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"THE ITALIAN EXPERIENCE ON AUDITING DISCIPLINARY FUNCTIONS AND PROCEDURES - HOW THE LEGISLATIVE SYSTEM HAS BEEN CHANGED IN THE LAST YEAR - HAS THE BEHAVIOUR CHANGED?"

Seminar on Auditing Ethics
17 – 18 September 2013
European Court of Auditors, Luxembourg

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DISCIPLINARY SYSTEM AIMED AT SUPPORTING ETHICAL CONDUCT THROUGHOUT PUBLIC ADMINISTRATION

- Legal framework before the Legislative Decree no. 150/2009
- Audit outcomes

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- Adverse effects deriving from the public employment regulations inside the collective agreements (according to civil law)
- Inaction of the public administrations in the starting up of disciplinary proceedings

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- Considerable lack of homogeneity, between central and local administration, in imposing sanctions
- Difficulties in acting as a third party for the bodies entrusted with sanctioning functions

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- Trend to too frequently underestimate unethical behaviour
- Controversial experience of the disciplinary arbitration committees

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- Special questions in administrations where sensitive subjects are involved such as schooling
- Connections with penal system and links to crimes

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DISCIPLINARY SYSTEM AIMED AT SUPPORTING ETHICAL CONDUCT THROUGHOUT PUBLIC ADMINISTRATION

- Framework outlined by the Legislative Decree no. 150/2009

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- Recovery of disciplinary rules and regulations in the legal system (outgrowing of the contractual regime)
- Outline of administrative behaviour in public administration ethics

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- "Upgrading" of the ethic regulations as to law rank
- Dismissal for disciplinary causes provided also for code of conduct breaches
- Interdependence between ethical conduct evaluation and "three E – Efficiency, Effectiveness and Economy" assessment

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DISCIPLINARY SYSTEM AIMED AT SUPPORTING ETHICAL CONDUCT THROUGHOUT PUBLIC ADMINISTRATION

- Anti-corruption system enforced by the Law no. 190/2012

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- An Anti-corruption Authority has been enforced according to the UN Anti-corruption Convention (2003)

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- The National Anti-corruption Plan establishes the guidelines which indicate the tools to enhance ethical behaviour
- Each Public Administration must approve its own Anticorruption Plan

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- In each Public Administration a public officer has to be specifically charged with measures for the prevention of corruption

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- New and more effective sanctions have been provided to fight the unethical behaviour (in case of breaches of Code of Ethics)

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- In fact for the breaches of the Code of Ethics has been provided the strongest sanction for public employees: the dismissal

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HOW BEHAVIOUR CHANGE

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Obviously we know that the actual changes in the human behaviour follow a slow and full of obstacles path. Notwithstanding we bear in mind this simple rule, in the Italian experience we can register a different awareness on the ethical issues and we can underline that the understanding of these is now linked to the effectiveness of the activity of public administrations

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Thank you
for
your attention