

# **STANDING ORDER**

*For the*

## **OPERATIONS**

*Of the*

# **ANTI-CORRUPTION AND TRANSPARENCY UNITS (ACTUs)**

*In*

**MDAs**

**2014**

## **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 circular Ref. No. OHCSF/MSO/192/94 dated 2nd October, 2001 and another circular Ref. No. OE/MS/MSO/196/S<sup>1</sup>/7 dated 16th April, 2003 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.

## **1. 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) 2014 and shall come into force on the 1st day of January 2014 and replace the previous Standing Order in operations before that 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 (No. 5)2000.
- (c) “The Unit” means Anti-Corruption and Transparency Unit.
- (d) “MDAs” means Ministries, Departments and Agencies.
- (e) “Sub-Unit” means a Unit under another Unit in a Ministry, Department or Agency.

## **3.0 STATUS OF THE UNIT**

3.1-1 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 MDA for the effective discharge of its mandate.

3.1-2 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

3.1-3 Units in Departments and Agencies that are self-accounting shall report directly to the Commission and not to their supervising Ministries; provided that Units in such Agencies shall be in regular consultation with one another and the supervising Ministry's Unit.

#### **4.0 COMPOSITION OF THE UNIT**

4.1-1 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.

4.1-2 The Head of the Unit shall be an officer of Management level, not being less than Grade Level 15; and may be appointed from an MDA other than his/her parent organization, especially in the case of large MDAs.

4.1-3 Selection of members of the Unit shall as much as possible be spread over relevant professional skills and special interests within the organization.

4.1-4 Each Unit shall have a Chairman and Secretary.

#### **5.0 APPOINTMENT OF THE UNIT MEMBERS**

- 5.1-1 The Chairman of the Unit shall be appointed by the Office of the Head of the Civil Service of the Federation while other Unit members shall be appointed by the Permanent Secretaries, Directors-General or Executive Secretaries as the case may be but shall ensure inclusion of officers with Accounting, Procurement and Audit backgrounds.
- 5.1-2 The appointing authority shall ensure widespread consultation in the selection process.
- 5.1-3 All appointments shall be subject to confirmation by the Commission after screening.
- 5.1-4 In addition to members, Units may co-opt officers to perform specific functions.
- 5.1-5 Each Unit shall be headed by an experienced, competent and transparently honest officer of not less than Salary Grade Level 15 in Federal Ministries. However, lower Salary Grade Level officers not below Grade Level 12 may be appointed to head the Unit in Parastatals, Agencies and Local Governments.

## **6.0 TENURE**

- 6.1-1 The Chairman, Secretary and other members of the Unit shall hold office for a period of three (3) years and may be reappointed for another three (3) years or redeployed to another MDA for same period but no more thereafter.
- 6.1-2 Each appointment in the office referred to in paragraph 6.1-1 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.

6.1-3 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 purposes of career progression.

6.1-4 Each Unit shall notify Management of their respective organization as well as the Commission of the expiration of their tenure in a particular MDA.

## **7.0 POWERS AND FUNCTIONS**

7.1-1 **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 cases of corruption to the Commission. Copies of the alleged cases of corruption shall be sent to the office of the Permanent Secretary, Director-General or Executive Secretary or any such office with similar status as the case may be, except where any of the aforementioned officers is directly involved.

7.1-2 Cases involving Ministers and Permanent Secretaries shall be copied to the Secretary to the Government of the Federation and the Head of Civil Service of the Federation respectively, for the information of the President of the Federal Republic of Nigeria; while those involving Managing Directors, Directors-General or Executive Secretaries or offices with similar status shall be copied to the supervising Minister as the case may be.

7.1-3 The Unit shall monitor report on, and provide advice with respect to compliance with the prohibitions covering behaviours that bear on 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 offer 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: Offences of using offices and position for gratification
- m) Section 20: Penalty for offences under section 8-19
- n) Section 21: Bribery in relation to auctions
- o) Section 22: Bribery for giving assistance etc., in regard to contracts
- p) Section 23: Duty to report bribery transactions
- q) Section 24: Dealing with, using, holding, receiving or concealing gratification
- r) Section 25: Making of statement which is false or intended to mislead, etc.
- s) Section 26: Attempts, preparations, abetments and criminal conspiracies punishable as offence, delegation of Attorney-General's power to prosecute.
- t) Section 27: Power to investigate reports and enquire into information

7.1-4 The Unit shall undertake the preliminary investigation of each petition 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.

## **8.0 MONITOR AND OVERSEE COMPLIANCE WITH CERTAIN CATEGORIES OF CIVIL SERVICE RULES:**

8.1.1 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 should be appropriately handled by the Anti-Corruption and Transparency Unit:

- (a) **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.
- (b) **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.
- (c) **Corruption:** Public Service Rules 04401 defines “corruption” as a serious misconduct and by virtue of Section 2 of the Anti-Corruption Law that acts 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.
- (d) **Embezzlement:** By virtue of Section 12 of the Anti-Corruption Law, embezzlement, recognized as a serious misconduct in PSR 04401, is equally a crime.
- (e) **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.
- (f) **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.

## **9.0 ETHICS AND INTEGRITY COMPLIANCE:**

9.1-1 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.

9.1-2 The Unit shall for the purpose of 9.1-1 above, 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.
- i) Assist the organization to develop standards to guide the ethical approach to government 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 organization'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 fora 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.

## **10.0 IMPLEMENTATION OF AN ETHICS AND COMPLIANCE SCORE CARD**

10.1-1 The Anti-Corruption and Transparency Unit of each MDA shall through an ethics and compliance instrument, monitor and assess ethics and compliance standards contained in the following instruments:

- a) The ICPC Act
- b) The provisions of the Public Service Rules that relate to corrupt practices, fraud and related offences.
- c) The National Anti-Corruption Strategy; and
- d) The National Ethics Policy as well as other standing rules and codes.

## **11.0 INTEGRITY ASSESSMENT FORUM:**

11.1-1 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 SYSTEM REVIEW**

- 12.1-1 The Unit shall examine the practices, systems and procedures in their respective establishments as provided in Section 6 (b-d) of the Act2000 not less than twice in a year or as shall be directed by the Commission.
- 12.1-2 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.
- 12.1-3 Unit shall have power to make recommendations to the management of their respective organizations pursuant to its functions.
- 12.1-4 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 60 days of official receipt of such recommendations or proffer in writing, reasons for not implementing the recommendations.
- 12.1-5 The Commission shall monitor compliance with the System Study recommendations made and where necessary, take

necessary action in the event that the Management of an MDA refuses to implement the recommendations.

### **13.0 MONITORING BUDGET IMPLEMENTATION**

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 mid-year and annual report with a copy to their management.

### **14.0 EDUCATION AND PUBLIC ENLIGHTENMENT STRATEGIES**

14.1-1 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.

14.1-2 Each Unit shall conduct in-house training for the staff of its organization through workshops, seminars and any method appropriate and shall for this purpose, submit its training programs to the Commission through their respective Desk Officers of the Commission.

14.1-3 Each Unit shall develop and produce a Corruption Prevention Guide outlining definite procedures of its operations and remedial actions arising from conflicts and breaches.

14.1-4 Unit members shall implement tasks outlined in the Action Plans for each Unit. The Action Plans shall contain specific deliverables as well as monitoring and evaluation plans to assess progress and impact.

## **15.0 GENERAL CODES OF ETHICS FOR STAFF AND ANTI-CORRUPTION AND TRANSPARENCY UNIT MEMBERS**

15.1-1 Each Unit shall, without prejudice to extant regulations, particularly with reference to the following: Public Service Rules; National Anti-Corruption Strategy; National Ethics Policy; Code of Conduct for Public Servants; and other criminal codes of the Laws and Regulations of the Federal Republic of Nigeria, develop codes of conduct for staff of organizations. The code of conduct shall conform to the above mentioned statutory laws, and shall ensure strict compliance with these statutory provisions; the breaches of which shall attract strict sanctions as clearly outlined in the code. Also the codes of conduct for staff of organizations shall, among others prescribe the following:

- (a) Declaration of conflict of interest in all official issues, including recruitment, procurement and investigation.
- (b) Strict adherence to Public Service Rules; the National Anti-Corruption Strategy; and the National Ethics Policy in the conduct of all official duties.
- (c) Transparency and accountability in all dealings.

- (d) Exhibit honest behavior and live above board, not putting self and organization in compromising position but acting with integrity always.
- (e) Non retaliation on, or against staff, either by persons, or the organization to which they belong, or any other organization for that matter, where personnel report on corruption incidences or integrity breaches.
- (f) Not to engage in witch- hunting and vendetta against staff of the organization for any reason.
- (g) Exhibit and observe the principles of confidentiality in all duties.
- (h) Swear to an oath of allegiance before assuming duty and abiding by the oath at all times.
- (i) Undertake duties and obligations, dutifully and diligently.
- (j) Attend meetings and other official engagements regularly and punctually.
- (k) Not to confer on themselves any undue advantage or collect gratification from individuals, groups, contractors, clients and/ or the MDA that may want to show appreciation for patronage; as such may be used to influence judgment.
- (l) Declare a conflict of interest in matters where such interests conflict with official functions, and to stay away from further involvement in the matter.
- (m) Not to, under any circumstances, disclose the names of a petitioner to the subject of a petition.

- (n) Not to, under any circumstances handle a petition unilaterally or without recourse to other members.
- (o) Conduct thorough preliminary investigations to establish the merit or demerit of reports or petitions, and not to jump to predetermined conclusions on the face value of petitions.
- (p) Ensure confidentiality in all decisions taken at Unit meetings, and not to divulge any information except when it is necessary to inform the Chief Executive of the MDA.

## **16.0 PENALTIES FOR THE VIOLATION OF INTEGRITY CODES**

16.1-1 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, including the Public Service Rules, Financial Regulations, National Anti-Corruption Strategy, National Ethics Policy, Codes of Professional Conduct as well as other anti-corruption provisions contained in the Laws and Regulations of the Federal Republic of Nigeria.

## **17.0 REWARD SYSTEMS FOR ROLE MODELS**

17.1-1 Each Unit shall present awards, commendations and appreciation to staff of the organization who consistently demonstrate integrity and good professional conduct in service delivery.

- 17.1-2 Each Unit shall recommend to the Commission that a letter of commendation be written to deserving member(s) of the organization for their integrity and outstanding performance.
- 17.1-3 Members of the Unit may be rewarded for outstanding service during or after their tenure. Unit shall give rewards and commendations to staff that give vital information during investigations and those that demonstrate high integrity. Award such as “Anti-Corruption and Transparency Unit Chairman’s Award of the Year” shall be instituted and given to outstanding staff in an organization.

**18.0 PROTECTION MECHANISMS FOR INFORMANTS AND UNIT MEMBERS**

- 18.1-1 Identity of informants/petitioners shall not be disclosed except to the Commission where requested.
- 18.1-2 Any perceived victimization shall be reported to the Commission.
- 18.1-3 The Commission shall investigate reported cases of victimization and where established, shall ensure that appropriate steps are taken as the justice of the matter may demand.

**19.0 FUNDING OF THE UNIT**

- 19.1-1 Ministries, Departments and Agencies shall make separate budgetary provisions under the Anti-Corruption and Transparency Unit, adequate for effective operations of the Units.
- 19.1-2 The Chairman of the Unit shall be in charge of the Unit’s Vote.

- 19.1-3 Unit shall submit quarterly financial reports to Management as well as to the Commission.
- 19.1-4 Sitting Allowance which shall be provided for in the budget of the Unit shall be paid to members of the Unit.
- 19.1-5 Unit, through their Management may source for technical support or assistance for its projects and programs from development agencies and may, with approval of Management, collaborate with any of such agencies in the implementation of its programs.

**20.0 PROVISION OF OFFICE ACCOMMODATION**

- 20.1-1 In order to ensure operational effectiveness of the Unit, organizations shall provide adequate, functional, strategically located and secured office accommodation for the Unit.

**21.0 ACTION PLAN**

- 21.1-1 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.

**22.0 MEETINGS**

- 22.1-1 Each Unit shall meet once every month and the ICPC Desk Officer is expected to attend at least one of the meetings in each quarter. Minutes of such meetings shall be forwarded to the Commission quarterly.

**23.0 ANNUAL REPORT OF ACTIVITIES**

23.1-1 At the end of every calendar year, Unit shall submit Annual Reports to the Commission.

## **24.0 ROLE AND RESPONSIBILITY OF MANAGEMENT**

24.1-1 Management shall in words and conduct:

- (a) Exemplify and demonstrate zero tolerance for corruption and professional misconduct.
- (b) Promulgate/endorse a compliance charter or value statements and promote the Ethics and Compliance agenda.
- (c) Be responsible for the selection of the right calibre of staff into the Anti-Corruption and Transparency Unit membership.
- (d) Provide dedicated funding lines in the MDA's budget in order to ensure adequate funding of the Anti-Corruption and Transparency Unit.
- (e) Work with the Unit to incorporate best practices, such as protocols for investigating complaints, help-line statistics, and internal reporting platforms.
- (f) Promote a whistle-blower culture and provide whistle-blower protection.
- (g) Promote values and ethical re-orientation amongst staff and ensure continuing education in the field of compliance and ethics.
- (h) Promote the effective publicity of the Units and their operations amongst staff, and external stakeholders.
- (i) Ensure that prompt attention is given to the Unit's recommendations with respect to rewards and sanctions.

- (j) Provide effective leadership through the demonstration of commitment to the public good.

## **25.0 DUTIES OF THE COMMISSION**

25.1-1 The Commission, towards facilitating the attainment of the guidelines contained in this Standing Order, shall:

- (a) Organize, at least once a year a joint meeting of the Commission with Ministers, Permanent Secretaries and other relevant personnel to review the performance of the Units.
- (b) Conduct a compliance evaluation and performance assessment of each Unit in the last quarter of every year and may, in the discharge of this function, co-opt any other non-member or external body to assist it.
- (c) Make public the report of its findings with the performance rating of each Unit as in 25.1(b) above.
- (d) Undertake annual institutional and performance assessment of the Units.
- (e) In the first quarter of every year, organize a conference for all ACTU Chairpersons and Secretaries to review the activities of the previous year and map out strategies for improved performance.
- (f) Designate Desk Officers not below Salary Grade Level 08 to interface, relate and guide the activities of the Units in each MDA.

## **26.0 ROLE AND RESPONSIBILITY OF DESIGNATED ICPC DESK OFFICERS**

26.1.1 It shall be the responsibility of the Desk Officers to:

- a) Serve as the primary liaison officers between the Commission and the Anti-Corruption and Transparency Units.
- b) Be responsible for effective reporting on the activities of the Units for their assigned MDAs.
- c) Guide the Units in the discharge of their functions.
- d) Be in attendance in at least one of the Unit's monthly meetings in each quarter to monitor the activities of the Unit.
- e) Assist the Units to develop and also participate in continuing education programs aimed at acquiring skills that are relevant to their work.

## **27.0 AMENDMENT AND REPEAL**

27.1 Pursuant to the provisions of Section 70 of the Act 2000, the Chairman of the Commission may amend or repeal any item contained in these guidelines.