

***STANDING ORDER FOR THE OPERATION OF ETHICS AND  
COMPLIANCE UNITS IN MDAs***

**PREAMBLE**

WHEREAS the Federal Government has considered and approved the request of the Commission for the establishment of Anti-Corruption and Transparency Monitoring 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 now referred to and called “ETHICS AND COMPLIANCE UNIT”.

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 ETHICS AND COMPLIANCE UNIT in Ministries, Departments and Agencies (MDAs) of government.

## **1.0 SHORT TITLE AND COMMENCEMENT**

These guidelines may be cited as, the standing order for the operations of the ETHICS AND COMPLIANCE UNIT in Ministries, Departments and Agencies (MDAs) 2014 and shall come into force on the 1st day of January 2014 and replaces the Standing order for the operations of the ACTUs in MDAs.

## **2.0 INTERPRETATION**

2.1 In these guidelines,

2.1 (a): “The Commission” means Independent Corrupt Practices and Other Related Offences Commission.

2.1 (b): “The Act 2000” means Corrupt Practices and Other Related Offences Act (No. 5)2000.

2.1 (c): “The Unit” means ETHICS AND COMPLIANCE UNIT.

2.1 (d): “MDAs” means Ministries, Departments and Agencies.

2.1 (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 ETHICS AND COMPLIANCE UNIT in each organization shall operate as an autonomous outfit, with functional linkage with the office of the Chief Executive of the respective establishments. The independence and protection of the UNIT shall be guaranteed by each MDA for the effective discharge of their 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 organizations 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 would be appointed from an MDA other than his/her parent organization, especially in the case of the large MDAs.

4.1-3: Selection of members of the UNIT shall as much as possible be spread over relevant professional skills and special interest 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 in a particular MDA for a period of 3 years and may be reappointed or redeployed to another MDA for same period. Members shall not be more than 6 years in a particular MDA.

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 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 Offenses Act (2000)**, except that of prosecution. It shall report all allegation of corruption to the Commission. Copies shall be sent to the Permanent Secretary, Director-General or Executive Secretary, 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 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 ICPC “Corrupt Practices 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 ETHICS AND COMPLIANCE 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 Anticorruption Law, if the “falsification of records” is with respect to government finances or government proprietary interests.

## **9.0: ETHICS AND INTERGRITY COMPLIANCE:**

9.1-1: The UNIT shall be designated ETHICS AND COMPLIANCE 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 business
- j) Educate other staff of the organization on general ethics 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 other 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 ETHICS AND COMPLIANCE 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 Civil 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 Act No 5 of 2000 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 programmes 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 appointed members of 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 ETHICS AND COMPLIANCE UNIT MEMBERS**

15.1-1: Each UNIT shall, without prejudice to extant regulations, particularly the Civil 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 codes of conduct for staff of its organization. The code of conduct shall conform to the above mentioned statutory laws. UNIT shall ensure strict compliance with these statutory provisions. Breaches shall attract strict sanctions which shall be clearly outlined. Also the codes shall prescribe the following among other things:

15.1 (a): Staff shall declare conflict of interest on all official issues, including recruitment, procurement and investigation.

15.1 (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.

15.1 (c): Staff shall be transparent in all dealings and are required to be accountable.

15.1 (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.

15.1 (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.

15.1(f): Staff shall always exhibit and observe the principles of confidentiality in their duties.

15.1(g): Staff shall swear to an oath of office before assuming duty and must abide by that oath of allegiance at all times.

15.1(h): Staff in undertaking their duties and obligations should do so thoroughly, dutifully and diligently.

15.1(i): Staff shall attend meetings and other official engagements regularly and punctually.

15.1 (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.

15.1(k): Staff whose interests are in conflict with their official functions shall declare such interest and stay away from further involvement in the instance.

15.1(l): Staff and UNIT members shall under no circumstances disclose the names of a petitioner to the subject of the petition.

15.1(m): No member of the UNIT shall handle a petition unilaterally without recourse to other members.

15.1(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.

15.1(o): Decisions taken at UNIT meetings shall remain confidential, except when it becomes necessary to inform the Chief Executive of the MDA.

15.1 (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.

## **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 Civil Service Rules and /or financial regulations, the National Anti-Corruption Strategy, the National Ethics Policy, the 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 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 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, commendation and appreciation to staff of the organization that give vital information during investigation and/ or demonstrate integrity. Award such as ETHICS AND COMPLIANCE UNIT Chairman's Award of the year" shall be instituted and given to identify outstanding members 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, the Commission 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 ETHICS AND COMPLIANCE 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 programmes from development



agencies and may, with approval of the management, collaborate with any of such agencies in the implementation of its programmes.

## **20.0: PROVISION OF OFFICE ACCOMMODATION**

18.1-1: In order to ensure operational effectiveness of the UNIT, organizations shall provide adequate, functional, strategically located and secured office accommodation for the Unit's duties.

## **21.0: ACTION PLAN**

19.1-1: 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 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.

## **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 word and conducts, exemplify and demonstrate zero tolerance for corruption and professional misconduct

24.1-(a): Management shall promulgate/endorse a compliance charter or values statements and promote the Ethics and Compliance agenda.

24.1-(b): Management shall be responsible for the selection of the right caliber of Staff into ETHICS AND COMPLIANCE UNIT membership.

24.1-(c): Management shall provide dedicated funding lines in the MDAs budget in order to ensure adequate funding of the ETHICS AND COMPLIANCE UNIT.

24.1-(d): Management shall work with the UNITS to incorporate best practices, such as protocols for investigating complaints, help-line statistics, and internal reporting.

24.1-(e): Management shall promote a whistle-blower culture and provide whistle-blower protection.

24.1-(f): Management shall champion values and ethical re-orientation amongst staff and ensure continuing education in compliance and ethics and buy-in by all staff.

24.1-(g): Management shall promote the effective publicity of the UNITS and their operations amongst staff, end-users and external stakeholders.

24.1-(h): Management shall ensure prompt attention to the UNITS recommendations with respect to rewards and sanctions.

24.1-(i): Management shall provide effective leadership through demonstration of commitment to the public good, incorruptibility, institutional intelligence, competent management, consistency of goals and conduct.

## **25.0: DUTIES OF THE COMMISSION**

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

25.1 (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.

25.1 (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.

25.1(c): Make public the report of findings of the UNIT containing the performance rating of the UNITS.

25.1(d): Undertake annual institutional and performance effectiveness assessment of the UNITS.

25.1 (e): In the first quarter of every year, the Commission shall organize a conference for all the Chairpersons and Secretaries of the UNITS in order to review the activities of the previous year. These meetings will also map out the strategies for improved performance of the UNITS.

25.1 (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 DESIGNATE ICPC ETHICS AND COMPLIANCE DESK OFFICERS**

26.1.1 Desk officers shall serve as the primary liaison officers between the Commission and the ETHICS AND COMPLIANCE UNIT.

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

26.1.3 They shall give and guide UNITS in the discharge of functions.

26.1.4 They shall be in attendance at one of the UNITS monthly meetings in each quarter and monitor activities of the UNIT and its members.

26.1.5 They shall assist the UNITS to develop or participate in continuing education programmes to acquire skills relevant to the work of the UNITS.

## **27.0: AMENDMENT AND REPEAL**

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