Public sector ethics in the United Kingdom: an overview

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The article starts with a brief and concise definition of public sector ethics. It traces the origin of public sector ethics in the United Kingdom (UK). Also, corruption and unethical conduct amongst others are in focus too. An analysis of the expected ethical standards in the public sector and mechanisms used to maintain such standards are also in focus. The mechanisms include codes of conduct and the use of regulatory bodies. To remedy the defects inherent in the extant public sector ethics in the UK, some recommendations will be made. The conclusion will posit that the public sector in the UK has higher ethical standards than the private or business sector in the UK. *This paper is a general review of the extant literature on public sector ethics in the United Kingdom and its main finding is that public sector ethics are an integral part of the organizational structure of the public sector in the United Kingdom.*

Keywords: Corruption, public sector ethics, transparency, codes, regulatory bodies, ethical standards, United Kingdom

Introduction

Ethics plays an important role in any public sector organization. This is especially so in the United Kingdom. Unethical standards lead to negative consequences for the public sector. This article will attempt to answer the following questions. Firstly, why should we expect higher ethical standards from the public sector than from the commercial or business world? Secondly, what mechanisms should government employ to ensure the maintenance of those standards?

Generally, ethics are 'a set of principles, often defined as a code or system that acts as guide to conduct' (Lawton 1999:299). Ethics are universal concepts at the core of human existence, which entail the notions of good and evil that are inherent in all communities (Singer 2011). On the other hand, moral rules regulate conduct relative to a person or cluster of societies (Singer 2011). Ethical standards are supposed to exist in any society without necessarily being made explicit. This is what the concept of 'ethos' (Latin: mos/mores) means, which are the customs and rules of behaviour in a given society. Thus ethics and moral rules do overlap at times. This has been evident in history from the holocaust in Germany to apartheid in South Africa. The question here is: can good managers commit administrative evils? (Adams and Balfour 2004). It is obvious from the holocaust example that the officials responsible might have had objections morally but they were obliged to follow the orders of their superiors. Such orders from the superiors can be argued to be the prevailing 'ethical standards' in the German society (public service) during the Second World War.

Furthermore, ethics understood as ethical theory has the task to reflect critically on these phenomena. From this perspective, ethics are not 'universal concepts at the core of human existence' but the theory dealing with such concepts, values, etc. that are always a matter of evaluation within a society as well as between societies. In this sense, ethics as a theory as well as practice does not deal with meta-historical universal concepts but what people think is good (or bad) for their life. Sometimes, the term 'meta ethics' is used when dealing with what the tradition calls 'moral philosophy' or 'philosophia ethike' but also in the in this case it is not just about the meaning of the concepts, but about the level of reflection.

The observance of high ethical standards of conduct is not a new phenomenon or fad (Davis 2003). The ensuring of high standards by political or government actors evolved into or pre-dates the modern concept of the rule of law (Rechtsstaat) and is traced back to the ancient Greek and Roman epochs (Davis 2003). However, the modern-day evolution of administrative ethics is traced to the mid-1970's which was largely influenced by the New Public Administration (Management) thoughts of the 1930s (Cooper 2004). New Public Management (NPM) is the importation of commercial concepts into the public sector thereby watering down the traditional concepts of administration inherent in the public sector. Some of the concepts imported into the traditional concepts of public sector administration include contracting and the use of professionals.

Administrative or public sector ethics are the set of guidelines or legal regulations that guide public sector organizations in countries. Ethics in the public sector have profound effects on the image or perception of the organization. If a public sector firm is deemed to be unethical, the perception will cause negativity and derision by the public. However, if the firm is seen as an example of good ethical conduct, the citizens and other stakeholders would be interested in doing business with such an organization.

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The first part of this article has focused on the evolution and definition of the concept of ethics. The second part of the article will dwell on the menace of corruption in the public sector. Corruption is a dent in any public sector organization. Corruption in the public sector of the United Kingdom will be in focus in this section. The third part of this article will dwell on the reasons why higher ethical standards are expected in the public sector than in the business world. The fourth part will elucidate the measures that government can use to maintain high ethical standards in the public sector. In conclusion, the article will posit that ethics play immeasurable roles in the public sector. Good ethical practices have come to stay in the public sector.

Corruption in the public sector

Corruption is one of the major unethical conditions prevalent in modern-day public sector organizations. Corruption simply 'is operationally defined as the misuse of entrusted power for private gain' (Transparency International 2006). Corruption affects the public sector negatively in the developed and developing countries. There are other forms of unethical conduct in the public sector apart from corruption (Davis 2003). Some of these unethical conduct include excluding citizens from public services or when groups of individuals are not adequately catered for by the government (Davis 2003). However, corruption is the most pervasive unethical behaviour in the public sector because of its inherent negative manifestations.

There are two opposing views on corruption, negative and positive (Mahmood 2005). The negative view which is the most widely accepted, posits that corruption has negative effects on productivity, growth and the socio-economic wellbeing of any organization or country (Mahmood 2005). Other negative manifestations of corruption include the use of less efficient providers and reduced taxes on income amongst others (Davis 2003).

The positive view on corruption contends that it does not affect a country's development negatively because the existence of corruption might help by oiling the wheels of bureaucracy (Mahmood 2005). That is, ineffective regulatory or legal systems could be by-passed easily. Thus, corruption enhances efficiency in the public sector by reducing time and paperwork (Kaufman 1997). The positive view of corruption is opposed by the current world-wide efforts to stamp out bribery and corruption, especially in developing countries. The United Nations, the Organization for Economic Co-operation and Development (OECD) and aid donors have put the anti-corruption and good governance measures on the front burner of their programmes (OECD 2006).

The concept of corruption is culture-bound (Davis 2003). The notion that corruption is 'culture-bound' undermines the notion of the universality of ethical concepts and with regard to the difference between the object of ethics, ethics as a theory, codes of ethics (or codes of morality) and the law (including legal theories). Here, it can be argued that corruption is a phenomenon (not the only one) of administrative ethics (or 'ethos') as well as of administrative ethics theories. It is not a question of how corruption is related to codes of behaviour or to (the rule of) law, but on how corruption can be (and it is being) dealt with within ethics theories. It is not 'just' as a matter of applying a 'universal' ethics in the sense of a universal code also, because ethics theories deal with universality (and particularity) but they are *qua* theories not fixed once and for all.

In the UK, it is unacceptable and often criminal for public officers to accept gifts (Davis 2003). However, corruption is seen as part of the culture of many developing (especially Asian and African) countries. In Pakistan, corruption is seen to be an integral part of the administrative culture (Islam 2005). For example, family and communal ties have given rise to the culture of 'Sifarish' which literally means 'connection' or 'recommendation' (Islam 2005). The Pakistani concept of Sifarish is similar to the Chinese notion of 'Guanxi' (Islam 2005). Guanxi is the social interactions between people and favours inherent therein (Xin and Pearce 1996). Also, in Nigeria, corruption is seen to be part of the administrative or bureaucratic culture and a way of life. There is a culture of bribery, otherwise termed 'settlement' culture in Nigeria. Here, embezzlement is seen as a deliberate strategy of the government in Nigeria (Timamy 2005; Adebanwi and Obadare 2011).

Corruption is also a negative phenomenon in developed countries. Different countries have different ways of regulating or controlling unethical conduct or corruption in their countries (Davis 2003). These are Westminster-styled and direct line; the UK which is of the Westminster-type slant tends to control the incidence of corruption directly (Davis 2003). Undermining the controls against unethical conduct in the country, there have been a lot of corruption scandals in the UK.

Corruption and sleaze in the UK

The concept of corruption is culture-bound (Davis 2003). Most local authorities in the UK have a policy on what is acceptable, since not all gifts constitute a bribe. As long as gifts are registered, and the values do not go above a certain amount, then it is not considered a criminal offence. Corruption is seen to be part of the (public sector) culture of many

developing (especially Asian and African) countries; however, in developed countries corruption scandals still sometimes occur (Caiden 1994). The United Kingdom is no exception. The Nolan Committee set up in 1994 was a direct result of the prevailing sleaze in the UK in the 1990s. The Committee was set up in 1994 by the then Prime Minister John Major to investigate a series of incidents involving members of parliament and their alleged misconduct (which included alleged dishonesty and inappropriate sexual conduct) (Davis 2003). The conduct of the members of parliament led to bad publicity for the government and it affected public confidence in the government negatively.

Corruption scandals in the UK include 'Donnygate' when some Doncaster council officials were convicted for expenses fraud (Davis 2003). Other corruption scandals include the 'votes for homes' scandal in the Westminster Council (Davis 2003). In 2006, there were allegations that the Labour party in the UK was guilty of cronyism; Labour allegedly was appointing only its party members to commissions. For example, appointments of members of the National Lottery Board were geared in favour of Labour Party members. In the BAE arms scandal, it was alleged that an arms deal between the UK and Saudi Arabia was marred by fraudulently increased prices (Guardian 2006). Another scandal was the 'cash for honours' affair when peerages were allegedly given to donors to the Labour Party (BBC 2006).

More recently, in 2009, the UK parliamentary expenses scandal was brought to the fore. This was chiefly triggered by a leak published by the *Daily Telegraph* newspaper (UK) on the ways some members of parliament fiddled with expenses claims. According to the *Daily Telegraph* (2009), the expenses entailed "how politicians – from the Cabinet to backbenchers of all parties – exploited the system of parliamentary allowances to subsidise their lifestyles and multiple homes". As a result of the anger and odium generated by this scandal, some of the MPs involved either resigned, were prosecuted (and jailed in some instances) or lost privileges accruing to them as MPs, amongst other consequences.

Ethical standards in the UK public sector

This section of the article will dwell on the higher ethical standards expected in the public sector than those generally described in the commercial world, as well as the mechanisms government should employ in the maintenance of good ethical standards. Such mechanisms will include a code of conduct and the use of regulatory bodies amongst other measures.

The origin of public sector ethics in the UK is traced to the Northcote-Trevelyan Report (1854) on the civil service (Lawton 1998). Traditionally, workers in the public sector subscribe or are bound to what is commonly referred to as 'public ethos' (Lawton 1998). Thus, public sector workers or employees were committed to what is now known as good ethical standards. In furtherance of this, commentators have agreed that public sector ethos is a 'good thing' (Lawton 1998:51). The traditional public sector ethos included honesty, merit, probity and impartiality amongst others (Lawton 1998). Simply stated, public ethos means acting in the public interest. Here, personal interest should give way to the public interest. For example, an employee's view or perspective should not colour his or her sense of duty to the society at large.

Corruption in the public sector world-wide has led to attempts to improve the ethos of the organizations. Thus, public sector ethics includes 'value awareness, reasoning skills, the role of law, and organizational implementation' strategies (Bowman *et al.* 2001:195). Public sector ethics is a combination of both the internal and external issues, which affects the way the organization is run (Wood 2004). The internal constituent of public sector ethics revolves around the way and manner in which the organization is managed or administered internally. The external constituent is the relationship between the public sector and the community or society, which this involves the cultural values shared by the employees in contradistinction to the law (Wood 2004). Thus, public sector ethics encompasses the totality of the employees' relationship with their working environment, and its outside environment also plays a major role. Public sector ethics is said to consist of values held in common by the public services manager and expressed through its values (Lawton 1999).

The Nolan Committee 1995 set out seven principles which a public sector worker must abide to. These principles are selflessness, integrity, objectivity, accountability, openness, honesty and leadership. However, these principles have been criticized on the basis that they are not exhaustive (Davis 2003). It excluded principles of the public sector such as 'competence' and 'representativeness'. Competence is at the cornerstone of any public sector organization. If the public sector is not run by competent officials, it may lead to the erosion of ethical standards in the system. Also, the public sector should be a true representation of the larger society. Thus, nobody should be discriminated against on the basis of gender, religion, race or sexual orientation, especially in the public sector.

Recently, the seven principles of public life have been expanded to ten. The ten general principles of public life are selflessness, honesty and integrity, objectivity, accountability, openness, personal judgement, respect for others, duty to uphold the law, stewardship and leadership (Standards Board of England Website 2007). It is arguable that the new additions to the general principles of public life have responded to the criticisms levelled against the previous seven

principles of public life. The recent additions (to the general principles) have made it more encompassing and dynamic in tune with the modern public sector in the UK.

In research conducted via questionnaires by Alan Lawton on the Nolan principles on public sector managers, it was discovered that the managers were not totally in agreement with the prescribed ethos (Lawton 1998). This behaviour of the managers can be rationalised on the basis that ethical standards cannot be easily defined or isolated and an ethical framework arises as a result of the interplay of government policies, legislation and codes of conduct amongst others (Wanna *et al.* 1992). Thus, it is obvious that public sector employees and managers may not even understand what ethical standards or ethos entails. The implication is that employees have diverse opinions on what constitutes a public sector ethos. The question at this juncture is: on the basis of the analysis above, can we say that there is a single or generic public sector ethos in the UK? The next part of the article will seek to answer the question.

Unified public sector ethos?

There is the general assumption by government officials and commentators that a unified public service ethos exists (Lawton 1998). However, this view is not fool-proof or free of criticisms. Pratchett and Wingfield (1994) in their research on ethos in local governments in the UK posited that there exists a generic public sector ethics which encompasses motivation, loyalty and accountability amongst others. From this research of Pratchett and Wingfield, two major strands of arguments arose (Lawton 1998; Lawton in Rose and Lawton 1999). Firstly, 'there is something distinctive about managing in the public services' (Lawton 1998: 54). The second assertion is that 'there is a common ethos that binds those who work in the public services together' (Lawton 1998: 54).

Proponents of the first assumption posit that that there are noticeable differences between the commercial world and the public sector. These differences include

> the statutory framework within which most public services operate; the public sector's concern with equitable outcomes; the processes and structures adopted to achieve a complexity of goals; the recipient of services being the citizen generally or the client rather than the customer: and that public services provided nationally (Lawton 1998:54).

On this basis, it is argued that the public sector is different from the commercial sector. This was true of the pre-NPM (New Public Management) public sector. Under the traditional form of administration in the public sector, differences could be easily detected between the public and private sectors. However, this is not the case today. This argument (of the distinctiveness of public sector) does not hold water in today's post New Public Management driven public sector. Here, the distinction between the private sector and the public sector has become 'blurred in recent years' (*Guardian* 2003). One reason is that a lot of privately driven initiatives have been imported into the public sector. The public sector is now run under business ideas that result in public firms now focusing on results (outputs and outcomes) instead of the processes like commercial firms (Davis 2003). Other business concepts inherent in the modern-day public sector include contracting, setting of annual targets, increased mobility amongst employees in different sectors and the managerial freedom. Many local authorities have been led by Chief Executive Officers, similar to what obtains in the private sector.

The second argument on public sector ethics is that there is a uniform ethos that binds employees or staff in the public sector (Lawton 1998; Lawton 1999). That is, workers are subject to the same ethos in the public sector notwithstanding the sector in which they are based or their expertise. This argument is not fool-proof. It has been contended that there is no 'public service ethic or uniform "public service culture" in which the values of stability, honesty and fair trading held sway' (Pollitt 2003:138). The reason is that different or distinct agencies and bodies are subject to their specific ethos which will vary as a result of their functions or activities (Kemp 1993; Pollitt 2003). This assertion is in line with the findings of the research conducted by Pratchett and Wingfield on local government officials (1994). They concluded in the research that 'there was no "universal" ethos clearly articulated and defined' (Pratchett and Wingfield 1994:32). Undermining, the aforementioned assertions that the extant UK public sector has no unified public sector ethos and has been heavily influenced by market or business, non-business ideals still contribute to the distinctive or unique public sector ethos inherent in the UK public sector today. For example, it has been argued that public sector workers are influenced by intrinsic rather than commercial motivations (*Guardian* 2003; Rayner *et al.* 2012). Here, public sector workers are not necessarily influenced by their pay cheques, but largely choose such jobs because they want to make a difference, thus pay might not be the major contributory factor (*Guardian* 2003; John and Johnson 2008). Also, public sector workers are willing to make sacrifices for the sustenance of their services. Recently, due to the massive cuts in spending in the UK public sector by the central government, some National Health Service workers agreed to a reduction in their salaries and holiday allowances to protect jobs in the health sector (*Guardian* 2012). Here, public sector

workers in the delivery of (essential or public) services are said to have an allegiance to the ethos prevalent in the public sector (Horton 2008; Rayner *et al.* 2010). Thus, there is a general consensus that a semblance of ethos still exist in the public sector, refuting postulations to the contrary. The next part of the article will dwell on why the public sector is expected to have higher ethical standards than the commercial sector.

Higher ethical standards in the public sector

The public sector is expected to have higher ethical standards or a superior ethos than the private or commercial sector. Firstly, there are expectations from managers and the relationship of trust between the citizens and the officials is the bedrock of government or governance (Lawton 1999). The officials are expected to act in the best interest of the citizens. When trust between the citizens and officials is breached, it can lead to allegations of unethical conduct or behaviour against such officials. The public sector acts in the public interest. However, in the private sector, a relationship of trust between the officials and the citizens (consumers) is not compulsory. However, modern-day business firms do engage in corporate social responsibility. For example, a lot of companies have gone 'green' by cutting down on global emissions or pollution.

Another reason for higher ethical standards in the public sector is to reduce or mitigate the incidence of corruption. Corruption is more detrimental in the public sector (Davis 2003). Corruption scandals can lead to the fall of governments and negative publicity for the local authorities. The effects of corruption in the private sector might be limited to the employees or the company itself. However, in the public sector in the UK, corruption affects a larger segment of the society. For example, benefits cheats in the UK are said to be depriving the central government of about 1 billion pounds a year and this has adverse effects on the economy and legitimate benefit dependent members of the society (*Guardian* 2008).

In the public sector, the best possible product or service is expected to be provided, whereas businesses are interested in profit maximization. The citizens dependent on a particular service or good provided by the state are expecting to get the best possible product from the government. This also applies when such products or services are sub-contracted to outsiders. Contractors and sub-contractors are expected to give the highest possible service or product within their contractual capability. However, in the commercial or private sector, profit is the magic word. The private sector wants to make as much profit as possible and manufacturing (or supplying) of the product is heavily dependent on the profits it expects to gain from such ventures. Profit maximization is the cornerstone of private enterprise or business.

Public sector activities affect a greater number of the citizenry than the private sector which deals with only its customers (or suppliers and other stakeholders). For example, the collection or non-collection of bins by local authorities affects every household in the area. On the other hand, the products or services in the private sector affect only its customers and suppliers; not necessarily the larger society.

The next part of the article will dwell on the measures to control or maintain good ethical standards. There are various measures of maintaining good ethical standards in the public sector. The measures include code of conduct, prevention and control measures amongst others.

Measures to maintain public sector ethos

Codes of conduct

Codes of conduct play a major role in regulating or maintaining good ethical standards in the public sector in the UK. Due to the rise of sleaze and corruption in the UK, various codes of conduct have been developed to combat this scourge. Codes are 'systematic efforts to define acceptable conduct' (Plant 1994:221). To its proponents, codes serve as guidance to public officers on what is good or bad (Rohr 1991). Other functions of codes include the stipulation of sanctions when unethical conduct arises (Lawton 1999). Other functions include providing ways of resolving disputes and providing the coherent guidelines which minimises ambiguity (Lawton 1999). Furthermore, codes of conduct can be used to identify desirable or acceptable conduct, as a set of principles to regulate unethical behaviour amongst others (Lawton 1999).

In the UK, due to the inadequate legal framework to combat unethical behaviour (especially corruption) in the public sector, there has been a rise in the use of codes of conduct to combat this. The underlying reason why codes are prevalent in the UK is that the UK operates an unwritten constitution as the basis of its parliamentary democracy. That is, there is no single document that encompasses the totality of the UK legal system. Thus, the use of codes fills the lacunae in the law in the UK.

Codes can be unwritten or written; however, it is the written codes that are enforceable and provide a sense of accountability to the public (Chandler 1989). Written codes may be enacted by government, associations representing certain individuals, professions or organizations (Plant 1994). A major example of a code of conduct is the general

principles of public life which was developed by the Nolan Committee on Standards in Public Life (Nolan Committee 1995). Here, strictly speaking, the Nolan principles are not a code of conduct; they may be enshrined within a code of conduct but they themselves do not constitute a code of conduct. Examples of the principles include selflessness, integrity, objectivity and accountability amongst others. As a result of the success of the codes in the UK, they have been exported to other countries in central and eastern Europe (Davis 2003).

A recent example of a code of conduct in the UK public sector is the Ministerial Code of Conduct. This code is managed or administered by the Propriety and Ethics team within the Cabinet Office (Cabinet Office Website). Here, the Propriety and Ethics Team 'advises the Cabinet Secretary, ministers and departments on issues under the Ministerial Code, the Prime Minister's code of conduct and guidance on procedures for ministers' (Cabinet Office Website). Simply, this code elucidates on the expected conduct of ministers during the discharge of their duties. In 2011, an addendum was agreed by the Prime Minster, stating that 'The Government will be open about its links with the media. All meetings with newspaper and other media proprietors, editors and senior executives will be published quarterly regardless of the purpose of the meeting' (Cabinet Office Website).

However, codes are not fool-proof; they have been heavily criticised by commentators (Davis 2003; Lawton 1999). A major criticism of a code is that it 'provides a false sense of security' (Lawton 1999: 309). Thus, a code is said to be a measure of the ethical standing of the organization. Here, the organization might be engaged in unethical behaviour and it will be justified on the basis of its code. This creates a conundrum; different organizations may have different interpretations of what constitutes unethical conduct. What is unethical conduct in Council A may be borderline or ethical in Council B. A probable justification for this discrepancy could be that different councils may have distinct values or ethics regulating their conduct.

Another criticism of codes of conduct is that they (codes) represent the views or the interests of the parties that draw them up (Lawton 1999). Thus, the question arises: who owns the codes that have been drawn up? For example, codes could be drawn up by a body or committee composed of different individuals (with different backgrounds) with distinct values (Lawton 1999). This situation may lead to different interpretations being given to the codes on the basis of an individual's values. However, the situation could be redressed if the standards are negotiated amongst the different parties or stakeholders rather being imposed by an external party (Davis 2003).

Other criticisms of codes are that they are not all-encompassing to include every possible scenario and are vague and over-generalised to the extent that they may not be of immense help to a manager or employee in the public sector (Lawton 1999).

Codes are insufficient in controlling sleaze in the public sector. However, codes have been strengthened and made mandatory in local authorities in the UK.

The use of regulatory body (Serious Fraud Office)

One measure that can be used to maintain good ethical standards includes the use of regulatory bodies. An example of a regulatory body in the UK is the Serious Fraud Office. This Government agency, which is part of the UK criminal judicial system, aims to protect the society by investigating and prosecuting people who commit serious or complex fraud (Serious Fraud Office Website 2008).

The Serious Fraud Office was created by the Criminal Justice Act of 1987 as a direct result of the 1986 Fraud Trials Committee Report, also known as the Roskill Report (Serious Fraud Office Website 2008). The Criminal Justice Act states that the major role of the Serious Fraud Office is to conduct investigations and the prosecution of serious fraud cases in the United Kingdom with the exception of Scotland. The aims and objectives of the Serious Fraud Office include 'reducing fraud and the cost of fraud; the delivery of justice and the rule of law; and maintain the confidence in the UK's business and financial institutions' (Serious Fraud Office Website). Thus, the Serious Fraud Office is an important tool in preventing, investigating and prosecuting corruption by business and in the public sector. It is a potent tool in maintaining sound ethical conduct in the public sector.

The Serious Fraud Office (SFO) also prevents and investigates fraud in the public sector. This has led to the lowering of corrupt practices in the public sector. It has investigated complex fraud both in the private and public sectors. In 2006, the SFO undertook an investigation into South Yorkshire Trading Standards Unit as a result of a shortfall of £7 million in the accounts which came to light at the death of the unit's general manager (BBC Website 2008).

The use of regulatory bodies like the SFO is better or more effective than codes of conduct because it prescribes (criminal) punishment for offenders. Thus, convicted offenders of (criminal) corrupt practices could end up in jail as a direct consequence of their acts. However, the use of the SFO in is not fool-proof. In the UK the central government can apply pressure on the SFO to stop investigations into any matter. In 2006, the SFO commenced the investigations into BAE systems (a UK government defence contractor) that was alleged to have bribed some Saudi Arabian officials in the

course of negotiating the Al Yamamah arms deal (BBC 2007). Due to the economic relationship between the Saudi Government and the UK, the Tony Blair administration acting through the Attorney-General in 2006 announced the SFO was dropping its investigation of BAE systems (BBC 2007). This decision was premised on the need to maintain the wider public interest (Serious Fraud Website 2008). Thus, political exigencies may be used as excuses to stop investigations in the UK.

Transparency in the public sector

A measure that can also be used to maintain ethical standards is increased or improved transparency in the government or in the public sector. There is the view that an increase in transparency will lead to a fall in unethical conduct or corruption (Davis 2003). In 2000, the Freedom of Information Act was promulgated into law by the parliament in the UK. This law allows access to information to interested members of the public. Here, the right of access to certain information held by public authorities to interested members of the public is available on request. The Freedom of Information Act has led to improved transparency in the public sector. Citizens or stakeholders can complain and ask for information, when allegations of corruption or unethical behaviour arises in the public sector. For example, if a local authority claims to have spent a certain amount of money on a project in an area, the stakeholders or citizens may apply for such information to be made public so that the actual amount spent will come to the fore.

E-government can also lead to increased transparency in the public sector. Here, governmental documents (reports) and accounts could be put online; this will lead to higher accessibility to the society (Davis 2003). This has the shortcoming of possible electronic fraud and criminals may take advantage of it. For example, the government wants to put the medical records of the patients in the National Health Service (NHS) scheme online and made available on the internet (BBC website 2008). This has been criticised by medical doctors and the citizens (and other stakeholders) because of the serious security risks involved. Criminal gangs may access such medical records illegally and use them for nefarious activities.

Control and prevention measures

Control and prevention centred mechanisms can also be used to maintain ethical standards in the public sector (Davis 2003). Here, control measures such as independent fiscal and legal scrutiny can be used (Davis 2003). Other measures include the protection of whistle blowers, encouragement of staff to report unethical conduct and the active involvement of stakeholders in governance (Davis 2003). Control measures are not fool-proof and are expensive to run. To mitigate the flaws, prevention centred measures are advocated (Davis 2003). Prevention centred methods used in the UK include avoidance and disclosure of conflicting interests by officials, non-discrimination against people (i.e. on the basis of gender, sexual orientation or race).

Consultation with the public can also be a preventive measure to maintain good ethical standards in the public sector in the UK. The Organization for Economic Co-operation and Development posits that engaging with the citizenry is a vital criterion for good governance (OECD 2001). The benefits of such engagement with the citizens include the improvement of quality of governance allowing the government to tap into other sources of information or perspectives (Martin 2003). It also has the benefits of increased accountability (and transparency) in government activities or policies and leads to more productive interactions between the stakeholders and the government (Martin 2003). A good example of the use of engagement with the citizens is Clause 3.1 of the 1999 Local government Act. This Law requires local authorities and other statutory bodies to consult stakeholders (for example, citizens, commuters amongst others) in planning and delivering goods or services. This can lead to the maintenance of good ethical standards in such local authorities.

Use of International Conventions

International Conventions can be used to maintain high ethical standards in the public sector in the UK. The two Conventions in focus will be the Organisation for Economic Co-operation and Development (OECD) Anti-Bribery Convention 1997 and the United Nations Convention Against Corruption (UNCAC) 2003. The United Kingdom has signed and ratified both conventions.

The OECD Anti-Bribery Convention 1997

This convention is officially designated as the 'OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions' (OECD website 2008). The OECD by means of this convention hopes to fight bribery in international business to improve development and reduce poverty, thus encouraging confidence in the markets (OECD Website 2008). The pointers to the success of this convention are the various country reports on compliance and the regional actions (OECD Website 2008a). Also, the OECD collaborates with the civil society and the

private sector who are partners in the fight against corruption (OECD Website 2008a). This convention has greatly reduced the incidence of corruption in businesses.

Currently, thirty four OECD member countries including the UK and six non-member countries – Argentina, Brazil, Bulgaria, Colombia, Russia and South Africa, have adopted the OECD Anti-Bribery Convention (OECD Website 2013). Here, a total of forty countries have adopted the Convention. The Convention is the first world-wide instrument to fight corruption in cross-border commercial deals (OECD Website 2013). This convention criminalises bribery of foreign public officials in international business or commercial transactions (OECD Website 2008a).

Domestication of the OECD Anti-Bribery Convention in the UK

The UK signed the Convention on December 17, 1997 and ratified it on December 14, 1998. Further statutes were enacted to domesticate the spirit of the OECD Anti-Bribery Convention in the UK legal system. The Anti-Terrorism Crime and Security Act 2001 is a direct consequence of the Anti-Bribery Convention in the UK. This statute amended the law in the UK with regard to corruption, bringing new provisions that improved the law on international corruption (OECD Website 2008b). This statute also gives the UK courts powers over criminal offences committed abroad by UK citizens and companies (OECD Website 2008b). However, to strengthen the law on corruption in the UK, it has been advocated that a Comprehensive Law should be enacted that will encompass the common law and the different laws on corruption in the UK (Law Commission UK in OECD Website 2008b).

The United Nations Convention Against Corruption 2003

The United Nations Convention Against Corruption (UNCAC) was adopted by the United Nations General Assembly in October 2003 (UNCAC Website 2008). Due to the 'globalisation' of corruption, UNCAC seeks to create an international legal regime in which countries can domesticate their anti-corruption laws. It includes measures such as the criminalisation of corrupt practices, prevention, international co-operation and the recovery of ill-gotten assets (UNCAC Website 2008).

Domestication of the UNCAC in the UK

The UK signed UNCAC on 9 December 2003 and ratified it on 14 February 2006. The UNCAC became fully operational in the UK when the Criminal Justice (International Co-operation) Act 1990 (Enforcement of Overseas Forfeiture Orders) Order 2005 came into law on 31 December 2005 (OECD 2008). A further domestication of the UNCAC can be seen in the Proceeds of Crime Act 2002 (External Requests and Orders) Order 2005 which came into effect on 1 January 2006.

The two conventions can also be used to maintain ethical standards in the public sector. Deapite the fact that they are mainly used in the private sector, the anti-corruption provisions can be used to reduce the incidence of corruption in the public sector. In the United Kingdom, unethical conduct in the public sector can be adequately redressed by the aforementioned measures.

Conclusion

This article has focused on public sector ethics in the UK. It posited that the public sector ethos has led to higher ethical standards in the public sector. However, some commentators still doubt the effectiveness of the public sector ethos leading to higher ethical standards because of its inherent contradictions. Such commentators do not believe that NPM leads to higher ethical standards in the public sector. They believe that the notion of New Public Management (NPM) in the public sector has led to the watering down of the public sector's ethos (Hughes 2003). They contend that research has shown that the declining public confidence in the public sector is the result of the introduction of the New Public Management principles (Haque 2001). Furthermore, such commentators aver that the managerial autonomy inherent in the private sector is difficult to apply in the public sector. Accordingly, they contend that this unhealthy interchange of managerial autonomy in the public sector has led to unethical practices by workers via inappropriate means (Wood 2004). Also, the decentralisation inherent in the NPM-influenced UK public sector leads to a lack of accountability and invariably erodes democratic control.

Other manifestations of the increase in unethical conduct as induced by NPM include: results in business and market models which have replaced service as the cornerstone in the public sector (Wood 2004), and the problems of privatisation.

This article has argued against these views that NPM has led to lower ethical standards in the public sector. Here, the article posited that NPM does not lead to lower public sector ethos but to a better and improved ethos in the public sector. For example, public sector workers are influenced by intrinsic rather than commercial motivations.

Furthermore, the public sector is expected to have higher ethical standards than the commercial world because of the (the public sector's) special relationship (of trust) between officials and stakeholders. As seen from the previous sections

of this article, it is obvious that good ethical standards are a *sine qua non* for any public sector organization. Good ethical standards are the most important policy in the public sector, because all other policies are dependent on it (Wood 2004).

Furthermore, the government utilises mechanisms such as codes of conduct, improved transparency, regulatory bodies and international conventions to maintain ever higher ethical standards in the public sector.

As we have seen from the analysis in the earlier sections of this article, public ethos may be problematic in its application, but it still remains a good thing. This work will align itself to the view of Dennis Thomson who stated that: 'Ethics may be only a means to an end. Government ethics [public sector ethos] provides the preconditions for the making of good public policy. In this sense, it is more important than any single policy because all policies depend on it' (Thomson 1992: 255).

Finally, this paper does not suggest that the modern public sector should discard the influences of market or business on its ethos. The contention of this paper 'is not to argue that the public sector does not need to modernise, but successful change must build on the public sector ethics, not subvert it' (*Guardian* 2003).

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