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THE ANTI-CORRUPTION BULLETIN



BULLETIN OF THE CENTRAL ANTI-CORRUPTION BUREAU

Corruption prevention. CBA guidelines

15th Anniversary
CBA

WARSAW 2021

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Dear Readers,



15 years have passed since the Central Anti-Corruption Bureau establishment. On this occasion I have a pleasure to present new issue of *The Anti-Corruption Bulletin*. The anniversary special edition is highlighted by outdoor exhibition photos illustrating mission, tasks, and activity of the service I supervise. Successes in various fields of the CBA activity presented in photo display as well as the service efficiency would not be possible without involvement, knowledge, and skills of officers and employees of the CBA who every day struggle with corruption crime and threats to the economic interest of the state.

A condition of reducing corruption crime is to detect and prosecute perpetrators of offences effectively as well as – and perhaps even first of all – to prevent irregularities with some prevention and educational activities. The same idea is behind *The Government Programme for Counteracting Corruption for years 2018-2020* within frames of which were issued two documents with recommendations of institutional solutions and behaviour patterns. I have pleasure to present them both in this publication.

The Anti-corruption guidelines for public administration, that include a set of conduct rules for public officials and politically exposed persons (PTEF), deserve attention in particular. Basically, the grounds for working out such guidelines are to join two components of effective corruption crime prevention, i.e. proper law and appropriate human conduct. The paper includes also an algorithm of actions that should be undertaken by a public official in situation of corruption threat.

The second publication *The guidelines establishing and implementing effective compliance programs in public sector entities* is coherent with the material mentioned above. The document includes compliance definition and goal and also components of such program. It also indicates framework for creating and implementing compliance programs in every public administration office in Poland.

I hope that this publication will become a valuable back-up tool for public administration in drawing up the programmes and anti-corruption procedures. Trainers and persons seeking reliable information on this subject may benefit as well. While watching world trends it becomes clear that the subjects brought up here fit in the newest methods of corruption prevention applied globally and that is why we issue this publication bilingually.

A handwritten signature in blue ink, which appears to read 'Andrzej Stróžny'.

Andrzej Stróžny

Head of the Central Anti-Corruption Bureau

**AN EXHIBITION
DEDICATED
TO THE 15TH ANNIVERSARY
OF THE ESTABLISHMENT
OF THE CENTRAL
ANTI-CORRUPTION BUREAU**



15th Anniversary
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The Central Anti-Corruption Bureau is a special service established to combat corruption in public and economic life, particularly in government and local government institutions, as well as to fight against activities detrimental to the economic interest of the State. The Bureau operates under provisions of the Act of 9 June 2006 on the Central Anti-Corruption Bureau.

The Head of the CBA is a central authority of the government administration supervised by the Prime Minister.

The Bureau employs 1,300 officers and employees who are high-class professionals in fields related to performing tasks of the service. They are experts in: operational work, investigations, analysis, control activities, corruption prevention, direct protective activities, network cyber security, classified information and personal data protection, legal assistance, logistics, public finance, audit, internal safety, international cooperation, and human resources.



15th Anniversary
CBA

WE IDENTIFY



We closely examine occurrences potentially threatening economic security of our country.

We identify criminal schemes and persons accountable for them.



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CBA



15th Anniversary
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WE ANALYSE



We analyse thousands of signals and notifications about potential risks.

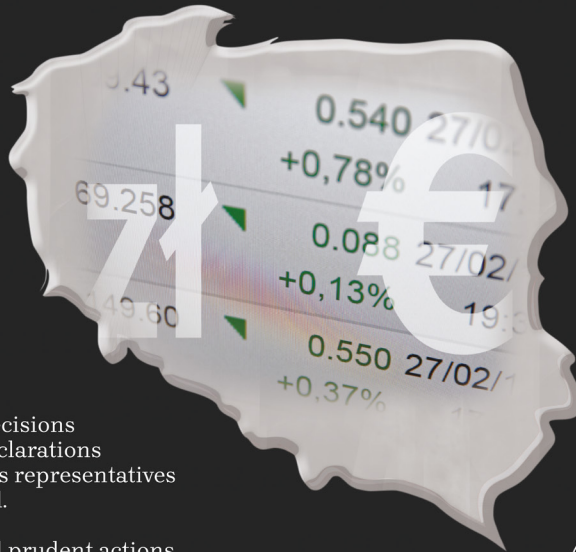
We study laws, procedures, instruments, mechanisms, data, and connections.

signal@cba.gov.pl +48 800 808 808



15th Anniversary
CBA

WE CONTROL



We control economic decisions and asset declarations of authorities representatives at every level.

Efficient and prudent actions for the benefit of common interest require proper public funds spending.



15th Anniversary
CBA



15th Anniversary
CBA

WE DETECT



We detect
some criminal networks
and multi-million frauds.

In last 5 years only
we revealed financial advantages
of more than 260 million euros value.

Due to our work,
effectiveness of corruption crimes detection
and combating has risen in Poland.



15th Anniversary
CBA

WE COMBAT

We combat corruption in public and economic life.

We eliminate irregularities in government and local government administration, in justice administration, health care, sport, culture, and in any other industry in which public funds are spent.

Within 15-years history of the Bureau we secured property of more than 330 million euros value.



15th Anniversary
CBA



15th Anniversary
CBA

WE SERVE

*I, a Citizen of the Republic of Poland, swear:
to serve the Nation faithfully, to observe the law diligently,
to remain faithful to the constitutional authorities
of the Republic of Poland,
to perform the duties of the officer of the CBA
diligently and impartially, even risking my life,
and also to protect the honour, the dignity,
and the good name of the service
as well as to observe professional discipline
and the principles of professional ethics.*

So help me God.

More than 1,300
officers and employees
serve and work in our headquarters
and regional offices.



15th Anniversary
CBA



15th Anniversary
CBA

WE COOPERATE



We cooperate actively with law enforcement agencies and institutions engaged in combating and counteracting corruption, both internal and international.

Our aims are: information and best practices exchange, as well as deepening knowledge about most effective solutions and tools used in fight against corruption.



15th Anniversary
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WE MONITOR



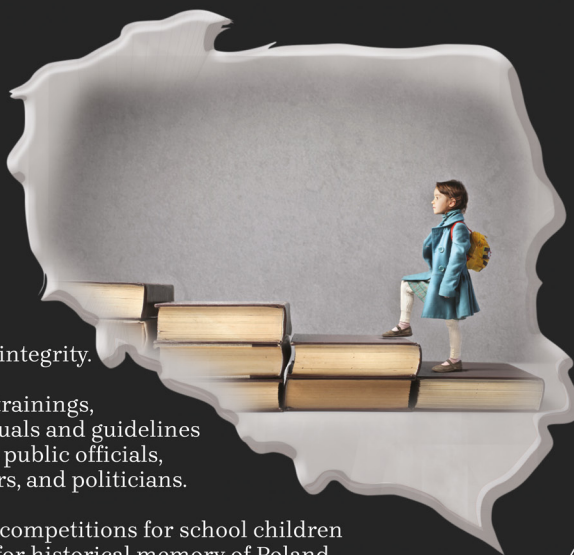
We monitor potential irregularities, suspicious phenomena, and possible conflicts of interest on everyday basis.

We are aware that concern for public interest, sense of duty, and courage constitute foundation of integrity.



15th Anniversary
CBA

WE EDUCATE



We promote integrity.

We conduct trainings, publish manuals and guidelines addressed to public officials, entrepreneurs, and politicians.

We organise competitions for school children and we care for historical memory of Poland.

<https://szkolenia-antykorupcyjne.edu.pl/>



15th Anniversary
CBA



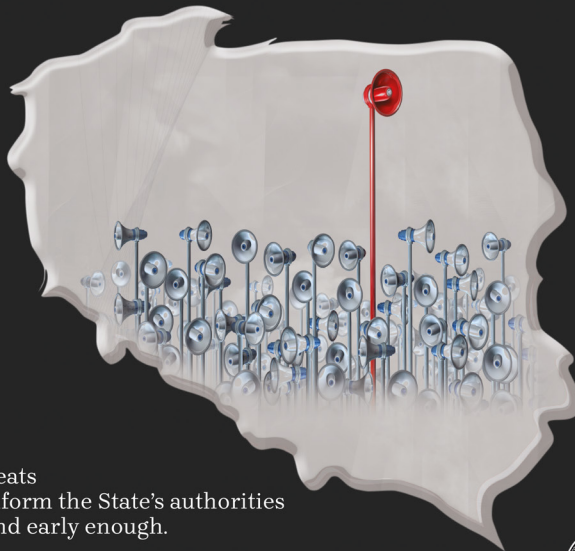
...we completed a pilot project – the art competition for primary school pupils. We did not ask kids what is corruption. We asked what does it mean to be honest? The works did not surprise us. However, these works cast light on the core of our work, on its sense in slightly different way. A wallet falling out of a pocket and the other, honest, person who gives it back to the owner represent the basic imperative: **do not steal!**

From a speech of the Head of CBA, Andrzej Stróżyński addressed to participants of the International Anti-Corruption Seminar on occasion of 15th anniversary of the CBA on 23 April 2021.



15th Anniversary
CBA

WE INFORM



We identify potential threats in order to inform the State's authorities in advance and early enough.

We set forth recommendations of effective preventive actions.



15th Anniversary CBA

If you found yourself in a situation when someone tries to corrupt you, remember that proper response protects you from possible criminal responsibility. Keep calm and act bravely.

CORRUPTION THREAT

If you face corruption threat, the only right attitude is downright refusal.

Do not continue face to face conversation. Ask your colleague or superior to join the meeting.

Even a promise of a bribe is the offence, so you are obliged to inform your superior immediately about it. Preferably your superior notifies the CBA or the Police.

Keep control over all documents of the case in connection with you were made of the corrupt offer attempt. Do not accept the bribe in order to secure evidence.

Do not let the person who made the bribery attempt stay alone in the room and do not let other persons get into the room. Keep calm. Even if the perpetrator tries to go away there is high probability of determining his name.

You have direct knowledge of the incident. Pass all evidence and information to the officers who will give you instructions on further actions. Follow their recommendations.

The attempt of bribery of public official does not concern you only but also your office. Describe this case in the memo.

- SPURN FIRMLY
- SECURE ATTENDANCE OF WITNESS
- SAY ABOUT IT TO SUPERIOR
- SECURE THE EVIDENCE
- SLASH RISK
- SUBMIT YOUR STATEMENT TO COMPETENT LAW ENFORCEMENT AUTHORITY
- SAVE THE RECORD OF INCIDENT

Source: The Anti-corruption Guidelines for Public Administration, Unified Institutional Solutions and Rules of Conduct for Public Officials and Persons Entrusted with Top Executive Functions (PTEF)



15th Anniversary
CBA

WE PROTECT



We actively cooperate on a national anti-corruption strategy implementation.

While fighting against corruption and activities detrimental to the economic interest of Poland we protect Polish capital.



15th Anniversary
CBA

WE PREVENT



We prevent abuses in public institutions in order to avoid their negative outcomes: financial, organisational, and of PR nature.

Early and courageous response is the only way to protect effectively the economic interest of Republic of Poland.



15th
Anniversary
CBA

Said about the CBA



...I'm convinced that after 15 years of operations the CBA is the key authority taking care of Poland's economic safety and also citizens' safety. We owe that mostly to the staff devoted to this service and working for the Bureau's success on every day basis. For the officers and employees of the Bureau it is a reason for satisfaction but also for more intense effort.

From a letter of the first Head of the CBA, currently the Minister-Coordinator of the Special Services in Poland, Mariusz Kamiński to the participants of the International Anti-Corruption Seminar organised to celebrate 15th anniversary of the CBA on 23 April 2021.





**THE ANTI-CORRUPTION GUIDELINES
FOR PUBLIC ADMINISTRATION**

**UNIFIED INSTITUTIONAL SOLUTIONS
AND RULES OF CONDUCT FOR PUBLIC OFFICIALS**

**AND PERSONS ENTRUSTED
WITH TOP EXECUTIVE FUNCTIONS (PTEF)**



The Government Programme for Counteracting Corruption for the Years 2018–2020



THE ANTI-CORRUPTION GUIDELINES FOR PUBLIC ADMINISTRATION. UNIFIED INSTITUTIONAL SOLUTIONS AND RULES OF CONDUCT FOR PUBLIC OFFICIALS AND PERSONS ENTRUSTED WITH TOP EXECUTIVE FUNCTIONS (PTEF)

THE GUIDELINES REGARDING UNIFIED ORGANISATIONAL AND LEGAL SOLUTIONS IN SCOPE OF COUNTERACTING CORRUPTION IN PUBLIC ADMINISTRATION

I. TONE FROM THE TOP

The management's engagement is the essential element of counteracting corruption and unethical behaviour. Without will to introduce changes and the management's real actions every process in a public sector entity will end up with failure and it may demoralize staff.

Tone from the top is the true motivation to act accordingly with adopted and desired behaviour standard. Lack of interest in introduced changes influence, more or less recognised disregard for rules and duties imposed on subordinates or even treating the rules and duties as non-binding for the management, inevitably provoke negative response of staff and increases willingness to ignore the guidelines and to treat them as dead letter. The CBA suggests constant management's engagement and registering of all actions undertaken in this scope.

The benefits of the tone from the top:

- minimisation of risk of forbidden actions,

- increase of staff motivation to comply with norms and regulations,
- creation of an organisation's image as transparent, professional, and serving the citizens,
- spreading information on firm and inflexible public officials attitude to corruption,
- facilitating social control over administration carrying out public functions,
- increase of public trust to the State.

The management's engagement is shown by active participation in changes introduction and consistency in their implementation, requiring desired behaviour from subordinates, and critical approach to management's own conduct, among other things.

The management may demonstrate its engagement in counteracting corruption by:

- implementation of internal regulations, for example a code of ethics, a strategy of anti-corruption actions, some procedures on relations between public officials and clients, and suppliers, etc.,

- public announcement about implementation of the strategy of anti-corruption actions and identification with its assumptions released to staff,
- appointment and support for an employee responsible for counteracting corruption, independence and right work conditions guaranteed for him or her,
- attention to good and effective communication with the subordinates,
- implementation of an irregularities reporting system for staff and indispensable protection of whistleblowers,
- systematic risk analysis on corruption in the organisation and taking its results into account in office management, including in the training programmes.

2. CORRUPTION RISK ASSESSMENT

The corruption risk assessment serves first of all to prevention of crime and any irregularities in the institution. This tool application does not prove a misuse has occurred. However, it univocally shows that both the management and the employees are aware of risk, do not underestimate it, and want to protect themselves from the risk. The corruption risk assessment is a way to express institutional responsibility.

Corruption risk assessment is the planning and preventive tool that enables:

- exact analysis of risk (including definition of the risk factors that increase irregularities probability, definition of scale of possible negative consequences of irregularities),
- identification of processes and positions vulnerable to corruption risk,
- making the recommendations on applying the adequate preventive measures.

The exact risk analysis of corruption risk is the key factor for efficient and targeted preventive activities and efficient human and financial resources allocation. Thus, the risk analysis assessment should be a start point to all anti-corruption actions undertaken in the office.

The benefits of implementation of the corruption risk assessment:

- crime and irregularities prevention in the institution, including potential damage avoidance (eg. financial, HR, PR, organisational, etc.),
- opportunity to design the adjusted and reasonable in economic terms strategy of anti-corruption activities in the office or the institution,
- increase of corruption threat awareness among the managers and the employees (on condition of active participation of all parties in the assessment),
- improvement of the risk management system in the office,
- optimisation of process in the office (results of assessment allow to introduce some improvements),
- opportunity to register changes and make the evaluation of the anti-corruption actions efficiency (if the corruption risk assessment is made on regular basis),
- strengthening of the organisation's resistance to corruption threat.

How to make the corruption risk assessment?

The corruption risk assessment should be made:

- as a start point and grounds for drawing up the anti-corruption actions strategy in the office,
- as the prevention tool protecting the management and the employees from committing corruption,
- as the part of the risk management system in the office,
- in accordance with the methodology analysis adopted in the office and some measurable indicators,
- based on all available information (the employee or the team responsible for the assessment should be granted with access to necessary information and the documents),
- with the management and the employees participation (the assessment should include their opinions, remarks, and observations),
- in transparent and open way (the assessment results should be introduced to the management and the employees of the office and also

- should be available for public opinion),
- in specified term,
- on regular basis (2-year cycle is recommended),
- *ad hoc* in case of the significant irregularities, in order to update the anti-corruption activities strategy.

Stages of the corruption risk assessment:

1. description of external and internal environment of the particular entity (legal framework, competences, relations with external entities, structure and organisational culture, internal regulations, human resources and economic situation, up-to-date experience with corruption threat, and the anti-corruption actions undertaken),
2. risk identification,
3. risk factors identification,
4. classification of particular irregularities risk,
5. identification of processes and positions vulnerable to corruption risk, particularly those in case of which risk elimination is impossible,
6. preparing the recommendations regarding proper preventive measures,
7. drawing up a report on the corruption risk assessment including adequate recommendations and introducing it to the management and the employees of the office,
8. using results of the corruption risk assessment for drawing up new or updating already existing strategy of anti-corruption actions.

The report on corruption risk assessment should be the coherent and brief document including the most crucial information and recommendations.

Due to variety of institutions and their various competences it is impossible to create a closed list of the corruption risk factors. The corruption risk assessment should take into account all conditions and circumstances, both external and internal, as well as factors connected with particular individual, his or her knowledge, experience, ethical attitude, and personal features. The recommendations of adequate preventive measures should be focused on possibly the most effective reduction of risk factors.

The Central Anti-Corruption Bureau recommends:

- entrusting the task of conducting the corruption risk assessment to the employee responsible for counteracting corruption or to the special team (including in particular the managers or the employees responsible for compliance, audit, security and crisis management, management control, human resources);
- working out the corruption risk assessment methodology complying with competences and specific character of the office by the employee responsible for counteracting corruption or the appointed team;
- making the corruption risk assessment in accordance with the adopted methodology;
- while conducting the corruption risk assessment, use at least three ways from the list offered below to engage the management:
 1. public declaration of the management on participation in the corruption risk assessment and taking its results into account in managing the office,
 2. survey for the managers on risk corruption in their activity and measures applied in order to reduce this risk, to ensure transparency, and to follow the rules of ethics in the office,
 3. anonymous survey for the managers regarding: level of corruption risk awareness and knowledge of the code of conduct in case of conflict of interest, and risk of committing corruption crime, as well as the introduced procedures preceding and following irregularities in the office,
 4. appraisal of the managers' awareness of existing methods and channels for reporting suspicion of corruption crime commitment or other irregularity occurring in the office, as well as the management responsibilities to protect whistleblowers;
- while conducting the corruption risk assessment, use at least three ways from the list offered below to engage the management:
 1. introduction of adopted guidelines on the corruption risk assessment and the corruption risk assessment methodology to the employees in the particular office,
 2. survey for the employees on corruption risk in their everyday work and measures

- applied to reduce this risk, to ensure transparency, and to follow the rules of ethics in the office,
3. anonymous survey for the employees regarding their review of transparency and integrity in management process and the management's representation of the office outside, as well as their knowledge of measures applied by the management in order to reduce corruption risk,
 4. anonymous survey regarding level of corruption risk awareness and knowledge of the code of conduct in case of conflict of interest, and risk of committing corruption crime, as well as the introduced procedures preceding and following irregularities in the office,
 5. appraisal of the employees' awareness of existing methods and channels for reporting suspicion of corruption crime commitment or other irregularity occurring in the office;
 - introduction of the results of the corruption risk assessment to the management and the employees of the office, and publication of the results on the office's website,
 - integration of the corruption risk assessment with the risk management system in the office and adding it to a list of tasks of the audit and internal control units,
 - systematic corruption risk assessment and using its results when working out the strategy of anti-corruption actions in the office.

3. COMPETENCES AND TASKS OF THE EMPLOYEES RESPONSIBLE FOR COUNTERACTING CORRUPTION

In order to perform tasks in scope of counteracting corruption it is necessary to open a new position (representative, coordinator, adviser, etc.) of counteracting corruption officer. Competences concentration in this field is essential. Otherwise, it would blur responsibility for proper implementation and application of the anti-corruption policy in the office.

The basic tasks of the appointed employee include:

- creating organisational culture and building

- awareness of corruption risk and promoting integrity culture in the institution,
 - taking care of the rules of ethics observance and promoting behaviours complying with legal and ethical norms,
 - creating and implementing effective anti-corruption policy and other convergent solutions,
 - ensuring compliance of the institution's operations with legally binding norms and regulations, including the regulations of anti-corruption character, and internal regulations,
 - making the corruption risk assessment,
 - staff trainings in scope of counteracting corruption.

The position of counteracting corruption officer may be occupied by a person who:

- represents impeccable ethical standards, enjoys trust and respect of his or her colleagues and the management,
- knows the structure and operations of the institution and internal procedures in force,
- has professional experience and essential knowledge required (eg. legal, control, and audit, etc.).

The counteracting corruption officer should be provided with appropriate level of independence and autonomy so he or she could effectively perform his or her tasks. Such person should enjoy wide-ranging powers but should bear responsibility to the same extent, including in scope of:

- planning and implementation of the anti-corruption policy in the institution,
- sharing his or her advice and drawing up the guidelines regarding anti-corruption policy and corruption risk, and solutions for its minimisation,
- accepting and proceeding the reports on suspicion of corruption or irregularities in the institution,
- supervision and control in field of counteracting corruption in the institution, and in particular over implementation of the anti-corruption strategy and compliance with other bodies recommendations, eg. the Central Anti-Corruption Bureau's recommendations.

The counteracting corruption officer should be subordinate to the head of the institution directly and submit to him or her

some periodical reports on implementation of directly to anti-corruption strategy, including information on managing anti-corruption activities in the unit. The counteracting corruption tasks may be entrusted to the officer as his or her sole field of expertise or may be his or her additional tasks. In the event when the officer performs also other tasks, it is worth to consider decreasing its number as well as providing additional remuneration, eg. as a special, permanent allowance. While making such decision in this case it should be taken into account: size of the institution, corruption risk, or scale of contacts between the institution and external entities, including clients and lobbyists, among other things.

4. TRAININGS

Properly trained staff is crucial for appropriate choice of organisational and legal solutions for counteracting corruption in the institution and then, for their right functioning. In order to fulfil entrusted duties, the officer should know:

- binding legal regulations – it is required on particular position,
- internal procedures in the office,
- the code of conduct and organisational culture adopted in the office.

In order to counteract corruption in public administration effectively, trainings of newly hired employees should cover areas including:

- ethics as a basic element of shaping attitude of the office's employees (on-line training of the Head of Civil Service may be completed, <https://elearning.kprm.gov.pl/local/login>),
- integrity culture in the office, concepts such as public/private, the common good, etc.),
- public service mission and work ethos,
- role and specific character of the office in relation to its activity for benefit of the citizens and economisation of public sector activity.

After introducing the basic issues to public officials and letting them become familiar with it, the clerks should be trained in scope of counteracting corruption (the on-line training available on the CBA's e-learning platform may be completed, <https://szkolenia-antykorupcyjne.edu.pl>).

The anti-corruption training should cover and clarify the issues including:

- corruption,
- conflict of interest,
- person exercising public function,
- connection with exercising public function,
- person entrusted with top executive functions (PTEF),
- public official,
- acting to the detriment of public interest,
- accepting bribes (material benefit, personal benefit, accepting benefit, accepting promise, etc.),
- performing duties,
- exceeding duties, not performing duties,
- behaviour breaching the law,
- way of conduct in case if corruption occurs, etc.

All anti-corruption trainings implemented by the office should be as useful as possible, eg. may be conducted as workshops. It should be obligatory for the employees and take place on regular basis (repeated at least every two years for every employee). Regular training strengthens efficiency of performed duties and helps to minimise corruption risk.

It is worth to remember that in case of counteracting any misuse in the office, including corruption, authority the management should enjoy with cannot be overestimated. Giving good example to subordinates is the management's duty. Training for the management should be extended with at least two parts:

- manager's role in counteracting corruption,
- institution's role in counteracting corruption that were already brought up in the CBA's publication *The Anti-Corruption Handbook for Public Officials*, available (in Polish) on the CBA's website.

5. GIFT POLICY AND GIFT REGISTRY

A reliable and honestly implemented gift policy is a key element for anti-corruption prevention in the office. We are talking about practice of accepting any kind of benefit by a public official in connection with representing his or her office in contacts with other entities. This custom, commonly practised and as a rule commonly approved, carries excep-

tionally severe risk of committing corruption crime. Reasonable, unambiguous, and clearly written gift policy that is also applied consistently in the office in this scope becomes the protective tool for the management and the employees preventing them from involvement in corruption and punitive consequences of this crime, as well as it becomes important addition to other actions for countering corruption.

Two significant issues should be included in the document defining office's gift policy:

- anything a public official offers or accepts is a benefit (material or immaterial),
- accepting or offering material or personal benefit by the public official (individual) or a promise thereof for himself or herself or other person in connection with the function he or she performs is a crime and it is liable under criminal law – except cases when he or she accepts or offers a benefit in the name of and for the benefit of the institution he or she represents.

The gift policy should assume that the public official performing his or her duties connected with representing the institution during national and international meetings, if it is justified by custom or under the diplomatic protocol, he or she is authorized to accept or offer a benefit in the name of and for the benefit of the institution, under condition that:

- the meeting is official,
- gift is symbolic (its nature and value),
- gift is voluntary and is not compelled by any party,
- gift is occasional.

The benefit accepted by the public official in the name of the institution becomes the Treasury's asset and may be in particular:

- used for needs of the unit of the public official or for needs of other organisational unit,
- donated to some other institution or NGO or to charity,
- given to the public official who accepted it in the name of institution as a reward,
- returned to the entity that offered it,
- destroyed by a committee.

The public official denies acceptance of a benefit in the name of the institution he or she represents in case, if he or she questions impartiality, disinterest, openness, or transparency of the offerer's actions.

A supervisor of the organisational unit of the public official who accepted it decides on a way to proceed with the benefit.

Every gift policy should include strict prohibition of accepting money in any form.

A gift register as a mandatory element of gift policy

Establishing and running the gift register should be the key and mandatory element of the effective gift policy that serves for documenting events of accepting and offering benefits in the name of and for the benefit of the represented institution in specified official occasions.

The gift register is the preventive tool and its essence is to ensure transparency of the gift policy in given institution and minimising risk of committing crime.

The gift register should be run in a way, for example in the IT systems, so as it guarantees transparency and accountability.

The gift register entry should include in particular:

- ordinal number,
- information on person who accepted or offered a benefit in the name of institution,
- information on entity that offered the benefit or accepted it,
- date of the entry to the register,
- date of acceptance or delivery of benefit,
- description of the benefit,
- description of circumstances of acceptance or delivery of the benefit,
- decision of the way of proceeding the accepted benefit,
- information of entity the benefit was donated to, if such decision on proceeding the ben-

efit was made,

- information on person making the register entry,
- remarks.

The register should be under supervision of a person appointed by the office's head.

The Central Anti-Corruption Bureau recommends:

- drawing up and adopting the procedure on

benefits, so called gift policy in the office,

- public declaration of the office's management regarding the adopted regulations observance,
- establishing and running the gift register, for example IT system based,
- running internal trainings and spreading information about the gift policy and the gift register operation among the employees of the office.



6. EFFICIENT SELF-ASSESSMENT AND MONITORING CORRUPTION THREAT

The efficient system of counteracting corruption, consisting of all adopted solutions, and necessary management's engagement should be the subject of permanent analysis and adjusted to current needs. Critical approach to performed actions helps to:

- determine whether applied tools and mechanisms are effective (which elements do not meet the expectations and which bring the expected results),
- apply adjustments to increase their effectiveness,
- work out new solutions adapted to changing circumstances.

It is recommended to make evaluation of used tools and mechanisms and spread information about its efficacy among the employees of the office every two years, within three months from the end of period that was subject to examination.

For effective self-assessment there might be useful:

- survey among the currently employed, the employees quitting their job, and third parties,
- analysis of cases reported in the whistleblowers system of situations potentially dangerous from point of view of corruption threat,
- findings of internal control or audit and corporate governance units, if such organisational units operate within the institution,
- self-assessment workshops.

Monitoring corruption threat

Permanent monitoring and detecting corruption threat as soon as possible, suspected or factual irregularities that sometimes may turn into specific crime, are necessary addition to the corruption risk assessment and preventive actions based on this.

The corruption threat monitoring tasks should be performed on permanent basis by the counteracting corruption officer and the employees from internal control and audit units. Effective threat monitoring is the foundation of organisation's resistance and requires adequate management's engagement because the management is obliged to

response to irregularities, and in particular to inform law enforcement agencies of suspicion of committing a crime.

Effective corruption threat monitoring requires:

- permanent, ongoing analysis of potential irregularities and/or possible conflict of interest,
- *ad hoc* checks of compliance of public officials actions with commonly binding law and internal regulations,
- applying rotation of the employees and tasks of employees occupying positions identified as particularly vulnerable to corruption risk with simultaneous process continuity,
- following 'four eyes' rule (mutual check of the employees dealing with one case or performing specific duties),
- guarantee of proper operation of channels for reporting and protection guarantee for persons reporting irregularities in the institution (whistleblowers protection),
- double check of all information on possible irregularities and adequate response in case of confirming them,
- submitting information on justified suspicion of committing a crime to law enforcement agencies,
- consistent cooperation with law enforcement agencies and auditing institutions, as well as using results of their work in improvement of the institution's resistance to corruption threat,
- implementation of recommendations of competent bodies, the Central Anti-Corruption Bureau in particular.

Whistleblower's role in public interest protection

The employees of the government and local government institutions, as direct participants and observers of public administration processes, are very often the first who notice irregularities or committing prohibited act. Frequently they remain only persons having such information.

Early and brave response reporting such abuse helps to avoid negative consequences, for example financial, organisational, and

PR consequences. Whistleblower's activity in long perspective is important element strengthening the organisation's resistance. It enables rank and file law enforcement and ensures public interest protection in spirit of loyalty to the State.

Reasons for reporting corruption:

- civic duty,
- legal obligation,
- help for law enforcement agencies,
- colleagues protection,
- self-protection.

Civic duty and legal obligation

In accordance with Article 304 section 1 of the Penal Procedure Code whoever learns that an offence prosecuted has been committed, is under civic duty to inform the state prosecutor or the Police.

Moreover, in accordance with Article 304 section 2 of this Code the State and local government institutions which in connection with their activities have been informed about committing the offence prosecuted, are obligated to immediately inform the State prosecutor or the Police thereof. In addition, they are obligated to take steps not amenable to delay, until arrival of the officials of the agency authorised to prosecute such offences, or until that agency issues a suitable ruling in order to prevent the effacing of traces and evidence of the offence.

In accordance with Article 229 section 6 and Article 230a section 3 of the Penal Code a perpetrator of active bribery crime or influence peddling beneficiary is not liable to penalty, if material or personal benefit was accepted by person performing public functions or person claiming to have influence on state or local government and the perpetrator informed law enforcement agencies authorised to prosecute offences and revealed all significant circumstances of the crime before the law enforcement agency received such information.

Channels for reporting (external and internal):

Corruption can be reported to the Central Anti-Corruption Bureau:

- by phone (no. 800 808 808) – conversation with an officer is possible Monday-Friday between 8.15 am. and 4.15 pm., at other times and on day off you may record a message,
- by e-mail (sygnal@cba.gov.pl),
- by mail (Al. Ujazdowskie 9, 00-583 Warszawa),
- in person – at the CBA Warsaw offices: at 34 Krzywickiego Street (first contact, without opening procedure, just to learn about the case and decide whether it's within the CBA's competence) or in the office at 3 Poleczki Street (as process act, submitting corruption crime notification under Article 143 section 1 item 1 and 2 and Article 304 of the Penal Procedure Code); and in the other CBA's regional offices.

Read more: <https://www.cba.gov.pl/zglos-korupcje>.

The corruption crime notification can be submitted also to the Police – by phone, e-mail, mail, and also in person in corruption combating departments in all regional Police offices as well as in the Metropolitan Police Office in Warsaw, and in any other police station. Read more: <https://www.policja.pl/pol/zglos-korupcje>.

In government and local government institutions there should be also established internal channels for reporting (in person, on writing, or by e-mail) a crime or irregularity in the office operations that guarantee identity protection for a person who decides to report (whistleblower) and prevent from unauthorized access to the identity data.

The internal reporting channel operation should be provided by the counteracting corruption officer or the employee of organisational unit responsible for audit and control.

Tasks of the counteracting corruption officer include in particular:

- running register of reports,
- documenting reports submission (a copy or a confirmation for a person submitting report) immediately after registration (if it is not anonymous),

- staying in touch with whistleblower in case, if additional information or details of reported case are needed and also in any other situation requiring contact,
- verification of report and passing information about it to the management,
- commencement of all necessary actions in order to prevent irregularities or limit damage, if irregularity already took place (if possible, within the office's own resources and powers),
- commencement of all necessary actions in order to notify competent authorities on suspicion of committing offence,
- strict protection of the whistleblower and response in case of revenge actions undertaken against him or her,
- spreading information about the internal reporting channels rules of operation and promoting active and brave attitude in case of noticing irregularities.

Detailed rules of operation of the external and internal channels for reporting and also protection rules and measures for whistleblowers on the level of European Union legislation are specified in the Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law (OJ L 305, 26.11.2019, p. 17–56). Transposition of its provisions to Polish legal, executive, and administration acts must be done by 17 December 2021.

The key elements of whistleblowers protection system

Revenge actions against a whistleblower are unacceptable. They include:

- unjust violation of employment stability (dismissal, suspension from duties, furlough, demotion, decrease in pay or allowances cut down, changing scope of duties),
- limiting professional development opportunities (withdrawing promotion, elimination from trainings, negative work performance appraisals),
- unjustified disciplinary measures,
- pressure (intimidation, inconsistent treatment, insulting, violence).

In addition to opening channels for reporting, the efficient whistleblowers protection system should be established which ensures:

- confidentiality of whistleblower's identity,
- protection of reports register and all other information on reports from unauthorised access,
- whistleblower's protection from revenge actions.

Institution should also promote right understanding of whistleblower's role in public interest protection.

The key element of whistleblower's protection is the management's engagement supported by comprehension of whistleblowers actions that strengthen institution, protect it from potential damage, and enable effective and efficient response to irregularities that already took place.

GUIDELINES ON THE RULES OF CONDUCT IN A SITUATION OF CORRUPTION RISK IN PUBLIC OFFICIAL – CLIENT RELATION

2

1. PUBLIC SERVICE MISSION AND BUILDING ITS ETHOS

Public service mission derives from its servant character and a number of duties public service performs with respect to the State and the citizens. While starting his or her career in public administration a public official has to understand and accept that his or her work does not serve only satisfying his or her personal needs or personal development. The goal is to act efficiently, effectively, and thriftily for common interest. Furthermore, this way of understanding public service mission is connected with ethical dimension of the institution's operations when ethical norms become a starting point for every action.

Building public service ethos, i.e. positive values and proper behaviour patterns that translate directly into the public official every day practice, derives from the mission of public service. The values constitute a system of actions coordination, independent of circumstances.

The basic key elements of public service mission include:

- awareness and motivation – the public official should not only be aware of public interest but actions undertaken for public interest should be essential of his or her every day work,
- activity – the public official should work efficiently, effectively, and with commitment for public interest,
- sense of duty and courage – the public official should take actions on his or her own initiative, when public interest is at risk.

Building and strengthening public service ethos, being the responsibility of the management first of all, increases public officials self-control.

Public service mission understood correctly requires from the management and the employees:

- getting public official familiar with its core and essence,
- introducing unified internal policy – public service should be reflected both on declaration level (eg. adopted code of ethics) and in practice (developed specific organisational culture including determined behaviour patterns),
- all employees commitment – sense of common values and goals in every day work should go with undertaken actions.

Building and strengthening public service ethos, being the responsibility of the management first of all, increases public officials self-control.

Who is the public official?

Effective and efficient managing the important issues for citizens is the goal of public administration. Such work requires from the public officials not only knowledge but also other skills. Raising public officials' awareness of ethics, organisational culture, and professional ethos is the important element of the office's organisational framework formation. Because the public official performs not only specified tasks that maximise public resources utility and effectively delivers public services. Public official in fact participates in the process of defining public interest, indicates actions serving public interest, and is subject to responsibility for the way he or she performs the actions.

Anti-corruption preventive measures may be implemented already during the recruitment process while assessing candidate's ethical behaviour and conduct. It is reasonable to resign from employing a candidate who meets all formal requirements but raises doubts, when it comes to his or her integrity and ethical attitude.

The public official is the person who is responsible for execution of tasks of the State both at the government and local government level should perform his or her duties:

- professionally,
- reliably,
- impartially,
- neutrally in terms of political views.

The public official who works with a sense of duty and not self-interest oriented way should efficiently and effectively perform his or her duties observing the rules of:

- disinterest,
- openness,
- transparency.

Regardless of his or her position within the organisation the public official is distinguished by:

- kind attitude expressing respect for every person,
- clarity,
- diligence and sense of duty,
- responsibility,
- credibility.

2. THE RULES OF CORRUPTION THREAT PREVENTION

What is conflict of interest?

Conflict of interest is a collision between private and public interest that causes the public official's routine actions lose their necessary values of disinterest and impartiality and his or her care of common good loses with his or her personal interest. Conflict of interest may put the public official at risk of committing corruption crime. Thus, when a conflict like this is identified, you need to strive to manage it effectively.

Rules helping to keep professional relations between public officials and clients:

- treat all stakeholders the same way, it is your duty,
- do not make impression you are open to building any kind of relation with the client beyond the professional contact, keep professional distance, be restrained,
- do not agree for any proposals resulting with reciprocal risk, avoid gratitude in re-

lations; in case of ambiguous suggestions firmly declare that in the office there is unified and transparent behaviour standard,

- in case of doubt, for example when the client is your family member, inform your superior and recuse yourself from the case,
- do not talk face to face solely, presence of second person is the additional protection and support in case of situation which is difficult and raises suspicion of wrongful intention,
- be assertive, perhaps you may be put in a situation you would have to communicate: *Way of conduct you suggested does not comply with legal regulations/binding rules and I cannot accept this.*

I have to decline your request. I work under strict procedures and regulations I need to follow.

Your proposal would inflict conflict of interest. I cannot agree for that.

Your proposal breaches the law. I have to inform my superior about it.

Do not afraid of firm and strong refusal. The public official's features are not only disinterest and impartiality but also courage.

In case of conflict of interest or its threat the Central Anti-Corruption Bureau recommends:

- in case of any doubt if your actions in the case are impartial and/or disinterested, discuss it openly with one of your colleagues. Opinion of a person from your environment may be helpful, if you in fact are in a situation of conflict of interest;
- inform your superior about your doubts. The superior should receive such information from you directly. His or her role is to assess the situation and indicate the right solution, i.e. how and is it possible to eliminate conflict of interest in this situation,
- report the incident to a person who performs duties of ethical adviser or counteracting corruption officer. Such person has sufficient knowledge and experience that help you to solve your dilemmas. Moreover, reporting such cases enables

developing good practices in specific situations and it affects safety improvement of all employees and thus, strengthens the whole system resistance to risk of any irregularities.

▶ **If you want to improve your resistance to corruption risk:**

- do not underestimate risk,
- avoid conflict of interest,
- express explicit professional attitude,
- with commitment and proper attention participate in preventive actions in the office, including trainings and ethical advice,
- follow the recommendation of the Central Anti-Corruption Bureau,
- firmly and courageously respond to any situation that raises your doubts in terms of law or ethics.

In your contacts with clients:

- behave with dignity – remember, you represent institution you work for, treat clients with due respect, do not comment, do not judge, do not preach,

- keep distance – never make impression you are open to relation going beyond professional relation or to accepting gifts, even petty ones, be polite and kind,
- set clear boundary between professional and private contacts – your private relations must not affect the way you perform your duties, if there is a kind of anxiety, you can always ask your superior for getting you recused from the case,
- be impartial – while making decision take true reasons and legal regulations into consideration,
- be professional – focus on the merits of the case,
- work reliably – perform your tasks in diligent and prudent way, do not hesitate to be creative, proactively approach to your duties, with your best knowledge and in public interest,
- be aware of supportive character of your job – prefer common good than your private, unit, or group interest,
- do not avoid difficult solutions but also remember that your decisions affect life of specific person.

CORRUPTION REACT!

If you found yourself in a situation when someone tries to corrupt you, remember that proper response protects you from possible criminal responsibility.

CORRUPTION THREAT

If you face corruption threat, the only right attitude is downright refusal.

Do not continue face to face conversation. Ask your colleague or superior to join the meeting.

Even a promise of a bribe is the offence, so you are obliged to inform your superior immediately about it. Preferably your superior notifies the CBA or the Police.

Keep control over all documents of the case in connection with you were made of the corrupt offer attempt. Do not accept the bribe in order to secure evidence.

Do not let the person who made the bribery attempt stay alone in the room and do not let other persons get into the room. Keep calm. Even if the perpetrator tries to go away there is high probability of determining his name.

You have direct knowledge of the incident. Pass all evidence and information to the officers who will give you instructions on further actions. Follow their recommendations.

The attempt of bribery of public official does not concern you only but also your office. Describe this case in the memo.

- SPURN
FIRMLY
- SECURE ATTENDANCE
OF WITNESS
- SAY ABOUT IT
TO SUPERIOR
- SECURE
THE EVIDENCE
- SLASH
RISK
- SUBMIT YOUR STATEMENT
TO COMPETENT LAW
ENFORCEMENT AUTHORITY
- SAVE THE RECORD
OF INCIDENT



3. EXAMPLES OF CONFLICT OF INTEREST AND CORRUPTION THREAT SITUATIONS

2

Environment connections

Adam D. is the employee of the state agency awarding with grants and subsidies. He completed IT studies and graduated with honours and he strongly identifies himself with research environment of his university. When the agency announces competition for grants for the IT innovative solutions projects in medical equipment manufacturing industry, Adam answers a call from his former lecturer. The lecturer tells him that he and the other researchers would like to take part in the announced competition because they worked out the innovative IT system that improves and significantly accelerates production of devices for surgical instruments sterilization. In connection with this, the chancellor of the university has a pleasure to invite Adam as an expert for presentation of the innovative project.

Political connections

Anna N., who is the real estate entrepreneur, became a city councillor as a member of elections committee of the mayor holding his office in previous and current term. Before the mayor and Anna started their local government activity they were cooperating and developing business relation in the project of large housing estate construction. Since then they are friends. Having proper experience Anna became a member of the Investment Committee, Budget Committee, and the chairwoman of the Audit Committee. As the city councillor she is very active in making decisions on streets repair in the city and she also votes for funds allocation for this purpose. The vast majority of the repaired streets are located next to real estate properties built by her construction company. It's open secret that one of the mayor's best friends knows how to take care of her business. Thanks to her 'engagement'

in public funds allocation the market value and attractiveness of her private real estate property is significantly increased.

Social connections

Adam M. works in the Finance Department of the Municipal Office. His neighbour, known local entrepreneur, started visiting him more often justifying it with need to build good neighbour relations. During such visits he is exceptionally kind and often expresses his gratitude for possibility to talk to a person 'having class'. The public official is puzzled by this sudden intensification of contacts, and in particular when taking into consideration his tax arrears execution actions against this entrepreneur.

Family connections

Konrad J. is the head of the Geodesy and Cadastre Department in the County Office. The County Office announces many public procurement procedures for geodesy and cartographic documentation that wins the X company. Inquiring competitors from the industry discovered that the X company cooperates with land surveyor who is a cousin of Konrad J.

For gain

Karolina T., the public official working for the Office for Foreigners in one of the voivodeship offices, runs cases of persons applying legalisation of their stay in Poland who come from countries where reciprocity is important and is always present in public life. The clients expressing their gratitude offer her gifts. At the beginning the public official firmly declined to accept the gifts but later situation has changed. Additionally, some gifts were very expensive and couldn't be defined as of symbolic value. Random conversation with the head of the department made her believe that accepting gifts for dealing with the case is commonly practised custom and refusing to accept a gift increases risk of offending a client.



ANTI-CORRUPTION RECOMMENDATIONS FOR PERSONS ENTRUSTED WITH TOP EXECUTIVE FUNCTIONS (PTEF)

2

While executing its preventive mission the Central Anti-Corruption Bureau acknowledges the necessity to make recommendations for PTEF on national level regarding corruption prevention and integrity promotion complying with their specific activity.

The rules of conduct in corruption threat situation presented in this document are addressed first of all to the management and the employees of public administration. However they have broader appliance. Having sense of responsibility for interest of the State and protecting themselves and occupied positions from a risk of committing offence, and from all consequences of these occurrences, persons entrusted with top executive functions should follow the rules as well.

The recommendation comply with the recommendations of the Group of States Against Corruption presented in the V Evaluation Round Report about Poland, adopted on 7 December 2018 and also are the key element of their implementation, in particular by presenting suggestions on legal and organisational solutions for counteracting corruption and establishing conduct standards in relations with third parties, including clients and lobbyists.

Who is PTEF?

The group of PTEF on national level include in particular: the Prime Minister, the Deputy Prime Ministers, the Ministers, the Chief of the Chancellery of the Prime Minister, the secretaries and undersecretaries of the State, members of the political cabinets of the Ministers, as well as the Managing Directors of the ministries and government agencies.

Specific character of the PTEF activity

If you are PTEF, in your public activity you most likely join two aspects – political and state-focused. Combination of these two kinds of activity, in particular strive to get power, obtaining and executing your powers, and fulfilling top executive government posi-

tion, is connected with higher corruption risk and more frequently appearing ethical and legal dilemmas. Your honest and law-observing conduct is fundamental, not only for you to avoid risk of committing offence and bearing criminal responsibility being its consequence but also due to specific character of your activity and public role.

You give the example. Members of your party, colleagues, followers, public officials, and all citizens treat you as the exemplar. If you act honestly and with respect to the law, you establish standard obligatory to the others. This way you contribute to increasing public trust in the State. On the other hand, you unethical and unlawful actions become a sign of pathology acceptance for everybody.

You manage public funds and decide on the State policy. You participate in making decisions on enacting and executing law, public funds allocation, appointing and the hiring high rank public officials, and determining branch strategies. Thus, you constantly deal with people who – supporting their own private business or representing other entity business, for example industry, enterprise or foundation business – try to lobby for adopting particular political solutions. Some of these people may use unethical and even criminal actions, for example corruption.

Your involvement matters. Your attitude and engagement is crucial for efficacy and credibility of the anti-corruption policy of the State. Political support is a condition of effectiveness and strengthens efficiency of standards and mechanisms that serve preventing and counteracting corruption and promoting integrity.

Observe the PTEF code of conduct:

- focus on the State interest above all,
- always observe the law and act ethically,
- do not treat public function as a chance for any undue material benefit or personal ben-

- be loyal to your office – beware so as not to cause moral damage or PR crisis,
- protect public property and manage it appropriately,
- avoid conflict of interest and manage it properly, remember that public official is obliged to protect public interest and make decisions impartially, taking into consideration objective criteria,
- pay attention to openness and transparency of your actions, in relations with lobbyists in particular,
- be example for the citizens, promote integrity and respect for the law,
- honestly perform your duty of submitting asset declarations and entering any benefits obtained into the gift register ran by Państwowa Komisja Wyborcza (National Electoral Commission); fill it out truthfully and in detail,
- firmly and appropriately react to an offence, notify law enforcement agency competent to prosecute the offence,
- openly and actively support combating corruption.

Use advice

In your public activity you may have ethical or legal dilemma. In case of any doubt use advice of ethical adviser employed in your office and use support of ministry coordinators responsible for implementation of tasks and actions within the national anti-corruption strategy (now The Government Programme for Counteracting Corruption for the Years 2018–2020), and also the managers and the

employees of the control and audit department of the office.

You may also use anonymous reporting channels to inform about irregularities in the office or report in officially to the Central Anti-Corruption Bureau.

The Central Anti-Corruption Bureau is the special service for combating corruption in public and economic life, particularly in public and local government institutions as well as to fight against activities detrimental to the economic interest of the State. It is professional and modern institution that promotes compliance and integrity.

Our task is not only to detect and combat corruption and economic crimes, but also, and perhaps in the first place, to prevent irregularities and to support government institutions from possible damage.

Corruption crime of the public official is not only his or her personal failure that is connected with criminal responsibility and public infamy but also measurable loss to the State and society. Thus, prevention is our priority – education and protection.

The Central Anti-Corruption Bureau is your partner and ally in fight against corruption. If you have any doubts of ethical or legal character in your public activity, use professional advice, information, and recommendations of the CBA. It is reliable and friendly source of knowledge and recommendations regarding proper and lawful conduct.



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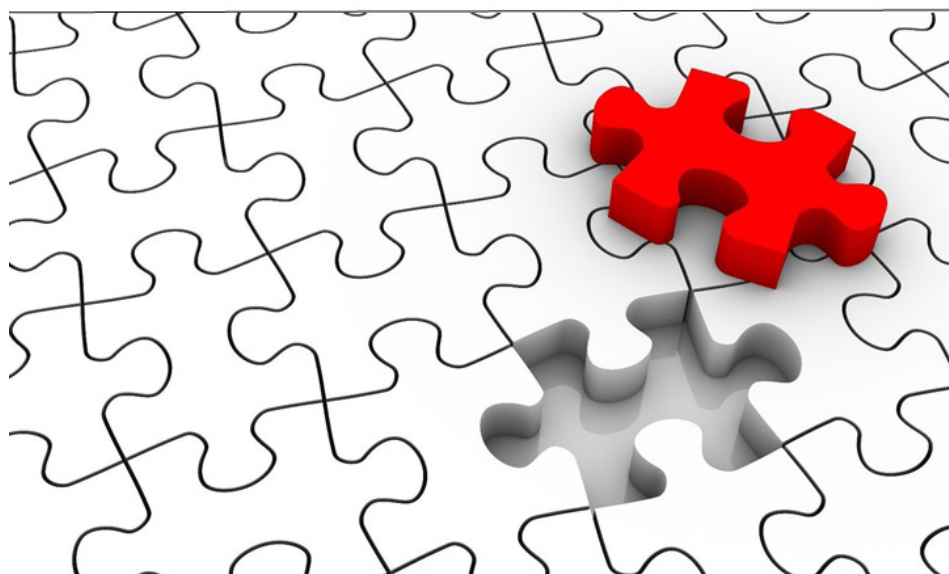
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———— THE GUIDELINES ————
**ESTABLISHING AND IMPLEMENTING EFFECTIVE
COMPLIANCE PROGRAMS
IN PUBLIC SECTOR ENTITIES**



: Government Programme for Counteracting Corruption for the Years 2018–2020



THE GUIDELINES ESTABLISHING AND IMPLEMENTING EFFECTIVE COMPLIANCE PROGRAMS IN PUBLIC SECTOR ENTITIES

INTRODUCTION

The Government Programme for Counteracting Corruption for the Years (RPPK) meets an obligation of strategic approach to counteracting corruption. The long-term objective of the Programme is to set directions of anti-corruption policy in Poland and the operational objective is to reduce corruption crime and raise public awareness in Poland.

Combatting corruption crime includes not only investigative actions but also prevention. Effective fight with this kind of crime first of all demands a diagnosis of circumstances favouring its origin.

The presented document was drawn up in the result of implementation of the task 4.2. of The Government Programme for Counteracting Corruption for the Years 2018–2020 – *Developing guidelines for creation and implementation of effective compliance programs in the public sector.*

The RPPK is a government document. The objectives and tasks set therein envisage introduction of new legal and organizational solutions at strategic level. Execution of the Programme involves whole public administration of the country.

DEFINITION AND OBJECTIVE OF COMPLIANCE

Compliance is a set of behaviour patterns connected with each other, including both law-abiding and ethically-driven that impose an obligation to adapt to them. The goal of compliance is to strive to a situation when an addressee of a norm behaves the way indicated by the norm maker. According to one of dictionary definitions of rule-following or law-abiding behaviour is called integrity.

Compliance includes every sphere of individual's activity in public life. In state authority organs compliance involves not only commonly binding law and internal rules, but also organizational culture and work ethos.

COMPONENTS OF A COMPLIANCE PROGRAM

1. MANAGEMENT ENGAGEMENT

Establishing and implementing of effective compliance program begins with an institution's management actions. Giving a good

example is the management's responsibility. Lead by example is significant insofar as effective compliance programs unquestionably do not function without engagement, approval and guidelines of the management. In order to establish a new compliance program, the first step is to communicate the message of the organization's top executives on their support for this idea.

The actions of the management driven by the spirit of ethical conduct affect not only the institution itself, but also the entities connected with it. The appropriate impact of tone from the top can be achieved by transforming declarations into actions. Explicit message on lack of tolerance for any misconduct and consequent attitude of the management minimise risk of dishonest behaviour of employees.

It is worth to remember that in principle every employee is responsible for compliance. However, eventually the management bears institutional responsibility for irregularities in an organization. It is also the reason why this paper is addressed to the management in particular.

2. INTEGRATION OF COMPLIANCE AND THE MISSION OF ORGANIZATION

The compliance program should be fully integrated with the organization's mission and supported with adequate resources. The mission does not only answer the question what is the public authority, but also the question what should it be and what is the purpose of its establishing, as well as it indicates whom this body serves and what value it creates in society. The mission consists of all values anticipated by clients and other stakeholders.

Owing to this, the organization can effectively follow the regulations and policies and also minimise future costs connected with potential nonconformity, especially by:

- continuous quality improvement of processes and projects,
- following the rules of organizational culture,
- using new technologies,
- emphasis on training,
- monitoring compliance.

Assets and space are expensive and most of public authorities possess limited funds. Without regard to allocated human resources and funds it is recommended to take into consideration some funds for implementation tasks in scope of compliance in the institution's budget.

3. COMPETENCES AND TASKS OF COMPLIANCE OFFICERS

Appointment of a person responsible for putting the compliance program into practice in an organization is necessary for the program's proper work. Such person should be positioned within an organization on a post ensuring independence in his or her activities, should have appropriate professional background and experience letting him or her move smoothly within the institution processes. Moreover, the person should be widely respected for his or her everyday professional attitude and honest work for this institution.

Basic responsibilities of compliance officers:

- creating and implementing effective compliance program (policies, procedures),
- compliance program management,
- promoting behaviours complying with legal and ethical norms,
- forming organizational culture, risk assessment and compliance assessment,
- staff training,
- regular self-assessment,
- self-improvement.

4. MONITORING AND COMPLIANCE ASSESSMENT

One of the key factors facilitating verification of compliance effectiveness is determination of the top and medium level management and the employees' awareness of the essence of compliance.

For assessment of the compliance program effectiveness various tools may be used, eg. IT, audit or surveys. It is important to keep holistic character of the final compliance effectiveness assessment. The evaluation should not focus on chosen indicators in specific fields but

should provide overall view of the whole issue. Even if the particular components are assessed, it should be regarded from perspective of the whole compliance program.

Tools for creating compliance:

- information strategies – communicating information about risk and its factors to some entities concerned and others possibly putting pressure on the entities so as they act in socially responsible manner,
- incentive system – influencing behaviour within and beyond scope of regulations by commendations and bonuses,
- self-control – enabling parties recognized as trustworthy to run and report their own audits and assessment procedures, reserving all rights to review and verification,
- cooperation – engagement of some third parties working to promote compliance.

5. TRAINING

The management and the employees should be aware of binding norms and have sufficient training to perform their duties in accordance with the norms. They also should be conscious of the implemented compliance program and its methods, forms and measures. It can be achieved by regular trainings. Raising awareness enables to minimise risk and provides the employees with confidence that their tasks are properly done.

6. THE KEY COMPETENCES

The key competences in compliance include: ability to identify essential problems and ability to outline solutions mitigating or eliminating the problems as well as carrying out tasks through team cooperation and collective intelligence.

Components of problem solving process:

- requirement to review issues and problem areas on regular basis,
- focus on the merits,
- classifying incidents,
- critical approach,
- proactive attitude,
- strengthening decision making proces and increasing responsibility.

Stages of problem solving process:

- problem identification,
- definition,
- area determination,
- analysis of origin and development,
- solution implementation,
- solving the problem,
- long-term monitoring set up.

Benefits derived from cooperation and collective intelligence:

- collective plan and priorities set up,
- mobilisation of resources for reaching set goals,
- effective resource management,
- up-to-date assessment and planning new processes and mechanisms,
- innovative solutions,
- effective usage of new technologies.

7. RISK ASSESSMENT

The compliance program should include identified threats and incidents and high-risk areas should be the subject of additional control. In risk analysis process it is reasonable to look for optimum consisting not only in identification of risk, but also in concurrent assessment if it materialises.

Risk management goals:

- identification and risk assessment,
- incidents and problem areas distinguishment,
- indication of nonconformity types,
- suggesting methods of intervention.

8. EFFECTIVE SELF-ASSESSMENT

The management and employees responsible for supervision over the compliance program are obliged to run self-assessment on regular basis and independent and complex review of the system work. The compliance program should be the subject of continuous assessment. It is recommended to undertake actions consisting in loophole and weak points detection.

Self-assessment benefits:

- defect elimination,
- reducing risk of resource loss,
- improvement of efficiency and effectiveness,
- better coordination.

9. SANCTIONS

Compliance consists of definition of an individual's conduct in given circumstances as well as provision regarding enforceability of such conduct. Determination of negative consequences of behaviour not conforming with pattern is one of the methods of ensuring compliance.

The higher ability to impose sanctions for violating norms, the higher effectiveness of compliance and smaller probability of sanctions execution. Not sanctions themselves should be a main goal of public authorities, but preventive actions taken to encourage to voluntary obedience of binding behaviour patterns.

Recommended preventive measures:

- information and education,
- cooperation and mentoring,
- new technologies,
- commendations and bonuses.

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