RAI methodology for monitoring and evaluation of CRA and CPL

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Mainstreaming Systematic Corruption Risk Assessments in SEE

Corruption risk management process
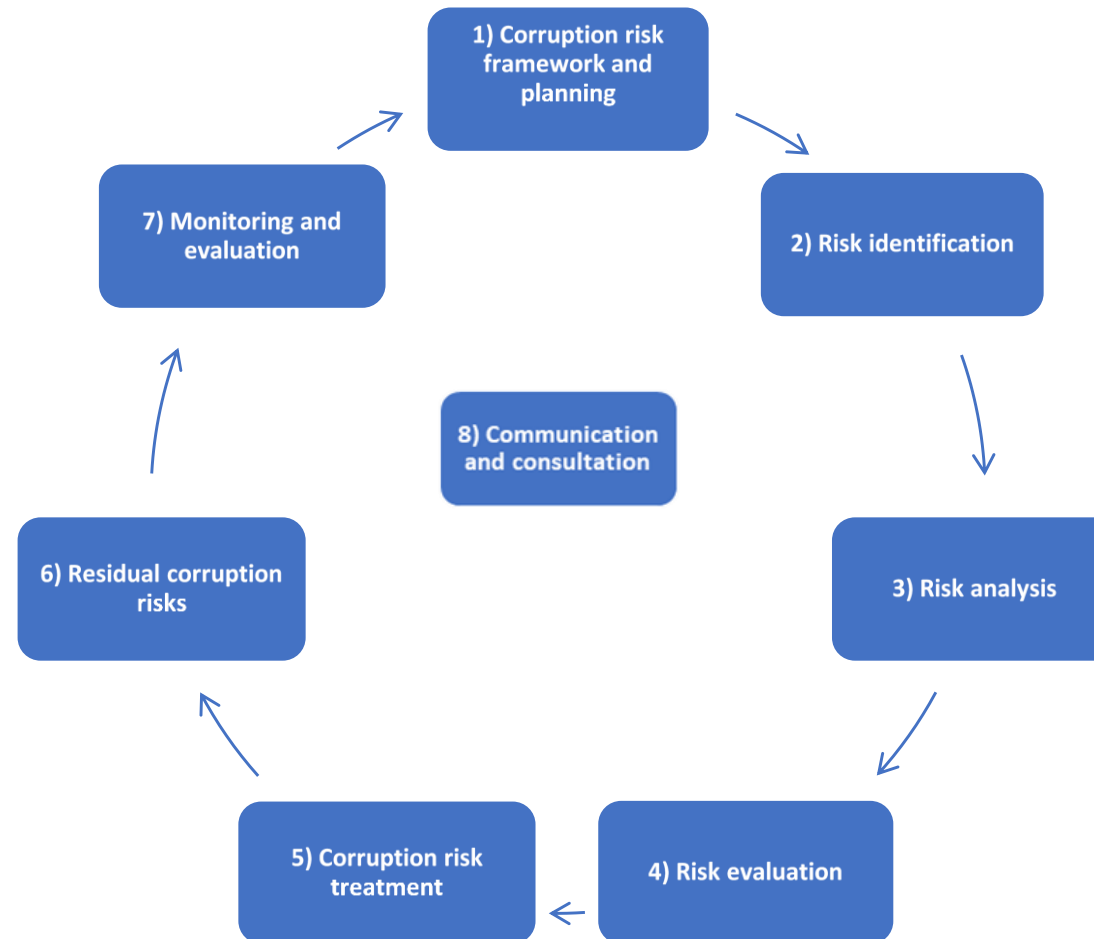
1) Corruption risk framework and planning

2) Risk identification

3) Risk analysis

4) Risk evaluation

5) Corruption risk treatment

6) Residual corruption risks

7) Monitoring and evaluation

8) Communication and consultation

RAI work on CRA / CPL M&E

- RAI developed two methodologies:

- Corruption Risk Assessment (CRA) - Monitoring and Evaluation Methodology. It is applicable to CRA at institutional, sectoral or ad-hoc exercises.

- Corruption Proofing of Legislation (CPL) – Monitoring and evaluation methodology. It is applicable at the national level, by the CPL agency.

- Both documents include examples of practical indicators that can be easily adapted and used to specific circumstances and needs.

- Both documents include practical steps and templates that can be used to start a monitoring or an evaluation process.

- Both documents include examples/good practices from the region.

Monitoring stage of the CRA process

It consists of regularly checking the progress in implementing all aspects of the process – identification, analysis, evaluation, and treatment.

Monitoring keeps track of the progress achieved, informs the stakeholders whether the activities are performed, outputs are delivered as planned and results are achieved. Monitoring allows detection of implementation problems in earlier stages of a process, a project or a programme.

The objective of CRA monitoring is to improve the quality and effectiveness of CRA process design, implementation, and outcomes. Periodic monitoring enables to maintain the focus on the achievements throughout each step of implementation.

Benefits of M&E of CRA mechanisms

- Increased transparency and visibility of performance. Regular CRA performance reports communicated to the stakeholders and the general public develop awareness and support for the anti-corruption reform.

- Increased accountability in relation to the stakeholders and the general public. Regular CRA performance reports explain and justify the activities undertaken. Thus, the management may easily be held responsible for the anti-corruption results.

- Development of institutional practices and institutional memory. Regular CRA performance reports institutionalise the anti-corruption work, making it part of the institutional backbone. The staff becomes proficient in the corruption risk assessment and passes along the practice to the newcomers.

Benefits of M&E of CRA mechanisms

- Increased anti-corruption learning. Regular CRA performance reports allow institutional learning about the corruption risks and their manifestation. Each CRA exercise contributes to a deeper knowledge of the assumptions and practical behaviour. Regular CRA raises awareness on anti-corruption keeping the focus on anti-corruption and its importance, and embedding anti-corruption values into the organisational culture and daily work.

- Improved internal policies and procedures. Regular CRA performance reports signal policies and procedures that do not yield expected results making room for improvements.

Monitoring methodology elements

1) indicators and data collection methods;

2) communication/reporting/follow-up procedure;

3) stakeholders' engagement procedure;

4) skills and competencies needed;

5) responsibilities of staff and structures involved;

6) resources.

1) Indicators

Indicators may be formulated for each CRA stage: 1) planning, 2) risks identification, 3) risks analysis, 4) risks evaluation, 5) risks mitigation/risks treatment, 6) residual corruption risks, 7) monitoring and evaluation, 8) communication and consultation.

Indicators are metrics used to measure certain conditions. Without indicators, the management can hardly track the progress of the activity and take corrective actions. Indicators clarify activities, outputs and outcomes and make them measurable. Staff performance in conducting CRA may also be assessed in relation to the indicators.

Indicators need baselines and targets. A baseline indicates an initial measurement that is taken at the beginning of the corruption risk assessment. The baseline is used to grasp progress over time. A target indicates the level or benchmark aimed at achieving the indicator.

For the risk mitigation/risks treatment stage, a separate matrix of indicators is needed to monitor risks and track the implementation of each mitigation measure.

Indicators

Indicators should cover the implementation of CRA stages as well as risk management process . Regarding risk management process, select indicators to monitor both the risk (changes in risk conditions and triggers) and the implementation of its mitigation measures.

Ensure that the selected indicators are SMART (Specific, Measurable, Achievable, Relevant and Time-bound).

Select reliable and realistic data sources for the indicators. Evaluate the existing data sources and the need to develop new data sources (ex. reports) and corresponding data collection instruments (questionnaires, templates). Use multiple data source if available.

Types of indicators

Framework indicators capture evidence on the framework conditions needed for corruption risk assessment and management to take place. Generally, CRA needs top-level commitment, a legal, procedural, or methodological risk management framework, expertise, budget and infrastructure. These indicators measure the level of input and rely on administrative data (for example: budget allocation for the development of whistleblowing platforms).

Progress indicators measure the actual implementation of CRA activities and corruption control measures. CRA activities are planning, gathering and analysing information to generate a risk management plan, risk matrix, gap analysis and mitigation plan. These indicators measure the outputs and rely also on administrative data (example: number of secured reporting platforms for whistleblowers).

Impact indicators are a metric of CRA outcomes and impacts. Outputs reveal substantial changes to the exposure of corruption, the real benefits for the stakeholders of the anti-corruption intervention (example: no. of whistleblowers enjoying protection against retaliation). Impacts indicate how anti-corruption changes contribute to good governance objectives. Impact indicators rely on expert assessments, surveys of citizens or beneficiaries of public services experiences and perceptions, statistics of corruption complaints or cases prosecuted etc.

Types of indicators

Indicators may be quantitative (numerical measures such as number, percentage, rate and ratio) or qualitative (description of characteristics, judgments, opinions, perceptions and attitudes), direct indicators (measure the change) or indirect/proxy (measure a contextual aspect related to the change).

Sometimes quantitative indicators are unable to grasp the actual anti-corruption results obtained. In this case, qualitative indicators have to be identified, although they may prove costly and hard to collect.

The anti-corruption literature recommends using a basket of indicators to better grasp the progress as each type of indicator captures a different aspect.

It is not important to have many indicators but relevant, critical ones. **Fewer indicators are always preferable** if they cover the entire extent of the desired anti-corruption change.

Examples of CRA framework indicators

- **Staff allocated to CRA exercise** – Number of persons that have as official duties in their job descriptions or are appointed to conduct the CRA exercise (including external experts).

- **Top-level commitment to CRA** - The indicator measures the number of CRA meetings attended by the Head of the organisation, project, policy area, etc. The Head is the highest in rank at operational level, such as president, director etc.

- **Monitoring and evaluation mandate** - The indicator checks if the CRA M&E mandate is officially given to specific persons and it includes data collection and elaboration of regular implementation/evaluation reports and recommendations.

Examples of CRA process indicators

- **Implementation level of the control measures** - The indicator assesses the percentage of control measures fully implemented.

- Review of corruption incidents and integrity breaches - The indicator measures the percentage of corruption incidents and integrity breaches that were analysed in the last fiscal year to determine the favouring factors and underlying causes. Such internal reports include recommendations and they may be used to update the corruption risk analysis and control measures.

- Number of stakeholders involved in corruption risk assessment - The indicator measures the number of persons - natural person or representatives of a legal person that attended a corruption risk identification meeting or submitted a point of view/questionnaire to the process.

Examples of CRA impact indicators

- **Relevance of the corruption risk assessment** - The ratio between corruption incidents/ integrity breaches not included in the risk matrix and those included: 0, less than 1, greater than 1. A result greater than 1 means that CRA was not done properly and it missed the most important corruption risks.

- **Effectiveness of corruption controls measures** - The ratio between corruption incidents/events related to work process were corruption control measures were implemented in the last fiscal year and those unrelated: 0, less than 1, greater than 1. A result greater than 1 means that control measures were not properly designed or implemented and failed to prevent corruption risks.

- Number of corruption incidents and integrity breaches

- % of employees that report increased awareness of corruption risks due to CRA exercise

- % of employees that report improving work processes due to CRA exercise

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2) Communication/reporting/follow-up procedure

Monitoring results have to be communicated and have to be able to be put to good use immediately.

Monitoring reports support evidence-based decisions, but sometimes they are not followed through by the management and do not trigger improvements of the CRA process.

Monitoring methodology has to explain how (in what format and through which channel) the results of the monitoring process will be communicated, when (frequency) and to whom (managers, stakeholders, general public). Monitoring reports have to be formally approved by managers and receive a management response.

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3) Stakeholders' engagement procedure

"Continued stakeholder participation in monitoring and evaluation cannot be assumed. It must be institutionalized" (cooperation platforms, working groups, regular meetings, written procedure)

In the planning step, stakeholders participate in setting the indicators and monitoring parameters.

Stakeholders' feedback is also needed during monitoring process implementation. They can contribute data for indicators and provide insight into the relevance of the mitigation measures.

Stakeholders may offer feedback on the monitoring reports and communicate to other audiences the results obtained.

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4) Skills and competencies

- knowledge of anti-corruption legislation and national strategy;

- knowledge of corruption prevention tools;

- knowledge of the internal anti-corruption management system;

- monitoring technical skills;

- statistical and analytical skills;

- previous experience in conducting monitoring, preferable for anti-corruption interventions, if available.

5) Responsibilities of staff and structures involved

- Which **organisational structures** are involved in monitoring and evaluation? (a specialised anti-corruption monitoring and evaluation unit or secretariat / existing corruption prevention structures may incorporate monitoring responsibilities in their mandate) What are their roles and responsibilities? What are their **key deliverables**? (monitoring report)

- Monitoring methodology has to clarify the mandates, the responsibilities and the accountability of all the parties involved in the CRA process.

- Depending on the CRA type (institutional, sectoral or ad-hoc), monitoring responsibilities may entail to different organisations, departments, working groups and individuals.

- In the provided exercise template, key roles and responsibilities are assigned based on the levels of monitoring: national, sector, policy, institutional, programme, and project.

Responsibilities of staff and structures involved

- Design monitoring methodology and elaborate monitoring manuals;

- Organise trainings;

- Data collection;

- Organise and analyse data;

- Generate reports, findings, lessons learned, and elaborate recommendations;

- Inform the stakeholders;

- Observe the response to the recommendations;

6) Resources

- financial resources (total budget and main cost categories);

- human resources (number of working days per expert involved);

- technology (software, hardware, access to databases);

- information (access to specific types of information);

- time (periods and deadlines).

CRA / CPL Monitoring process steps

1) Planning the monitoring process

2) Data collection

3) Data analysis

4) Reporting and communication

5) Apply findings
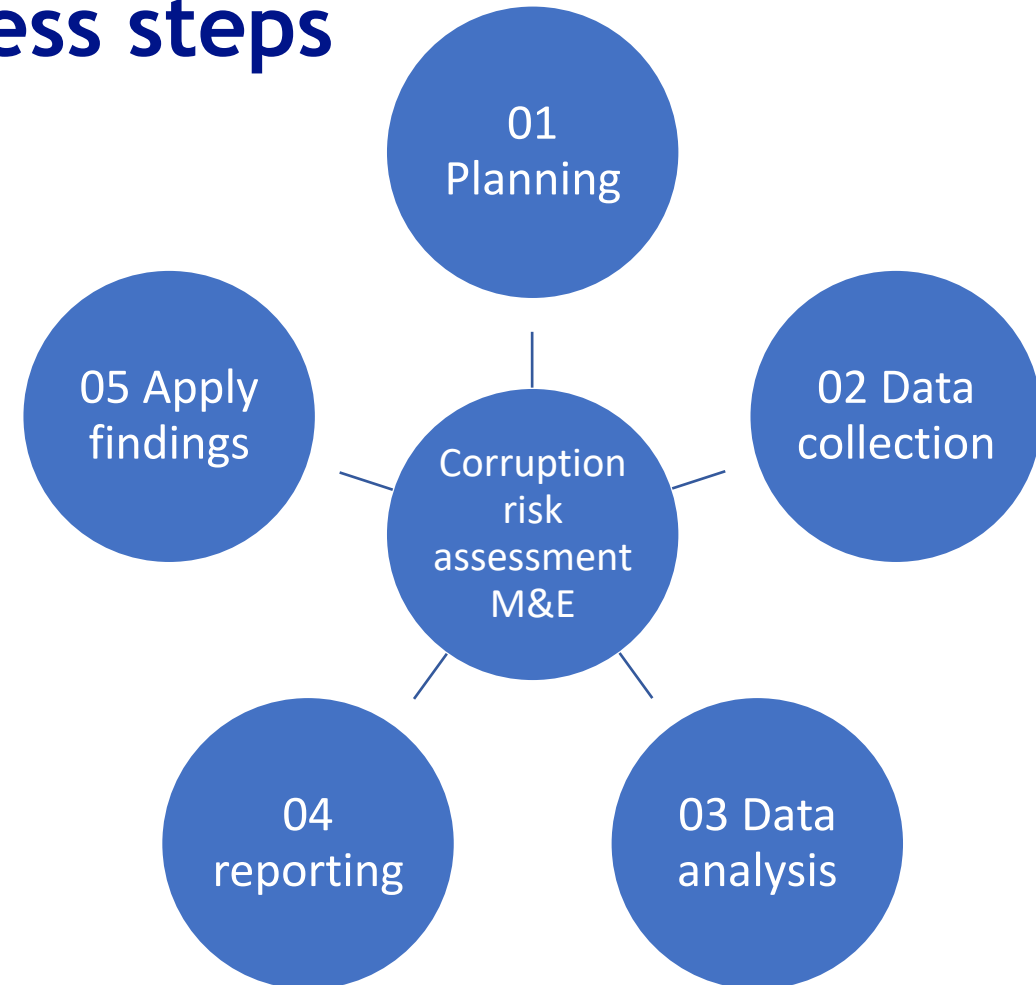
Examples of CPL Framework indicators

- CPL annual cost

- Staff allocated to CPL

- Gender balance of staff allocated to CRA exercise

- % of internal staff /external CPL experts completing a CPL/RIA training

- Gender balance of staff participating in CPL/RIA training

Examples of CPL Process indicators

- An annual CPL plan approved and published

- Rate of corruption proofing in respect of draft primary legislation

- Reasons for draft laws (primary legislation) not being subject to corruption proofing

- Number of recommendations issued concerning draft primary legislation

- Rate of corruption proofing in respect of draft secondary, tertiary or local level legislation

- Reasons for draft regulations (secondary, tertiary, local level legislation) not being subject to corruption proofing

- Number of recommendations issued concerning draft secondary and tertiary legislation or local level legislation

- Corruption proofing performance in respect of existing legislation

- Number of recommendations issued concerning existent legislation

- Rate of CPL report publicly available on the Internet

- Number of meetings/consultations with stakeholders organised to better substantiate the CPL process

- Justification rate for non-compliance with the recommendations

- Feedback on the level of compliance with the recommendations

Examples of CPL Impact indicators

- Acceptance rate of recommendations

- Civil society usage of CPL reports

- Media attention/interest to inform the public on CPL reports

- The amounts saved from corruption

- Anti-corruption files initiated based on CPL findings

- Criminogenic effect of enacted legislation

- The level of corruption, good governance and rule of law in the country

Disaggregated CPL indicators

- by type of legislation (draft/ enacted legislation)

- by the level of legislation (primary, secondary, tertiary and local-level legislation). Primary legislation refers to laws adopted by national parliaments and delegated legislators, according to constitutional rules; Secondary legislation refers to decrees and other bylaws adopted by the government, competent ministries and institutions at the central level to implement primary legislation. Tertiary legislation refers to orders or other implementing acts adopted by central-level entities or regional/provincial authorities. Local-level legislation refers to regulations adopted by local self-governments (towns, cities, and municipalities).

- by sector/legislative domain (justice, education);

- by type of public organisations (ministries, Parliament) According to the separation of powers principle, a state has three branches: a legislature, an executive, and a judiciary. Usually, the Parliament is the only national-level legislator. The Government and the President of the Republic represent the executive layer, each having different competencies under the Constitution. The central government has authority over the ministries, decentralised agencies, and public administration. Local government is a generic term for the lowest tier of public administration.

- by type of outcome after proofing: modified/not modified; rejected, under review or enacted.

CRA diagnostic tools in Romania

- General Anti-corruption Directorate (DGA) CRA methodology developed continuously from 2013 onward (applicable to the Ministry of Internal Affairs - MAI and subordinate institutions). The methodology is sophisticated, it requires specific training for the staff involved in the working groups. In the same time, MAI conducts a national-level annual assessment of the integrity / corruption cases involving its staff.

- Ministry of Justice (MoJ) and Ministry of Development, Public Works and Administration (MDLPA) developed a easier CRA methodology to be applied by the central level agencies. This methodology was adopted by Government Decisions (GD no. 599/2018). The implementation of this methodology is monitored in the framework of National Anti-Corruption Strategy through peer-review missions, internal audit missions, and annual reporting to the MoJ (only two indicators are mentioned: number of corruption risks identified, number of mitigation measures).

- A CRA methodology for local public administration was developed, but in recent years local public administration authorities started to implement the GD no. 599/2018. Local administration reports annually on the implementation of CRA to MDLPA.

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Good and bad practices in Romania

- CRA implementation is uneven in the public sector. For most of the public agencies, CRA is a formal task to be implemented just for conformity reasons (check-the-box approach). Staff is not involved in the process and the final result is seldom communicated or used in the day to day work.

- Several public agencies implemented ISO37001 standard and they are subject to annual surveillance independent external audits. In these agencies, CRA is conducted more thoroughly. Also, in the MAI, CRA is conducted at a professional level.

- Private sector organisations implemented ISO37001 to ensure credibility in relation to foreign partners subject to FCPA, UKBA, Sapin II etc. CRA is conducted at a professional level.

- Generally, the civil servants do not understand the usefulness of CRA exercises and how these practices can have a practical result. Staff is not aware of the corruption risks. People are not prepared to react of corruption (denial). As a consequence, in real life situation, they tend to perform badly in terms of immediate, explicit and strong refuse to take part in corruption schemes. Double language may be seen as an acceptance of the promise.

Conclusions

- RAI developed a set of indicators able to measure the effectiveness of CRA/CPL mechanisms. Such indicators have to be included in legally biding documents.

- Monitoring and evaluation of the anticorruption work is a powerful tool to ensure active implementation (It is a deterrent of the check-the-box approach)

- CRA/CPL tools have to be integrated into an anti-corruption framework at institutional or national level (relate to other anti-corruption tools such as evaluation of the integrity failures, internal audits etc).

Thank you!

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