliance with the System Study recommendations made and where necessary, take further action in the event that the Management of an MDA refuses to implement the recommendations.

7.4.0 ETHICS AND INTEGRITY COMPLIANCE:

7.4.1 The Unit shall be designated Anti-Corruption and Transparency Unit within the MDAs and for that purpose, is responsible for promoting Ethics and enforcing Integrity Compliance with ethical codes within the MDAs.

7.4.2 Each Unit shall develop and produce a Corruption Prevention Guide outlining definite procedures of its operations and remedial actions arising from conflicts and breaches.

7.4.3 Where not existing, each Unit shall, without prejudice to extant regulations, particularly the Public Service Rules, the National Anti-Corruption Strategy, the National Ethics Policy, the Code of Conduct for Public Servants, and other criminal codes of the Laws and Regulations of the Federal Republic of Nigeria, develop domesticated codes of ethics for staff of its organization. The code of ethics shall conform to the above-mentioned statutory laws.

7.4.4 Unit shall ensure strict compliance with these statutory provisions. Breaches shall attract strict sanctions which shall be clearly outlined in the code.

7.4.5 Any staff or Unit member found compromising the ethics of his/her duties shall be disciplined in accordance with the relevant sections of existing anti-corruption and disciplinary regulations operational within the Public Service and the Federal Republic of Nigeria as appropriate.

7.5.0 MONITORING BUDGET IMPLEMENTATION

7.5.1 It shall be the duty of the Unit to monitor and ensure compliance in respect of the provisions in the annual budget of their respective MDAs and forward to the Commission, a quarterly and annual report with a copy to their management.

7.5.2 The Unit shall monitor the implementation of all projects executed by their respective agency and forward the report to the Commission on quarterly and annual basis with a copy forwarded to their management.

7.6.0 OBSERVERS ON RELEVANT COMMITTEES

ACTU Members shall observe the proceedings of relevant Committees such as Senior Staff Committee (SSC), Junior Staff Committee (JSC), Public Procurement Committee (PPC), Technical Board Evaluation Committee (TBEC) and such other relevant Committees within the organisation as OBSERVERS in compliance with the provisions of the

extant circular ref: OHCSF/SPSO/CSTD/314/T2/61 dated 5th October, 2016.

7.7.0 COORDINATION OF THE DEPLOYMENT OF THE ETHICS AND INTEGRITY COMPLIANCE SCORE CARD

The Anti-Corruption and Transparency Unit of each MDA shall coordinate the deployment of Ethics and Integrity Compliance Scorecard within their respective organisations in collaboration with the Commission to monitor and assess compliance standards.

7.8.0 EDUCATION AND PUBLIC ENLIGHTENMENT STRATEGIES

7.8.1 Unit members shall submit themselves to such training as may be organized by the Commission or by any other body as may be approved by the Commission to enable them effectively perform their functions.

7.8.2 Each Unit shall conduct in-house training/sensitization for the staff of its organization through workshops, seminars and any method appropriate and shall for this purpose, submit a report of its training programmes to the Commission.

7.8.3 The Unit shall constantly sensitize staff of their respective agencies on the provisions of the National Ethics and Integrity Policy and shall take steps to ensure the domestication of the content of the policy in their organisation.

7.8.4 In furtherance to staff education and enlightenment, the Unit shall produce information, education and communication (IEC) materials on anti- corruption such as stickers, handbills, flex banners, billboards, calendars etc to constantly sensitize staff and stakeholders on corruption.

8.0 REWARD SYSTEMS FOR ROLE MODELS

8.1 Each Unit shall at the end of each year present awards, commendations and appreciation to staff of the organization who consistently demonstrate integrity and professional conduct in service delivery. Members of the Unit may be rewarded for outstanding service during or after their tenure.

8.2 Each Unit shall recommend to the Management of their organisation that a letter of commendation be written to deserving member(s) of organization for their integrity and outstanding performance.

8.3 Award such as Anti-Corruption and Transparency Unit Outstanding Award of the year” may be instituted and given to identified outstanding members in the organization.

9.0 COORDINATION OF WHISTLEBLOWING POLICY/PLATFORMS:

9.1 Without prejudice to the National Policy on Whistleblowing and in furtherance of the extant circular ref: HCSF/PS/SDO/90/I/152 dated 3rd November, 2021 on Deployment of Anonymous Reporting System (ARS), the Unit shall develop a domesticated whistleblowing policy for their respective organisation.

9.2 The Unit shall put up viable whistleblowing channels such as complaint boxes, emails, phone numbers etc. within their organisation to promote whistleblowing by staff and stakeholders.

9.3 Unit members shall protect whistleblowers against victimization or recrimination by the organisation. Any perceived victimization shall be reported to the Commission.

9.4 The Commission shall investigate reported cases of victimization against Staff and ACTU members and where established, the Commission shall ensure that appropriate steps are taken as necessary.

10.0 **MEETINGS**

Each Unit shall meet once every month and the ICPC Desk Officer shall be expected to attend at least one of the meetings in each quarter. Minutes of such meetings shall be forwarded to the Commission quarterly.

11.0 **INTEGRITY ASSESSMENT FORUM:**

Each Unit shall organize in their respective organizations, at least one public forum every calendar year for integrity and performance evaluation where staff of the organization and the Commission shall be invited to partake in the review of the activities of the respective Unit.

12.0 ANNUAL REPORT OF ACTIVITIES

At the end of every calendar year, the Unit shall submit Annual Reports to the Commission.

13.0 FUNDS FOR THE UNIT

13.1 Ministries, Departments and Agencies shall ensure compliance to the provisions of the extant circular ref: OHCSF/SPSO/CSTD/314/T2/61 dated 5th October, 2016 directing Management of MDAs to create a separate budgetary line for the Anti-Corruption and Transparency Units in the annual budget of the MDA for effective operations of the Units.

13.2 MDAs who fail to comply with the provisions of the above circular on funding, the ACTU of such MDAs shall be perceived to be inactive which may lead to poor rating on the Commission's Evaluation templates.

13.3 In furtherance to the above failure to fund the ACTU, such MDAs shall be reported to appropriate authorities for such failure in addition to being subjected to other enforcement action by the Commission.

13.4 The Chairman of the Unit shall be in charge of the Unit's Funds.

13.5 Unit shall submit quarterly financial reports to Management as well as to the Commission.

13.6 Sitting Allowance which shall be provided for in the budget of the Unit shall be paid to members of the Unit.

13.7 The Unit, through their Management may source for technical/financial support or assistance for its projects and programmes from development agencies and may, with approval of the Management, collaborate with any of such agencies in the implementation of its programmes.

14.0 ACTION PLAN

14.1 Each Unit shall prepare an Action Plan for its activities before the beginning of every calendar year and shall make copies available to the Management and the Commission for approval.

14.2 The action plans shall contain specific deliverables as well as monitoring and evaluation plans to assess progress and impact.

15.0 OFFICE ACCOMMODATION

In order to ensure operational effectiveness of the Unit, organizations shall provide adequate, functional, strategically located and secured office accommodation for the Unit.

16.0 ROLE AND RESPONSIBILITY OF MANAGEMENT

16.1 Management shall in words and conduct, exemplify and demonstrate zero tolerance for corruption and professional misconduct.

16.2 Management shall promulgate/endorse a compliance charter or value statements and promote the Ethics and Compliance agenda.

16.3 Management shall be responsible for the selection of the right caliber of Staff into Anti-Corruption and Transparency Unit membership.

16.4 Management shall provide dedicated funding lines in the MDAs budget in compliance with the extant circular ref: OHCSF/SPSO/CSTD/314/T2/61 dated 5th October, 2016 to ensure adequate funding and effectiveness of the Anti-Corruption and Transparency Unit.

16.5 Management shall promote a whistle-blower culture and provide whistle-blower protection and shall work with the Unit to incorporate best practices, such as protocols for investigating complaints, help-line statistics, and internal reporting.

16.6 Management shall champion values and ethical re-orientation amongst staff and ensure continuing education in compliance and ethics and buy-in by all staff.

16.7 Management shall promote the effective publicity of the Units and their operations amongst staff, end-users and external stakeholders.

16.8 Management shall ensure prompt attention to the Units' recommendations with respect to rewards and sanctions.

16.9 Management shall provide effective leadership through demonstration of commitment to the public good, incorruptibility, institutional intelligence, competent management, consistency of goals and conduct.

17.0 ROLE AND RESPONSIBILITY OF THE COMMISSION

The Commission, towards facilitating the attainment of the guidelines contained in the Standing Orders, shall:

17.1 Organize, at least once a year a joint meeting of the Commission with Ministers, Permanent Secretaries, Chief Executives and other relevant Heads of organisations and personnel to review the performance of the Units.

17.2 Conduct a compliance evaluation and performance assessment of each Unit on yearly basis and may, in the discharge of this function, co-opt any other non- member or external body.

17.3 Make public the report of its findings with the performance rating of each Unit as in 17(b) above.

17.4 Collaborate with the Office of the Head of Service of the Federation and Office of the Secretary to the Secretary to the Government of the Federation in undertaking oversight functions and treatment of ACTU complaints.

17.5 In the first quarter of every year, the Commission shall organize a conference for all ACTU Chairpersons and Secretaries to review the activities of the previous year and map out strategies for improved performance of the Units.

17.6 Organize annual zonal roundtable session for ACTUs to improve the capacity of unit members.

17.7 Designate Desk officers not below Salary Grade Level 08 to interface with and guide the activities of the Units in each MDA.

18.0 ROLE AND RESPONSIBILITY OF DESIGNATED ICPC DESK OFFICERS

18.1 Desk Officers shall serve as the primary liaison officers between the Commission and the Anti-Corruption and Transparency Unit.

18.2 They shall be responsible for effective reporting on the activities of the Units from their assigned MDA.

18.3 They shall give and guide Units in the discharge of its functions.

18.4 They shall be in attendance at one of the Units monthly meetings in each quarter and monitor activities of the Unit and its members.

18.5 They shall assist the Units to develop and participate in continuing education programmes and relevant trainings to acquire skills relevant to the work of the Unit.

18.6 Where an ICPC ACTU Desk Officer assigned to an MDA fails to effectively discharge his or her duties, the Organisation shall make a formal report to the Commission on such desk officer and request a replacement.

19.0 AMENDMENT AND REPEAL

Pursuant to the provision of Section 70 of the Corrupt Practices and Other Related Offences Act 2000, the Chairman of the Commission may amend or repeal any item contained in these guidelines as necessary.

ADDENDUM

For the Purpose of the Unit's function in Rules 7.4.0 on the development of Corruption Prevention Guide and Code of Ethics for their respective Organisations, the Unit may make reference to the suggestions below on possible content of the Codes:

The Unit shall develop an Ethics and Integrity Compliance Advisory Program to guide personnel on staff conduct and discipline as follows:

- a) Identify, monitor and manage risks to organizational integrity systems
- b) Promote prevention strategies to mitigate institutional integrity vulnerabilities and ethical breaches
- c) Design compliance programs to ensure adherence to statutory standards, rules, regulations, codes, laws, procedures, timelines with respect to the implementation of ethics and integrity regimes within the MDAs.
- d) Implement capacity development programs to empower and enhance ethics capabilities.

- e) Provide ethics advisory services to educate and advise on ethical decision making.
- f) Provide tools on how to resolve ethical dilemmas.
- g) Improve a culture of accountability, responsibility, professionalism and quality of service in line with professed institutional goals and core values.
- h) Uncover trends in the nature, scope and depth of compliance with ethics and anti-corruption protocols, corruption incidences and misconduct.
- l) Assist the organization to develop standards to guide the ethical approach to business.
- j) Educate other staff of the organization on general ethical issues that impact on organizational performance and service delivery.
- k) Coordinate the development, processing and dissemination of information regarding ethical issues (e.g., guides, brochures, Internet-based information, publications, posters, etc).
- l) Coordinate the processing of ethics complaints and other information regarding non-compliance or breaches of ethics standards, and develop mechanisms for redress.
- m) Coordinate with senior management of the organization to set the direction of the institutional ethics policy and implement ethics programs across the organization.

- n) Coordinate with management to provide them feedback and advise on the implementation and enforcement of the institution's ethics programs.
- o) Research and analyze trends in institutional compliance and ethics programs and design mechanisms to continuously improve the organization's ethics and compliance programs.
- p) Represent the organization in external forums on institutional ethics and compliance policy issues and programs.
- q) Monitor, report and provide advice on integrity principles contained in the following statutory instruments:
 - i. Provisions of the National Ethics Policy
 - ii. Provisions of the National Anti-Corruption Strategy
 - iii. Principles and requirements of organizational specific codes of conduct for each MDA.
Also the Codes shall prescribe the following among other things:
 - (a) Staff shall declare conflict of interest on all official issues, including recruitment, procurement and investigation.
 - (b) Staff shall ensure strict adherence to Public Service Rules, the National Anti-Corruption Strategy and the National Ethics Policy in the conduct of all official duties.

- © Staff shall be transparent in all dealings and are required to be accountable.
- (d) Staff shall be honest and live above board always, not putting self and organization in compromising position but acting with integrity, complying with relevant provisions and principles of the National Ethics Policy, the National Anti-Corruption Policy, the Public Service Rules, as well as other norms and requirements that prohibit corrupt behaviours in the Laws and Regulations of the Federal Republic of Nigeria.
- (e) In cases where personnel report on corruption incidences or integrity breaches, retaliation on or against such staff either by persons or the organization to which he belongs or any other organization for that matter is strictly prohibited. Neither, shall staff engage in witch- hunting and vendetta or be used to witch hunt other colleagues for any reason.
- (f) Staff shall always exhibit and observe the principles of confidentiality in their duties.
- (g) Staff shall swear to an oath of office before assuming duty and must abide by that oath of allegiance at all times.
- (h) Staff in undertaking their duties and obligations shall do so thoroughly, dutifully and diligently.

- (l) Staff shall attend meetings and other official engagements regularly and punctually.
- (j) Staff shall not confer on themselves any undue advantage or collect gratification, either from individuals, groups, contractors, clients and/or the MDA who might want to show appreciation for patronage, as such could be used to influence judgment.
- (k) Staff whose interests are in conflict with their official functions shall declare such interest and stay away from further involvement in the instance.
- (l) Staff and Unit members shall under no circumstances disclose the names of a petitioner to the subject of the petition.
- (m) No member of the Unit shall handle a petition unilaterally without recourse to other members.
- (n) Unit members must in all circumstances conduct thorough preliminary investigations to establish the merit or demerit of reports or petitions and shall not jump to conclusions on the face value of petitions.
- (o) Decisions taken at Unit meetings shall remain confidential, except when it becomes necessary to inform the Chief Executive of the MDA.
- (p) Under no circumstances shall a Unit member be engaged in or allow himself to be used in witch-hunting or vendetta of any kind.

CIRCULAR

Ref: No. OHCSF/MSO/192/94

Office of the Head of Service of the Federation
The Presidency
Federal Secretariat, Phase II.
Abuja

2nd October, 2001

Chief of Staff to the President,

Deputy Chief of Staff to the Vice-President,

Honourable Ministers,

The Secretary to the Government of the Federation,

All Special Advisers

All Service Chiefs/Inspector-General of Police,

Chairman, Federal Civil Service Commission,

All Permanent Secretaries,

The Clerk of the National Assembly,

Auditor-General for the Federation,

Accountant-General of the Federation,

Chief Registrar, Supreme Court of Nigeria,

All Directors-General and Chief Executives of
Extra-Ministerial Departments.

**ESTABLISHMENT OF ANTI-CORRUPTION AND TRANSPARENCY
UNITS IN MINISTRIES/EXTRA-MINISTERIAL
OFFICES/AGENCIES/PARASTATALS**

You will recall that, in furtherance of the determination of the present Administration to effectively fight corruption on a sustainable basis, the Federal government has established the Corrupt Practices and Other Related Offences Commission for the Implementation of the provisions of the Corrupt Practices and Other Related Offences Act, 2000. Government has also considered and approved the request of the Commission for the establishment of an Anti-Corruption and Transparency Unit in every Federal Ministry and Extra-Ministerial Office, Agency and Parastatal.

2. Consequently, the President, Commander-in-Chief of the Armed Forces, has approved that the Units should be set up under the following guidelines:

(a) **Position of the Unit Within the Ministries/Agency**

The Anti-Corruption and Transparency Units should operate as autonomous outfits with functional linkages with both the Ministers and the administrative heads responsible for their respective establishments.

b) **Personnel**

- (i) The Units should be headed by experienced, competent and transparently honest officers on Grade Level 15 in order to enhance effectiveness and efficiency in addition to facilitating interaction and relationship at the management level.
- (ii) The size of the Units and the manning level should be based on the size of each establishment, the complexity of its

operations and the degree of opportunity for corrupt practices.

(iii) Any person of Integrity, probity, transparency and impeccable character could be deployed to serve in the Unit regardless of his/her cadre. The Staff will be provided by their respective establishments at the take-off stage. The list of such staff should first be forwarded to this Office and the Independent Corrupt Practices and Related Offences Commission for clearance. Thereafter they should be adequately trained by the Commission. It is expected that the commission will take over full responsibility for the Units from the year 2002.

© The Unit Head may be assisted by the following supporting staff who should be officers of transparent honesty:

(i) Investigation/Inspection Officers – GL 09 - 12

(ii) Enlightenment/Prevention Officers: GL 09 - 12

(d) **Screening/Assets Declaration**

Officers deployed to the Unit shall not only be screened thoroughly but shall also declare their assets.

(e) **Duties**

The Unit shall perform all the duties detailed in Section 6(a) - (f) of the Corrupt Practices and other Related Offences Act, 2000 except that of prosecution. It shall report all alleged/reported cases to the Commission with copies sent to the Minister and Permanent Secretary in the Ministry except where a Minister or Permanent Secretary is involved.

(f) Cases involving Ministers and Permanent Secretaries shall be copied to the Secretary to the Government of the Federation and

the Head of Service of the Federation respectively for the Information of the President.

- (g) The Unit shall undertake the preliminary Investigation of each report with minimum delay and forward its findings to the Commission. The decision as to whether further Investigation and possible prosecution should be undertaken shall be that of the Commission as provided in the Act.
- (h) In order to avoid or minimize conflicts arising from overlap of functions with the existing appropriate authorities for discipline in each establishment, official misconduct has been classified into the following three categories:
 - (i) **Misconduct that should be appropriately handled by the Anti-Corruption Unit:**
 - (i) **Suppression of Record:** If the suppression is to cover up fraud or to cover-up "corruption", vide section 15 of the Corrupt Practices and Other Related offences Act, 2000, hereinafter referred to as the Anti-Corruption Law.
 - (ii) **False Claim:** The false claim provided in Public Service Rule 04401 becomes a crime under the Anti-Corruption Law if it was made by an officer in the course of his duty and against the Government or any of its Agencies.
 - (iii) **Corruption:** Public Service Rules 04401 defines "corruption" as a serious misconduct and by virtue of Section 2 of the Anti-Corruption Law, that "act" includes "bribery, fraud and other related offences". This, therefore, amounts to misconduct under the Public Service Rules and is a crime under the Anti-Corruption law.

- (iv) **Embezzlement:** By virtue of Section 12 of the Anti-Corruption Law, embezzlement, recognised as a serious misconduct in PSR 04401, is equally a crime.
 - (v) **Dishonesty:** Dishonesty is a serious misconduct in the Service under PSR 04401. The import of the provisions of Sections 19 and 25 of the Anti-Corruption Law is that dishonesty in the discharge of official duty, which may cause the Government financial or proprietary loss, is also a crime.
 - (vi) **Falsification of Records:** Falsification of records of any nature is a serious misconduct under Chapter 4 of the Public Service Rules. However, the falsification of records becomes a crime by virtue of Section 16 and 25 of the Anti-Corruption Law, if the "falsification of records" is with respect to government finances or government proprietary interests.
-) **Misconduct that should appropriately be handled by the Relevant disciplinary Committee:**
- (i) **Willful act or omission or general misconduct.**
 - (ii) **Conviction on a Criminal Charge:** Conviction of an officer for hard crime (other than minor traffic or sanitary offences) puts the integrity and conduct of the officer in question, hence it is misconduct under the Public Service rules. However, such a conviction, simpliciter, does not amount to a fresh crime under the Anti-Corruption Law.
 - (iii) **Absence From Duty Without Leave:** This is a serious misconduct in the Service and attracts the summary punishment of dismissal by virtue of PSR 04412. However, the element of crime required by law for such an officer to be prosecuted under the Anti-Corruption Law may not be

available. Such officers should be dealt with administratively.

(iv) **Disobedience of Lawful Order Such as Refusal to Proceed on Transfer or to Accept Posting etc:**

This is not only a serious misconduct under the PSR but is abhorrent to the social and moral fibre of a disciplined society. Yet, it has no element of crime as required by law for it to be brought under the Anti-Corruption Law. It therefore remains an administrative offence.

(v) **Negligence:** Negligence, simpliciter, is not a crime and cannot be punished under the Anti-Corruption Law.

However, negligence in the discharge of one's duty amounts to misconduct under the Public Service Rules.

(vi) **Serious Financial Embarrassment:** Public Service Rules define "Serious Financial Embarrassment" as "the state of an officer's indebtedness which, having regard to the amount of debts incurred by him, has actually caused serious financial hardship to him" This definition has no required elements of crimes for it to be dealt with under the Anti-Corruption Law.

(vii) **Engaging in Political Activities:** This cannot fall into the definition given to "corruption" by the Anti-Corruption Law.

(viii) **Unauthorized Disclosure of Official Information etc:** This act is a crime under the Official Secrets Act, Cap 335, LFN 1990, but not specifically provided for under the Anti-Corruption Law, hence may not be satisfactorily dealt with by the Anti-Corruption Unit. Since the act is both an offence under the Public Service Rules and also a crime under an Act of Parliament, an officer found guilty of same shall be dealt

with administratively while the criminal aspect is reported to the Police for investigation and subsequent prosecution under the appropriate law.

- (ix) **Fighting on Duty:** This may be a breach of peace under the relevant sections of the penal and criminal codes but not under the Anti-Corruption Law.
- (x) **Membership of Secret Societies:** This is a crime under the relevant existing laws but not under the Anti-Corruption Law and may be outside the purview of the Anti-Corruption Unit. Since it is a misconduct under PSR 04401, it should be handled administratively and its criminal aspect should be handed over to the Police.
- (xi) **Contravention of Any Provision of the Public Service Rules and Financial Regulations:**
This contravention remains a misconduct if there is no deliberate financial or proprietary benefits to the officer at the expense of Government.
- (xii) **Drunkenness.**
- (xiii) **Insubordination:** This deals with willful disobedience and refusal to submit to duly constituted Authority. It is clearly a misconduct and not a crime.
- (xiv) **Failure to Keep Records:** This failure per se, is an administrative frailty. However, where it is deliberate with the purpose of attracting inordinate financial or proprietary interest to oneself or relation at the expense of Government or its Agencies, the Anti-Corruption and Transparency Unit may deal with the matter.

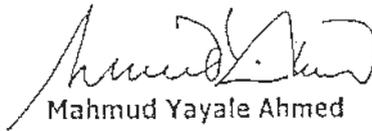
- (xv) **Foul Language:** This is purely an administrative misconduct and not a crime to be handled under the Anti-Corruption Law.
- (k) Regardless of what has been expatiated in (i) and (j) above, any type of misconduct could be handled by either the Anti-Corruption Unit or any of the existing Disciplinary Committees in the establishment depending on the circumstances under which the offence was committed and the motive for carrying out the act.
- (l) **Meetings**
The Units shall hold regular meetings not less than once a month, with a representative of the ICPC in attendance, to review their performance. The minutes/reports of such meetings shall be forwarded to the Office of the Head of the Civil Service of the Federation and the ICPC.
- (m) **Seminars**
The Office of the Head of Civil Service of the Federation, through the Management Services Office, shall organize seminars and workshops to sensitize different groups in the Service on the Anti-Corruption Act, 2000.
- (n) **Monitoring**
- (i) Every establishment is required to set up an Anti-Corruption Evaluation Committee under the administrative head of the Ministry, Office, Agency or Parastatal in order to effectively monitor the performance of the Units.
 - (ii) The ICPC shall organize a joint meeting, at least once a year, of the ICPC, Hon. Ministers, Permanent Secretaries, Chief Executives of Parastatals and other relevant persons to review the performance of the Units.

(o) **Returns on Disciplinary cases**

In order to ensure the effectiveness of the appropriate disciplinary bodies in the Public Service, all government establishments shall render regular returns on disciplinary cases to the Office of the Head of the Civil Service of the Federation.

4. Members of the ICPC and their officials will liaise with you and pay regular working visits to your establishments with a view to carrying out their duties as provided in the Anti-Corruption Act. You are enjoined to co-operate fully with them.

5. Please comply and report back to this Office within one month from the date of this Circular.



Mahmud Yayale Ahmed

Head of the Civil Service of the Federation

C I R C U L A R

Ref. No. OE/MS/MSO/196/S¹/7

Office of the Head of Civil Service of
the Federation,
The Presidency,
Federal Secretariat, Phase II,
Maitama – Abuja.

16th April, 2003.

Chief of Staff to the President,
Deputy Chief of Staff to the Vice-President,
Honourable Minister,
The Secretary to the Government of the Federation,
All Special Advisers,
All Service Chiefs/Inspector-General of Police,
Chairman, Federal Civil Service Commission,
All Permanent Secretaries,
The Clerk of the National Assembly,
Auditor-General for the Federation,
Accountant-General of the Federation,
Chief Registrar, Supreme Court of Nigeria,
All Directors-General and Chief Executives of
Extra-Ministerial Departments.

**ESTABLISHMENT OF ANTI-CORRUPTION AND
TRANSPARENCY UNITS IN MINISTRIES/EXTRA
MINISTERIAL OFFICES/AGENCIES/PARASTATALS**

Further to my Circular Ref. No. OHCSF/MSO/192/94 of 2nd October, 2001, and in view of enquiries concerning the current status of the Anti-Corruption and Transparency Units in various government establishments, it has become necessary to make the following clarifications:

- (i) the size of the Anti-Corruption Unit in each Ministry/ Extra-Ministerial Department shall continue to be based on the volume and complexity of its operations and the degree of opportunity for corrupt practices provided the number of officers attached to the Unit does not exceed seven (7); and
 - (ii) in consideration of the financial constraints still confronting the ICPC, the budgetary needs of the Units shall continue to be met by the respective Ministries and Extra-Ministerial Departments pending the effective take-over of the Units by the ICPC. Accordingly, Ministries and Extra-Ministerial Departments are expected to make separate budgetary provisions under the Anti-Corruption Units for smooth operations.
2. Please bring the contents of this Circular to the attention of all concerned.



**M. Yayale Ahmed, CFR
Head of Service of the Federation.**



OFFICE OF THE HEAD OF CIVIL SERVICE OF THE FEDERATION

The Presidency Federal Secretariat, Phase II,
Shehu Shagari Way, Central District, P.M.B. 248,
Abuja

Office / Dept.....
Ref No. **OHCSF/SPSO/CSTD/314/T2/61**

Telegrams: **HCSFEDGOVT**

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Date:**5th OCT, 2016.**

CIRCULAR

Chief of Staff to the President,
Deputy Chief of Staff to the Vice-President,
Honourable Ministers/Ministers of States
The Secretary to the Government of the Federation,
All Special Advisers,
Chairman, Federal Civil Service Commission,
All Permanent Secretaries,
All Service Chiefs/Inspector-General of Police,
The Clerk of the National Assembly,
Auditor-General for the Federation,
Accountant-General of the Federation,
Chief Registrar, Supreme Court of Nigeria,
All Directors-General and Chief Executives
of Extra-Ministerial Departments.

**RE: ESTABLISHMENT OF ANTI-CORRUPTION AND TRANSPARENCY UNITS IN
MINISTRIES/EXTRA-MINISTERIAL OFFICES/AGENCIES/PARASTATALS.**

Please recall Circular No. OHCSF/MSO/92/94 dated 2nd October, 2001 on
above subject.

2. In 2001, the ICPC established Anti- Corruption Units in MDAs to tackle corruption in civil service through preventive approaches and the institutionalization of a culture of Transparency and Accountability in the conduct of Government business.

3. Consequent upon the establishment of the Units in the MDAs, another Circular Ref. No. **OE/MS/MSO/i196/S.1/7** dated 16th April, 2003 (Funding Circular) was issued directing the Heads of MDAs to fund the activities of the Units in their respective MDAs, pending when ICPC would eventually take over such funding.

4. In 2013, through the collaborative efforts of the ICPC, OHCSF and the Justice for All programme, a select team of Assistant Directors were identified, trained and deployed to strengthen the Operations of the ACTUs in selected MDAs.

5. The ICPC developed Operational Guidelines known as 'Standing Order' for the Operations of the Anti- Corruption and Transparency Units (ACTUs) for guidance and efficiency of the ACTUs, this set of guidelines was revised in 2014.

6. ACTUs derive their powers from the provisions of Section 6(a)-(f) of the Corrupt Practices and other Related Offences Act, 2000, which empowers them to serve as compliance and ethics officers, with the sole aim of educating and enlightening their respective MDAs on the need for adherence to rules, regulations and upholding of ethical practices in the work place. ACTUs are also empowered to carry out preliminary and administrative investigations into cases of misconduct and refer to appropriate quarters as spelt out in the ACTU Standing Orders.

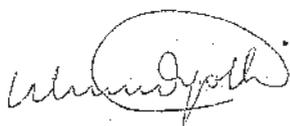
7. Functions of the ACTUs include:

- i. Educate and Enlighten the Public on Corruption and related offences;
- ii. Monitor Budget Implementation in MDAs;
- iii. Promote Ethics and Integrity through enforcing compliance with Ethical Codes in MDAs.
- iv. Conduct Preliminary/administrative Investigations when necessary;
- v. Undertake the Study and Review of Operational systems of MDAs, to improve transparency and accountability;

8. From the foregoing, I am to inform you that henceforth;

- i. *MDAs are mandated to create a Budget line for the funding and operation of ACTUs in MDAs annual budgets;*
- ii. *Anti-Corruption and Transparency Units (ACTUs) would be represented in Junior Staff Committee (JSC), Senior Staff Committee (SSC), Public Procurement Committee (PPC) and Technical Boards Evaluation Committee (TBEC) as observers only to enhance transparency of the various committees in the discharge of their duties.*

9. Attached are the Standing Order for the Operations of the Anti-Corruption and Transparency Units in MDAs and the Template for ACTU Quarterly Reports for your perusal and prompt compliance please.



Mrs. Winifred Ekanem Oyo-Ita FCA
Head of the Civil Service of the Federation.

