



Government of Montenegro  
Office for European Integration



 Norway



# INTEGRITY

## IN ACTION

Assessment of Anticorruption Measures  
in the Social and Child Protections System

*Report*





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in the Social and Child Protections System

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## Executive Summary

The social and child protection system includes 39 public authorities: 13 centres for social work (CSW) and 26 social and child protection institutions. The classification according to the type of public authorities is shown in Table 1 below.

Table 1: Classification of public authorities in the social and child protection system

Classification of public authorities in the system	Number of public authorities in the system	Number of public authorities participating in applying the Methodology	Share of public authorities participating in applying the Methodology
Centres for Social Work	13	10	76.92%
Children and youth institutions and other institutions	21	17	80.95%
Nursing homes	5	5	100%
<b>Total</b>	<b>39</b>	<b>32</b>	<b>82.05%</b>

Based on the analysis of the results from the reports done for individual public authorities participating in implementing the *Methodology for assessing the implementation of anticorruption measures* in managing corruption risks, internal control, transparency i.e. availability of information, professional conduct and the ethics culture, the main findings are as follows:

- The overall performance of public authorities in the social and child protection system in applying the anticorruption measures in the 4 common areas is **41.35%**.
- Most of the authorities, 24 in total, have the performance in 4 categories in the range from 25% to 50%, followed by 6 authorities with the performance in the range between 50% and 75%, and 2 authorities for the performance between 0% and 25%.

Chart 1: the number of public authorities and their performance in applying anticorruption measures

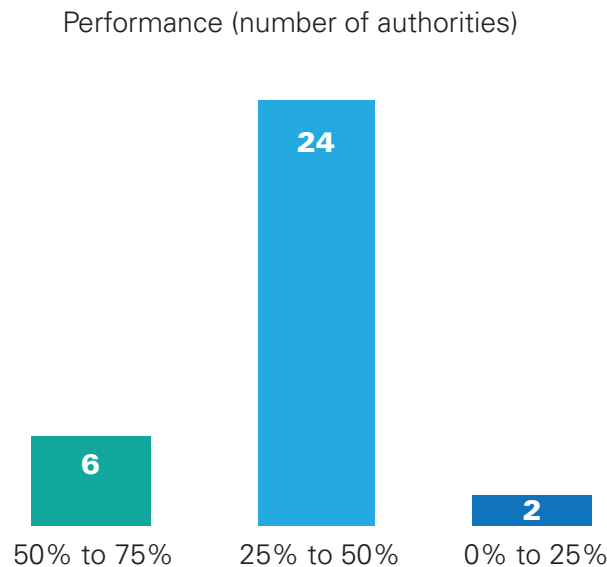


Table 2. Ranking of pertinent public authorities according to their performance in the 4 categories

No	PUBLIC AUTHORITY	PERFORMANCE (%)
1.	PI Day Care Centre Podgorica	71.53%
2.	PI Nursing Home Podgorica	70.97%
3.	PI Day Care Centre for Children with Disabilities Herceg Novi	62.50%
4.	PI Day Care Centre Pljevlja	54.17%
5.	PI Komanski most Podgorica	52.08%
6.	PI Centre for Social Work for municipalities Bar & Ulcinj	51.39%
7.	PI Centre for Social Work for the municipality of Danilovgrad	47.22%
8.	PI Nursing Home Pljevlja	47.22%
9.	PI Nursing Home Bijelo Polje	46.53%
10.	PI Centre for Social Work for the municipality of Bijelo Polje	45.83%
11.	PI Centre for Social Work for municipalities Berane, Andrijevisa & Petnjica	45.14%
12.	PI Centre Ljubović Podgorica	45.14%
13.	PI Day Care Centre for Children and Youth with Disabilities „Sirena“ Ulcinj	44.44%
14.	PI Centre for Social Work for the municipality of Herceg Novi	43.75%
15.	PI Centre for Professional Rehabilitation Podgorica	41.67%
16.	PI Centre for Social Work for municipalities Mojkovac & Kolašin	40.97%
17.	PI „Tisa“ Bijelo Polje	40.28%
18.	PI Centre Golubovci	39.86%
19.	PI Day Care Centre Mojkovac	38.89%
20.	PI Day Care Centre „Lipa“ Plav	38.19%
21.	PI Centre for Social Work for municipalities Kotor, Tivat & Budva	36.11%
22.	PI for Rehabilitation Podgorica (Kakaricka gora)	35.42%
23.	PI Nursing Home Grabovac Risan	33.33%
24.	PI Day Care Centre Budva	32.61%
25.	PI Day Care Centre Berane	31.94%
26.	PI Day Care Centre Nikšić	31.94%
27.	PI Nursing Home Nikšić	30.65%
28.	PI Centre for Social Work for the Old Royal Capital Cetinje	29.86%
29.	PI Day Care Centre Rožaje	28.47%
30.	PI Children's Home Mladost Bijela	25.69%
31.	PI Centre for Social Work for municipalities Pljevlja & Žabljak	25.00%
32.	PI Centre for Social Work for municipalities Plav & Gusinje	16.67%

Although under Art 78 of the Law on Prevention of Corruption<sup>1</sup>, the Agency for Prevention of Corruption (hereinafter: APC) is to assess the efficiency and effectiveness of Integrity Plans, upon the request to provide self-assessment reports in line with the **Methodology for assessing the implementation of anticorruption measures** and the accompanying verification tool, **the total of 7 public authorities in this system failed to respond:**

- 1. the Centre for Social Work for municipalities Nikšić, Plužine and Šavnik;**
- 2. the Centre for Social Work for the municipality of Rožaje;**
- 3. the Centre for Social Work for the Capital City Podgorica, and municipalities Golubovci & Tuzi;**

<sup>1</sup> (Official Gazette of Montenegro 53/2014 and 42/2017)

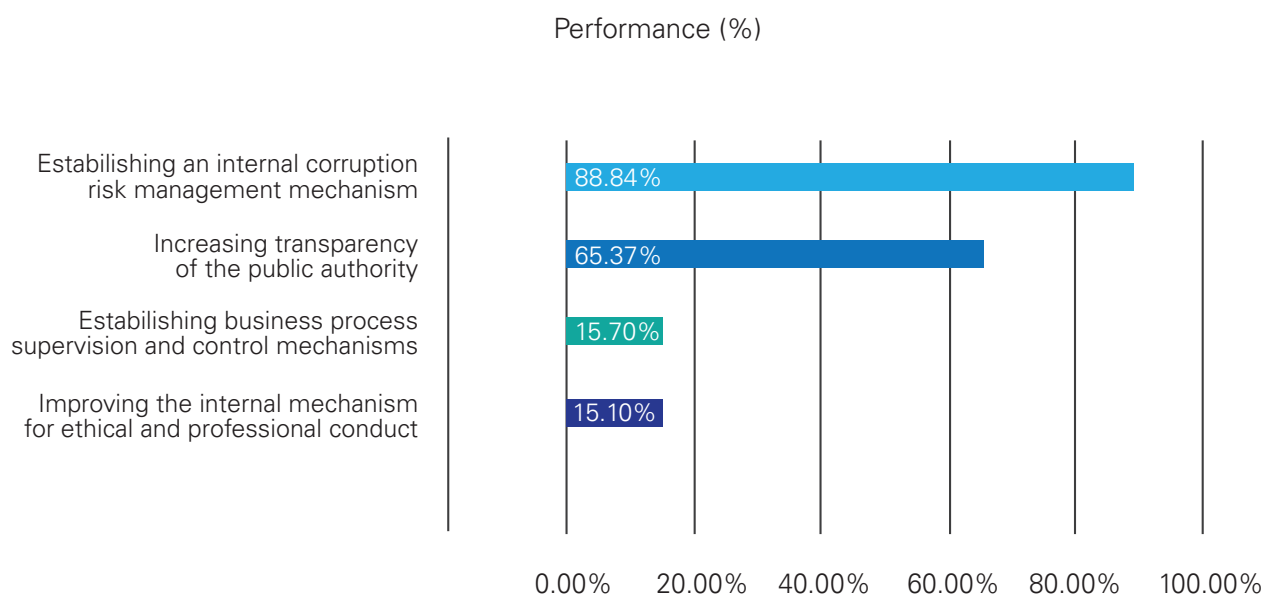


4. the PI Day Care Centre for Children and Adults with Disabilities, Old Royal Capital Cetinje;
5. the PI Lovćen – Bečići;
6. the PI Day Care Centre for Children and Youth with Disabilities – Tivat;
7. the PI Children and Families Support Centre, Bijelo Polje.

By categories, the best performance is registered under category 1 – *Putting in place the assumptions for implementing anticorruption regulations* – 48.26%. Under this category, the institutions covered performed best under the criterion *Establishing an internal corruption risk management mechanism* (88.84%). As regards the remaining categories and criteria for assessing performance, the performance under the criterion *Increasing transparency of the public authority* (65.37%) stands out.

The weakest performance is recorded under category 3 – *Building an ethical culture* – 27.40%. As regards the criteria, the weakest performance is recorded in *Establishing business process supervision and control mechanisms* (15.70%) and *Undertaking measures towards improving the internal mechanism for ethical and professional conduct of staff* (15.10%).

Chart 2: The criteria with best and worst performance



As already noted, the best results are achieved in the area of corruption risk management and information availability, stemming from the Law on Prevention of Corruption<sup>2</sup> and the Free Access to Information Law.<sup>3</sup>

Having in mind that Establishing internal control is governed by the Law on Public Sector Management and Internal Control<sup>4</sup>, and that improvement in the area of ethical conduct of public authorities required proactive actions by introducing standards not stipulated as mandatory, this leads to a conclusion that the performance under both headings is the same. **Providing legal provisions requiring the establishment of internal control did not have an impact on their implementation.**

<sup>2</sup> Official Gazette of Montenegro 53/2014 and 42/2017

<sup>3</sup> Official Gazette of Montenegro 44/2012 and 30/2017

<sup>4</sup> Official Gazette of Montenegro 75/2018

Public authorities were deducted-2.97% in case of final court judgements against them, adverse opinions issued by the State Audit Institution (SAI) and the opinions of the Agency for Prevention of Corruption establishing harm done against the public interest indicative of corruption.

The bulk of measures in the category named *Strengthening the enforcement of CSW competences* (5A) referred to control of foster families (67.50%). Much lower performance was recorded in the process of controlling the work of guardians (32.50%).

The best performance under the category *Strengthening the enforcement of competences of social and child protection institutions* (5B) was recorded in reference to posting information on institutional webpages regarding the terms of services, eligibility and available capacities (45.24%). Somewhat lower results were recorded in reference to re-assessment of beneficiaries (33,33%).

Finally, thanks to this initiative, 11 public authorities used the period from receiving the Methodology for information purposes until the expiry of the timeframe for provision of verification tools (19 November- 30 December 2021) to draft 39 internal enactments mentioned as indicators. **The detailed overview is given in the section presenting the conclusions.**

## Introduction

Article 78 of the Law on Prevention of Corruption<sup>5</sup> stipulates, inter alia, that the APC is to monitor the adoption and implementation of Integrity Plans, give recommendations for improvement, and assess the efficiency and effectiveness of Integrity Plans in terms with this Law.

An Integrity Plan is a strategy document based on self-assessment of corruption risks, their evaluation and definition of appropriate prevention measures towards improving the quality of their work, efficiency, professional standards and ethical culture. An important feature of this preventative tool is the possibility to be accompanied with other anticorruption tools.

In an attempt to assess the implementation of anticorruption measures, in November 2021 the **Methodology for Assessing the Implementation of Anticorruption Measures** (hereinafter: the Methodology) was developed.

The pilot version of the Methodology was applied to public authorities in the two selected systems:

- Social and child protection; and
- State administration and other government bodies.

The Methodology was finalised in a consultative process, through workshops with the representatives of public authorities from the pilot systems held on 25-26 October 2021 in Podgorica.

The Methodology is to measure the efforts invested by public authorities in state administration and social and child protection systems in applying the anticorruption measures contained in different systemic laws, as well as the efforts to apply the measures not prescribed as mandatory, which are conducive to developing a culture of resilience to corruption and other irregularities.

The terms used in this Report in its masculine form imply the same terms in feminine form.

## Methodology for Assessing the Implementation of Anticorruption Measures

When drafting the methodology, the recommendations given in the description of the “Anticorruption Initiative Assessment”, carried out by the Anticorruption and Civil Rights Commission of the Republic of Korea were taken into account<sup>6</sup>. One of the recommendations for the countries interested in adopting similar methodologies is to start with several simple criteria with quantitative indicators.

The purpose of the methodology is to assess whether public authorities implement anticorruption measures, to what extent their application has brought about certain changes, as well as to encourage public authorities to be proactive when planning and applying anticorruption measures which are not provided as mandatory.

The Methodology contains 3 main categories, 9 criteria and 33 performance indicators (72 points in total) intended to show whether public authorities established institutional mechanisms for

5 Official Gazette of Montenegro 53/2014 and 42/2017

6 For more details see: Introduction to Korea's Anti-Corruption Initiative Assessment (2016) [www1.undp.org/content/seoul\\_policy\\_center/en/home/research-and-publications/ACRC.html](http://www1.undp.org/content/seoul_policy_center/en/home/research-and-publications/ACRC.html)

managing corruption risks, internal control, availability of information, professional conduct of staff, raising awareness among the staff concerning ethics and integrity, and preventing conflict of interests situation, i.e. building an ethical culture.

Category 4 contains 8 indicators,<sup>7</sup> which when met lead to subtraction of points, -20 in total, and serves as an adjustment for the indicators under the first three categories, which can among other things be monitored through the data and reports of other supervisory bodies.

Category 5 *Strengthening the delivery of public authority's mandate* refers to the implementation of anticorruption measures in pursuit of the institution's competences, and it is envisaged for certain types of institutions in the social and child protection system. Category 5A is tailor-made for Centres for Social Work, and includes 2 criteria and 6 indicators (13 points in total). The potential score for CSWs for which category 5A applies is 85. Category 5B was developed specifically for social and child protection institutions, and contains one criterion with two indicators (6 points in total). The potential score for public authorities to which category 5B applies is 78.

Public authorities were provided the Methodology on 19 December 2021, and were asked to do self-assessment based on the criteria set and provide relevant verification tools by 30 December 2021. Using the table provided, they entered self-reported score next to each indicator and provided APC with the means of verification for each indicator.

If an authority failed to provide means of verification or provided the ones which do not prove that the set indicators have been met, and no verification was possible with the data from other source, **0 points** are awarded. If an authority provided means of verification or such verification was obtained from other sources, depending on the level to which the given indicator is met, **1 to 4.5 points** are awarded. In case the indicators under category four are met, points are subtracted. In rare cases of partial meeting of indicators, **0.5 points** are awarded.

The following has been used to verify indicators:

- a. electronic or paper copy documents provided to the APC by authorities,
- b. data from the records kept by the APC, and
- c. the information available on public authorities' webpages.

The anticorruption measure performance index for the four common categories was obtained by calculating the total score awarded to the given public authority as a share of the maximum possible score.

The scoring in case of public authorities in the social and child protection system (hereinafter: System) is supplemented by additional categories 5A *Strengthening the enforcement of CSW competences* and 5B *Strengthening the enforcement of competences of social and child protection institutions*, taken into account in scoring, ranking and reporting on that type of authorities.

**Note:** Given that public authorities were provided with the Methodology in November 2021, a small change in scoring referred to those authorities set up in 2020 and 2021 to make the scoring as objective as possible. In case of the authorities set up in 2021 – the Nursing Home Nikšić and the Nursing Home Podgorica, the total of six indicators were excluded from scoring (1.1.4, 1.1.5, 1.2.5, 2.1.2

<sup>7</sup> The terms performance indicator and indicator are used interchangeably.

and 2.1.3), whose implementation is still not due in their case, thus reducing the total score in three categories by 10 points, i.e. 62 points, while the total score when category 5B is included is 68.

In case of the public authorities established in 2020 – the PI Centre for Social and Child Protection Services Provision for Municipality Golubovci and the PI Day Care Centre for Children and Youth with Disabilities Budva, the indicator 1.1.5. whose implementation is still not due in their case was excluded from scoring, thus reducing the total score for three categories by 3 points, i.e. 69 points in total, or 75 points in total when category 5B is included.

Given its specific remit, in the case of the PI Centre for Professional Rehabilitation Podgorica, category 5B was excluded from scoring.

## Reporting methodology

The reporting methodology for the social and child protection system is based on statistical and content-wise processing of data from **individual reports made for public authorities** (32 reports) participating in implementing the Methodology for assessing the application of anticorruption measures. Individual reports for each public authority were made following the self-assessment and receiving the means of verification for assessing the level of completion as per specific indicators. The structure of individual reports follows the structure of the Methodology for assessing the implementation of anticorruption measures. Individual reports for each public authority were done after the self-assessment and submission of verification tools to assess fulfilment of criteria. The structure of individual reports follows the structure of the Methodology, and apart from the points awarded (subtracted) and the description of key findings for each criterion, it also contains recommendations for the application of anticorruption measures for each authority specifically.

At the system level, the overview of total score achieved as a share of the total score possible is given for each category, criterion and indicator in order to signal the areas of the system where public authorities did conduct anticorruption measures, and where not, i.e. which are in need of improvement.

The tables feature the information on the percentage of fulfilment of each specific indicator at the system level, while the narrative parts below the tables highlight the most relevant findings, illustrated by the public authorities which did meet a certain indicator (or a part thereof) as a share of all authorities in the system to which the given indicator applies.

The ranking of public authorities in the social and child protection system was done based on the score attained in the four common categories and the fifth category in reference to the specific sub-system or public authority.<sup>8</sup>

*The findings and recommendations featured in the Report are intended to indicate to decision-makers the areas where systemic deficiencies were observed and how to respond (whether to adopt/amend or enforce legislation, establish or reinforce supervision over the work of public authorities, etc.) in order to foster integrity.*

Based on the findings featured in the Report, the APC will have the opportunity to monitor in future the speed of applying anticorruption measures, their efficiency and usefulness, i.e. whether the shortcomings observed have been addressed or not.

<sup>8</sup> The scoring table for each public authority by each category and criterion is given in Appendix 1.

## Anticorruption performance by category

### Category 1: Putting in place the assumptions for implementing anticorruption regulations

Within category 1, with the total of 3 criteria and 14 indicators, the application of anticorruption measures set by two systemic laws – the Law on Prevention of Corruption and the Law on Public Sector Management and Internal Control – was measured.

The overall performance of public authorities in this category stands at **48.26%**.

When it comes to special criteria within this category, high performance was achieved in establishing internal corruption risk management mechanisms – **88.84%**.

On the other hand, the lowest performance was achieved under the criteria referring to establishing internal control – **15.70%**. The best performing authorities under this category include the following: the PI Day Care Centre for Children and Youth with disabilities Podgorica (81.82%), the PI Day Care Centre for Children and Adults with Disabilities Pljevlja (69.70%) and the PI Day Care Centre for Children with Disabilities Herceg Novi (66.67%).

The poorest performers include: the PI Centre for Social Work for municipalities Plav and Gusinje (24.24%), the Nursing Home Nikšić (27.27%) and the PI Centre for Social Work for municipalities Pljevlja and Žabljak (27.27%).

Table 3: Performance under Category 1: Putting in place the assumptions for implementing anticorruption regulations

Category 1 - criteria	Total score for all respondent authorities	Actual score	Performance (%)
<b>1.1 Establishing an internal corruption risk management mechanism</b>	430	382	88.84%
1.1.1 Integrity Manager appointed (1 point)	32	32	100%
1.1.2 Integrity Plan developed- 1 point  *If the Integrity Plan is posted on the APC web-based application, an additional point is awarded. If it is posted in line with the user instruction, an additional point is awarded.  **If the Integrity Plan was updated at least once over the last two years, an additional point is awarded.	128	121	94.53%
1.1.3 Apart from general risk areas, the Integrity Plan also identifies specific risk areas. one specific risk area- 1 point two specific risk areas- 2 points c) three or more specific risk areas- 3 points	96	69	71.88%
1.1.4 The Integrity Plan Implementation Report for the previous year prepared and submitted to the APC: a hard copy- 1 point b) through the web-based application- 2 points	90	90	100%

1.1.5 The Questionnaire for Assessing Efficiency and Effectiveness of the Integrity Plan completed and submitted to APC in the last two years: a hard copy- 1 point b) through the web-based application- 2 points	84	70	83.33%
<b>1.2 Establishing business process supervision and control mechanisms</b>	446	70	15.70%
1.2.1 Internal Audit mechanism established (2 points)	64	8	12.50%
1.2.2 Internal audit completed (audit report prepared) in the previous two years: one- 1 point two or more- 2 points	64	1	1.56%
1.2.3 Share of the internal audit recommendations followed through over the last reporting period - 50% - 70% - 1 point, 70% - 90% - 2 points, above 90% - 3 points	96	0	0%
1.2.4 The Risk Register developed in terms with Art 14 of the Law on Public Sector Management and Internal Control: register in place- 1 point; the register in place and updated within the last year - 2 points *In case the current Risk Register is posted on the authority's webpages, an additional point is awarded.	96	29	30.21%
1.2.5 The Annual Report on notifications of suspicions of irregularities and fraud and the measures taken under Art 53 of the Law on Public Sector Management and Internal Control prepared (1 point)	30	1	3.33%
1.2.6 Under Art 50 of the Law on Public Sector Management and Internal Control, the Book of Internal Procedures: developed - 1 point developed and updated over the last two years- 2 points *In case the current Book of Internal Procedures is posted on the authority's webpages, an additional point is awarded.	96	31	32.29%
<b>1.3 Establishing mechanisms for detecting and reporting corruption upon whistle-blowers' reports</b>	160	48	30%
1.3.1 The person for receiving and responding to whistle-blower reports on harm to the public interest indicative of corruption (1 point)	32	25	78.13%
1.3.2 The procedure for responding to reports on harm to the public interest indicative of corruption and protecting the reporting person in place (2 points)	64	15	23.44%
1.3.3 The procedure detailing the method and the criteria for selecting the person to receive and respond to reports in place (2 points)	64	8	12.50%
<b>Total</b>	<b>1036</b>	<b>500</b>	<b>48.26%</b>

## Key findings by criteria

### Criterion - 1.1 Establishing an internal corruption risk management mechanism

Very high performance (88.84%) was achieved in establishing the risk management mechanisms.

Public authorities have implemented the measures stemming from the Law on Prevention of Corruption. Integrity Managers are appointed in all authorities, while 87.5% of public authorities developed Integrity Plans over the last two years and posted them on the web-based application in line with the user instruction provided by the APC. All public authorities whose reports were due did provide reports on the implementation of Integrity Plans as hard copies, and on the web-based application, while 67.86% of public authorities who were required to do so did fill out the



Questionnaire for assessing the efficiency and effectiveness of their Integrity Plans, and provided them to the APC as hard copies and through the web-based application.

Apart from the general areas, 43.75% of public authorities assessed risks in three separate areas. One of them refers to implementation of the public authority's mandate (such as standards for the provision of day care services, provision of social services, etc.), which is seen as positive, given that the core function of social and child protection system is to improve the living standards of individuals and families.

There were no shortcomings observed.

## Criterion – 1.2 Establishing business process supervision and control mechanisms

Quite low performance standing at 15.70% was achieved in the implementation of measures for establishing the internal control system.

The analysis has revealed that 28.13% public authorities developed and published individual procedures referring to definition of various areas essential for their functioning (e.g. the procedure concerning the measures and actions to be taken in case of incidents, the procedure concerning the measures and actions to be taken in case of violence, abuse and neglect, etc.). However, this indicator was not fully met, since the procedures were not systematised in the Book of Internal Procedures.

### Good practice example:

**The PI „Komanski most“ developed the Annual Report on notified suspicions of irregularities and fraud and the measures taken, as envisaged by Art 53 of the Law on Public Sector Management and Internal Control.**

### Shortcomings observed:

**As many as 87.50% public authorities failed to set up the internal audit function.** Some public authorities made a reference to the Decree on Establishing the Internal Audit Function in the Public Sector<sup>9</sup>, which states that the Ministry of Finance and Social Welfare is to supervise the work of public authorities in the social and child protection system, claiming that the establishment and functioning of internal audit did not depend on them. However, they disregarded the fact that in that case they need to enter into an agreement for internal audit to be performed by the internal audit unit of another entity under Art 49 of the Law on Public Sector Management and Internal Control.

Respondent authorities also overlooked the duty of their heads to provide to the Ministry the data on the internal audit methodology, Risk Register and Book of Procedures (Art 50).

Although developing the Risk Register is a statutory obligation, only 65.63% respondent authorities complied with it. Only 25% of all respondent authorities have in place the Risk Register that was updated within the last year and posted on its webpages. As many as 40.63% public authorities in this system still lack the Book of Internal Procedures, while only 15.63% of them have updated and published versions in place.



There is some ambiguity as to what the Risk Register should contain (as means of verification, public authorities would provide either the risk registers from their respective Integrity Plans referring to corruption risks or the risk registers made within the framework of ISO quality management systems).

As many as 96.67% respondent authorities do not have in place the Annual Report on notified suspicions of irregularities and fraud and the measures taken, as envisaged by Art 53 of the Law on Public Sector Management and Internal Control.

### Criterion – 1.3 Mechanisms for detecting and reporting corruption upon whistle-blowers' reports

The performance in the range of 30% was achieved in reference to establishing a mechanism for detection and reporting on corruption upon whistle-blower reports. Although this is a statutory requirement, the person for receiving and responding to whistle-blower reports on harm to the public interest indicative of corruption was appointed by 78.13% respondent authorities only. Moreover, that is just the first step in the process of putting in place a mechanism for detection and reporting of corruption upon whistle-blower reports.

#### Shortcomings observed:

The procedure for acting in case of reports on harm to the public interest indicative of corruption including the protection of the reporting person was developed by 21.88% respondent authorities, while the procedure for the manner and criteria for appointing the person to receive and act upon such reports was put in place by 12.50% respondent authorities.

Notably, some of the respondent authorities that have in place the procedure for appointing the person to receive and act upon whistle-blower reports only determined the method of appointment, without stipulating the criteria, as was stated in individual reports.

The absence of supporting internal documents stipulating the procedure for acting upon reports, providing protection of reporting persons, and setting the process and the criteria for appointing the person to receive and act upon such reports can greatly diminish the effectiveness of the mechanism.

## 2. Category: Strengthen institutional anticorruption framework

This category includes 3 criteria and 11 performance indicators concerning public availability of information, handling of free access to information requests, better human resource management, and ethical and professional conduct of staff.

The overall performance under the *Strengthen institutional anticorruption framework* category is **42.00%**.

Under this category, the best performance is noted in reference to public availability of information, which stands at 65.37%.

The lowest performance refers to the mechanisms for ensuring ethical and professional conduct – 15.10%. The best performing authorities in category 2 include: the PI Nursing Home Podgorica

(73.07%), the PI Day Care Centre for Children and Youth with Disabilities Podgorica (67.30%) and the PI Nursing Home Bijelo Polje (59.61%).

The worst performing respondent authorities include: the PI Day Care Centre for Children with Disabilities Rožaje (13.46%), the PI Centre for Children and Youth with Disabilities Berane (15.38%) and the PI Children's Home "Mladost" Bijela (17.30%).

Table 4: Performance under Category 2: Strengthen institutional anticorruption framework

Category 2 - criteria	Total score for all respondent authorities	Actual score	Performance (%)
2.1 Increasing transparency of the public authority	410	268	65.37%
2.1.1 The Integrity Plan posted on the authority's webpages- 1 point *If available in three and fewer clicks form the home page, additional 0.5 points are awarded.	48	46	95.83%
2.1.2 The Report on the implementation of the Integrity Plan for the previous year posted on the authority's webpages- 1 point *If available in three and fewer clicks form the home page, additional 0.5 points are awarded.	45	27	60%
2.1.3 The Annual Activity Report published - 1 point *If available in three and fewer clicks form the home page, additional 0.5 points are awarded.	45	37,5	83.33%
2.1.4 The Guide for Accessing Information published - 1 point * If updated within the last year, additional 0.5 points are awarded. ** If available in three and fewer clicks form the home page, additional 0.5 points are awarded.	64	46,50	72.66%
2.1.5 Full and updated information posted in the last 60 days as required under Art 12 of the Free Access to Information Law: List of civil servants and state employees – 1 points; List of public officials, their pays slips and other income received in reference to their public office- 2 points information granted access to upon requests – 1 point *If all required data are available in three and fewer clicks from the home page, additional 0.5 points are awarded.	144	86	59.72%
2.1.6 Granted and partially granted requests for accessing information and notifications of information already in the public domain as a share of the total requests received over the last two years: if the pertinent share is between 70% and 90%- 1 point; if above 90% - 2 points	64	25	39.06%
2.2 Measures to improve human resource management	224	50	22.32%
2.2.1 The respondent authority adopted an internal rule/procedure with criteria and benchmarks that govern the management, closing, execution, supervision and reporting over service agreements and agreements for temporary and occasional jobs.	64	8	12.50%
2.2.2 The respondent authority adopted an internal rule/procedure with criteria and benchmarks that govern the management, closing, execution, supervision and reporting over secondary employment agreements.	32	4	12.50%
2.2.3 The Integrity Plan includes risks and measures concerning: recruitment planning- 1 point recruitment- 1 point performance appraisal- 1 point rewards and sanctions- 1 point	128	38	26.69%
2.3 Undertaking measures towards improving the internal mechanism for ethical and professional conduct	192	29	15.10%

2.3.1 A member of staff appointed to perform the tasks concerning ethics, integrity and anticorruption, other than the tasks envisaged by the Law on Prevention of Corruption (such as Integrity Manager, Integrity Plan drafting group members, the person for receiving and acting upon whistle-blower reports, etc.) in case of an additional task of a staff member- 1 point in case of staff member’s sole tasks or having a separate unit dealing with it- 2 points	64	2	3.13%
2.3.2 Integrity Plan includes the risks and measures which refer to the areas governed by the following laws: the Law Prohibiting Mobbing- 1 point the Law Prohibiting Discrimination- 1 point the Law Prohibiting Discrimination of Persons with Disabilities- 1 point the Gender Equality Law- 1 point	128	27	21.09%
<b>Total</b>	<b>826</b>	<b>347</b>	<b>42.00%</b>

## Key findings by criteria

### Criterion - 2.1 Increasing transparency of the public authority

The performance of 65.37% was achieved in reference to the measures to make the information transparent and publicly available.

The Integrity Plan easily accessible to users is in place with 93.75% authorities, while 60% of them also published the Integrity Plan Implementation Reports. The total of 83.33% public authorities have their annual activity reports readily available to users.

Although it is a statutory requirement, only 46.88% public authorities published their Guide for Accessing Information updated within the last year. The lists of civil servants and public officials and the information that access was granted to were posted by 37.50% pertinent authorities.

#### Good practice examples:

The CSWs have established a good practice of posting a section headed “Proactive Access to Information” on their homepages for publishing requests for information and pertinent decisions.

In addition, their homepage also features search functions accessible to persons with disabilities and readily visible

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The PI Day Care Centre for Children and Adults with Disabilities Pljevlja and the Day Care Centre for Children and Youth with Disabilities „Biseri” Budva published the list of public officials and their income.

A substantial number of respondent authorities reported receiving no requests for accessing information over the last two years.

**Shortcomings observed:**

Some authorities posted the annual Activity Reports on their webpages, but not for the previous year, the same was observed in reference to Guides for Accessing Information which were posted, but not updated. **Documents are being published, but not updated regularly.**

**One newly established authority has still not set up its webpages.**

Although legally required to do so, public authorities do not routinely post the lists of public officials with their income details on their webpages. Authorities mostly publish salary calculations for heads of institutions, seeing only the director as a public official, and not also the members of their Management Boards. **Most are still unclear about who is regarded as a public official in terms with the Law on Prevention of Corruption, and what obligations stem from it for the public authority.**

The total of 59.38% of respondent authorities failed to provide a report on the number of received requests for accessing information and pertinent decisions or an excerpt from the information system for accessing information. This may be indicative of two situations: not receiving any requests for accessing information over the last two years or not granting such requests.

**Criterion - 2.2 Undertake measures to improve human resource management**

The performance of 22.32% was attained in reference to the measures to foster human resource management and strengthen human capacities.

The total of 40.63% public authorities in their Integrity Plans assessed the risks and identified measures concerning personnel planning and recruitment.

**Good practice example:**

The Nursing Home Podgorica, the Nursing Home „Grabovac“ Risan, the PI Day Care Centre for Children and Youth with disabilities Podgorica and the PI Day Care Centre for Children with Disabilities Herceg Novi adopted internal rules on the criteria and benchmarks that govern the management, closing, execution, supervision and reporting over service agreements and agreements for temporary and occasional jobs. All of the above also adopted internal enactments stipulating the criteria and benchmarks that govern the management, closing, execution, supervision and reporting over secondary employment agreements.

**Shortcomings observed:**

Mere 3.13% respondent authorities included risk assessment in their Integrity Plans and set up measures concerning employee performance appraisal, rewards and sanctions, although the criteria for rewarding staff are widely set in the system. Thus, the staff whose monthly performance, both in terms of volume and quality, goes beyond the average and the plan stand to receive a salary increase up to 15%, commensurate to their performance, in terms with Art 14 of the Branch Collective Agreement. Hence, there is a risk of **misusing discretionary powers**, but authorities failed to recognise this process as risky.

The conclusion of specific types of work contracts is not properly governed. The internal rule/procedure with the criteria and benchmarks that govern the management, closing, execution, supervision and reporting over service agreements and agreements for temporary and occasional jobs or the management, closing, execution, supervision and reporting over secondary employment agreements was not adopted by as many as 87.50% authorities.

**This opens room for discretionary powers of decision-makers and may lead to hiring incompetent and inadequately trained staff.**

### Criterion - 2.3 Undertaking measures towards improving the internal mechanism for ethical and professional conduct

The performance of 15.10% was achieved in implementing the measures aimed at reinforcing ethical conduct by staff and managers.

Through their Integrity Plans, 40.62% public authorities assessed risks and set up measures referring to at least one area governed by the Law Prohibiting Mobbing, the Law Prohibiting Discrimination, the Law Prohibiting Discrimination of Persons with Disabilities, and the Gender Equality Law.

#### Good practice example:

The PI Day Care Centre for Children and Youth with Disabilities Podgorica and the PI Day Care Centre for Children with Disabilities Herceg Novi appointed the person responsible for ethics, integrity and anticorruption.

The Nursing Home Podgorica is the only authority in this system that included risk assessment in its Integrity Plan and set measures for the subject matter governed by the four required laws: the Law Prohibiting Mobbing, the Law Prohibiting Discrimination, the Law Prohibiting Discrimination of Persons with Disabilities, and the Gender Equality Law.

#### Shortcomings observed:

Notwithstanding the small improvements concerning the measures taken to improve ethical and professional conduct of staff, a substantial share of authorities (93.75%) is yet to start considering the possibility of appointing one staff member to deal with ethics, integrity and fight against corruption, other than the functions already foreseen by the Law on Prevention of Corruption (such as Integrity Manager, Integrity Plan drafting group members, the person for receiving and acting upon whistle-blower reports, etc.).

Some authorities in this system pointed out to the existence of the Ethical Committee with the Institute for Social and Child Protection overseeing the application of the Code of Ethics for Employees in the Social and Child Protection Sector. They did not, however, appoint a person responsible for ethics and integrity at the level of the individual authority.

Also, 59.38% of authorities did not assess in their Integrity Plans the risks in the areas governed by the Law Prohibiting Mobbing, the Law Prohibiting Discrimination, the Law Prohibiting Discrimination of Persons with Disabilities, and the Gender Equality Law, which is quite worrisome given that the main purpose of the institutions in this system is to improve the quality of life of children and youth with disabilities, adults and the elderly.

### 3. Category: Building an ethical culture

Category 3: *Building an ethical culture* measures through 3 criteria and 8 indicators the performance of pertinent authorities in raising awareness of the staff and managers in the areas of fight against corruption, ethics and integrity, putting in place internal rules to prevent conflict of interests and receiving gifts by staff and public officials.

The performance in the area of establishing corruption risks and having internal control in place is **27.40%**, which is the poorest result compared to the previous two categories.

The best performance is noted in the area of drafting enactments and keeping records of the gifts received – 32.29%.

Somewhat poorer results were attained in the area of training in ethics and integrity for staff and officials – 20.31%.

The best performing institutions under this category include: the PI Day Care Centre for Children with Disabilities Herceg Novi (76.92%), the PI Nursing Home Podgorica (69.23%), the PI Day Care Centre for Children and Youth with Disabilities Podgorica (53.84%) and the CSSW Bijelo Polje (53.84%).

The CSW for Plav and Gusinje, the PI Children’s Home “Mladost” Bijela, the PI Nursing Home Bijelo Polje and the PI Nursing Home Nikšić did not get any scores under this category.

Table 5: Performance under Category 3: Building an ethical culture

Category 3 - criteria	Total score for all respondent authorities	Actual score	Performance (%)
3.1 Raising awareness among managers and staff about ethics and integrity	128	26	20.31%
3.1.1 The number of thematically diverse trainings concerning anticorruption, ethics and integrity attended by the staff over the last two years: a) up to 2- 1 point b) more than 2- 2 points	64	23	35.94%
3.1.2 The number of thematically diverse trainings concerning anticorruption, ethics and integrity attended by managers (heads and senior managers) over the last two years: a) up to 2- 1 point b) more than 2- 2 points	64	3	4.69%
3.2 Existence and application of conflict of interests rules	192	57	26.69%
3.2.1 The existence of internal rules defining the conflict of interests (1 point)	32	3	9.38%
3.2.2 The existence of internal rules defining the notion of affiliated person (1 point)	32	3	9.38%
3.2.3 The existence of internal rules for performance of other jobs by staff (allowed/not allowed jobs, the reporting procedure, etc.) (1 point)	32	3	9.38%



3.2.4 All public officials in the institutions have submitted timely to the APC the annual Income and Assets Declarations or the declarations upon assuming office, starting of January 1st of the current year (3 points)	96	48	50%
3.3 Existence and application of rules for receiving gifts	96	31	32.29%
3.3.1 The existence of internal rules governing gifts and actions to be taken with the gifts received applying to all staff of an authority– 1 point *in case of records of gifts received are kept for all staff, an additional point is awarded	64	19	26.69%
3.3.2 Keeping records of gifts received by public officials (1 point)	32	12	37.50%
<b>Total</b>	<b>416</b>	<b>114</b>	<b>27.40%</b>

## Key findings by criteria

### Criterion - 3.1 Raising awareness among managers and staff about ethics and integrity

The performance attained regarding raising awareness among managers and staff about ethics and integrity and anticorruption measures stands at 20.31%.

The staff of 71.88% of authorities attended training concerning anticorruption, ethics and integrity. The bulk of such training was delivered by the APC and referred to the development and implementation of Integrity Plans, and it was usually attended by integrity managers.

#### Shortcomings observed:

Although heads and senior managers should lead by example in pursuit of integrity, the heads and senior managers in 90.63% public authorities did not attend training in anticorruption, ethics or integrity over the last two years.

When such training was attended, either by staff or managers, it mostly referred to Integrity Plans, Other topics were largely non-existent.

The absence of personal and ethical norms, particularly in the actions of decision-makers, is conducive to an environment favouring unethical and unprofessional conduct.

### Criterion - 3.2 Existence and application of conflict of interests rules

The performance concerning the conflict of interests rules stands at 26.69%.

The records kept by the APC show that only in a half (50%) of public authorities did public officials submit the 2020 Income and Assets Declarations by 31 March 2021, or the declarations due upon assuming office in the course of 2021.

#### Shortcomings observed:

Notwithstanding that a share of public officials do provide timely Income and Assets Declarations, in 50.00% of all pertinent authorities this is still not the case, where officials either do not file such declarations timely or not at all.

It is worth mentioning that all authorities provided the list of officials noting they have provided timely Income and Assets Declarations, whereas the APC records tell otherwise.

The internal rules governing the conflict of interests, the affiliated persons and the possibility for staff to perform other jobs and reporting on such instances are missing in 90.63% of public authorities, which opens the room for officials to perform public office under the influence of private interests where they can favour or give preferential treatment to their family members or friends.

Certain authorities did develop the internal rules governing conflict of interests situations, but for officials only, not for all staff members.

### Criterion - 3.3 Existence and application of rules for receiving gifts

The performance concerning the existence and application of rules for receiving gifts by both staff and officials stands at 32.29%.

Given that having in place the internal rules governing receiving gifts by staff and actions to be taken by staff in such instances is not a statutory requirement, but rather seen as a matter of good practice, fewer authorities applied both measures compared to only one of the two, i.e. 15.63% and 28.13%, respectively.

#### Shortcomings observed:

Some efforts in this direction were taken; however, there is still room for improvement by adopting internal rules for receiving gifts by staff and keeping records of such gifts. More than half of all authorities (62.50%), although legally bound to do so, did not provide proof of having records of gifts received by public officials in place. **Going forward, this is an area that requires improvement, particularly given the public perception that corruption is most often present in giving gifts in exchange for a service.**<sup>10</sup>

## 4. Category: Indicators leading to negative scores

This category is somewhat differently designed compared to the previous three, since it contains no criteria, but rather 8 indicators which, if met, lead to negative points being awarded. It is intended as an adjustment of the score attained in the previous three categories, given that the information is verifiable through records and reports of other supervisory institutions.

10 The 2020 Perception of Corruption in Montenegro CGO-CEMI-Percepcija-korupcije-u-Crnoj-Gori-2020.pdf (cgo-cce.org)



Table 6: Performance under Category 4: Indicators leading to negative scores

Category 4 - indicators	Total score for all respondent authorities	Actual score	Performance (%)
4.1 Final court judgments against the public authority since January 1st of the current year (-3 points)	-9	-6	-0.19%
4.2 Since January 1st of the current year the Agency for Personal Data Protection and Freedom of Information observed irregularities through inspection control (regarding the Guide for Accessing Information, proactive publication of information, and submission of documents and information for the access to information IT system) (-2 points)	-64	-2	-0.06%
4.3 Since January 1st of the current year complaints were lodged with the Agency for Personal Data Protection and Freedom of Information on the grounds of "administrative silence" (-2 points)	-64	0	0%
4.4 Over the period observed the Administrative Court passed judgments against the authority on the grounds of "administrative silence" in cases when the public authority failed to adopt an administrative act or decide upon an appeal or take an action or decide upon complaint (-3 points)	-96	0	0%
4.5 The opinion concerning financial operations and compliance in case the public authority was audited by the State Audit Institution in the previous five years: a) qualified opinion: -2 points b) adverse opinion or disclaimer of opinion: -3 points	-96	5	-0,16%
4.6 Opinions of the APC establishing harm to the public interest indicative of corruption issued over the last two years (-3 points)	-96	-6	-0,19%
4.7 Over the last 3 years there were disciplinary cases barred by statute of limitations (-2 points)	-64	0	0%
4.8 The person designated to act upon whistle-blower reports failed to make reports with recommendation for all reports received over the previous two years (-2 points)	-64	0	0%
<b>Total</b>	<b>-640</b>	<b>-19</b>	<b>-2.97%</b>

## Key findings by criteria

The indicators under this category indicate the areas in which the measures covered by the previous three categories are either not applied or not being effective.

Given that this is the first cycle of applying the Methodology, and that the implementation period was rather short, the negative scores were applied based on the self-reported information by public authorities and records run by the APC.

The data from records kept by supervisory bodies were not used.

The total of 19 negative points (-2.97%) were awarded out of the total possible negative score.

Most authorities provided a certificate testifying that they did not have any situation that could lead to negative scores.

**Shortcomings observed:**

Only 6.25% public authorities reported that during the current year (since 01 January 2021) court judgments were passed against them. These include the PI Centre for Social Work for municipalities Mojkovac and Kolašin and the PI Centre for Social Work for municipalities Plav and Gusinje.

The same share refers to public authorities for which the Agency for Personal Data Protection and Freedom of Information passed an opinion over the last two years establishing harm to public interest indicative of corruption. This refers to the PI Day Care Centre Budva and the PI Day Care Centre „Lipa“ Plav.

The same share also refers to the public authorities that received a qualified or adverse audit opinion by SAI regarding their financial operation and compliance. This involves the PI Centre for Social Work for municipalities Kotor, Tivat and Budva and the PI Nursing Home Grabovac Risan.

Given the size of the sample, it was not possible to draw conclusions on possible repeated irregularities as noted by SAI audit reports or court judgements indicative of systemic issues.

**5A. Category: Strengthening the enforcement of Centres for Social Work competences**

This category is applicable to Centres for Social Work only. Their performance in improving the process of admitting new recipients and service provision, as well as regarding guardianship and foster care was measured through 2 criteria and 6 indicators.

The performance under this category stands at 54.62%.

The best performers are the CSW for municipalities Mojkovac and Kolašin (92.30%), the Cetinje (84.61%), and the CSW for municipalities Kotor, Tivat and Budva (76.92%).

The CSW for municipalities Plav and Gusinje was awarded 0 points, since they failed to provide any proof of the measures being fulfilled.

*Table 7: Performance under Category 5A: Strengthening the enforcement of Centres for Social Work competences*

Category 5A - criteria	Total score for all respondent authorities	Actual score	Performance (%)
5A.1 Improving admission and service evaluation processes	20	10	50%
5A.1.1 The Preparedness Plan in place	10	8	80%
5A.1.2 The applications for accessing social and child protection entitlements were handled within 30 days from receiving a valid application or launching an ex officio procedure (for the cases opened from 01 January 2021 to the time of writing the present report).	10	2	20%
5A.2 Improving guardianship and foster care	110	61	55,45%
5A.2.1 How often were foster families visited and the conditions in which foster children live checked over the last two years? a) once in 3 months – 4 points b) once in 6 months- 3 points c) once in 9 months – 2 points d) once a year – 1 point	40	27	67,50%

5A.2.2 How often were guardians checked and monitored over the previous year? a) once in 3 months – 4 points b) once in 6 months- 3 points c) once in 9 months – 2 points d) once a year – 1 point	40	13	32,50%
5A.2.3 Guardianship reports submitted for the previous year (as of 01 January 2021)	10	7	70,00%
5A.2.4 Template for Guardianship Report in place- 1 point If the template includes headings for all elements envisaged by Art 209 of the Family Law (information about the ward, their health status, maintenance, ability for independent living, information about managing their assets, information relevant for their personality) an additional point is awarded	20	14	70,00%
<b>Total</b>	<b>130</b>	<b>71</b>	<b>54,62%</b>

## Key findings by criteria

### Criterion - 5A.1 Improving admission and service evaluation processes

The performance in the area of implementing the measures for improving admission and service evaluation processes stands at 50%.

The Preparedness Plan was developed by 80% of public authorities, while 20% of them provided certificates that the applications for accessing the social and child protection entitlements are handled within 30 days from receiving the application or starting an ex officio procedure (for cases that were opened from 01 January 2021 until the time of writing the present Report).

### Criterion - 5A.2 Improving guardianship and foster care

The performance in improving guardianship and foster care stands at 55.45%.

As regards the checks of the conditions for foster children living in foster families, 50% of relevant authorities perform such control once in 6 months, and 30% once in 3 months.

As regards the oversight of guardians, 30% of relevant authorities perform such functions once a year.

The total of 70% of CSWs have in place the template for Guardianship Report including the headings for all elements envisaged by Art 209 of the Family Law (information about the ward, their health status, maintenance, ability for independent living, information about managing their assets, information relevant for their personality).

The certificate that guardians provide regular annual reports was provided by 70% CSWs.

#### Shortcomings observed:

Given that 40% authorities failed to provide proof of how often the work of guardians is checked on the ground, it was not possible to establish whether such proofs were missing altogether or the field checks of the conditions for foster children and wards are not done regularly. The same goes for proofs that guardians do provide regular annual reports, although a number of authorities did provide such evidence.

Public authorities reported that the conditions in which wards live are checked according to the schedule envisaged by secondary legislation, i.e. once every 6 months or once a year.

However, the Methodology aims to push public authorities to go beyond statutory minimum and invest additional efforts to set up and adhere to standards which will improve the quality of their services; hence, all authorities which did invest such additional efforts were awarded an additional point.

## 5B. Category: Strengthen the enforcement of competences of social and child protection institutions

This category applies only to children and youth institutions, and the institutions for adults and the elderly. The total of 1 criterion and 2 indicators were used to measure the performance of public authorities in improving the reassessment for each beneficiary and publishing the information on the requirements and service provision programmes, eligibility criteria and the capacities available, including the accessibility of such information to persons with disabilities.

Category 5 was not applied to the Centre for Professional Rehabilitation in an attempt to make the scoring as objective as possible, being cognizant of its specific mandate to which the indicators under this category do not apply, since it is primarily targeting CSWs, children and youth institutions and institutions for adults and the elderly. The performance under the category of strengthening the enforcement of competences of social and child protection institutions stands at 37.30%.

The best performers include: the Nursing Home Bijelo Polje (83.33%), the PI Day Care Centre for Children and Adults with Disabilities Pljevlja (83.33%) and the PI "Ljubović" (83.33%)

The PI Day Care Centre for Children with Disabilities Rožaje, the PI JU Centre for Social and Child Protection Services Provision for Municipality Golubovci and the PI Day Care Centre for Children and Youth with Disabilities „Lipa“ Plav were awarded 0 points.

Table 8: Performance under Category 5B: Strengthen the enforcement of competences of social and child protection institutions

Category 5B - criteria	Total score for all respondent authorities	Actual score	Performance (%)
5B.1 Improving admission and service evaluation processes	126	47	37,30%
5B.1.1 Reassessment done for each beneficiary a) over the last 3 months – 4 points b) over the last 6 months – 3 points c) over the last 9 months – 2 points d) during the last year – 1 point	84	28	33,33%
5B.1.2 The information on the conditions and service provision programmes, eligibility criteria and the capacities available posted on authority's webpages,- 1 point *If such information is accessible to person with disabilities (with visual and hearing impairments), an additional point is awarded	42	19	45,24%
<b>Total</b>	<b>126</b>	<b>47</b>	<b>37,30%</b>

## Key findings

### Criterion – 5B.1 Improving admission and service evaluation processes

The performance concerning the measures taken to improve service provision stands at 37.30%.

As regards reassessment of each beneficiary, 28.60% institutions do it every 6 months, while 81.00% institutions post on their webpages the information on the requirements and service provision programmes, eligibility criteria and available capacities.

Good practice example:

Just one authority, the Nursing Home Bijelo Polje, makes information posted online accessible to persons with disabilities.

#### Shortcomings observed:

Although public authorities do post on their webpages information about the requirements, service provision programmes, eligibility criteria and capacities available, as many as 95.24% do not make such information accessible to persons with disabilities.

## Conclusions and recommendations

The development and application of the Methodology for Assessing the Implementation of Anti-corruption Measures was conducive to improving the results of anticorruption measures. Apart from the findings based on means of verification and the numerous recommendations presented below, 11 public authorities from the social and child protection system adopted 39 internal enactments (that will work towards preventing corruption) over the period after receiving the Methodology (19 November- 30 December 2021):

Table 9: Public authorities and the internal documents adopted following the application of the Methodology

<b>1. PI Day Care Centre for Children and Youth with Disabilities „Sirena“ Ulcinj</b>
- the Rules for handling whistle-blower reports – 24 November 2021;
<b>2. PI Day Care Centre for Children and Youth with Disabilities „Lipa“ Plav</b>
- Guide for Accessing Information published on 24 November 2021;
- The lists of civil servants and state employees and of public officials with the income related to their public office was published on 14 December 2021;
<b>3. PI Day Care Centre for Children and Youth with Disabilities Podgorica</b>
- the Book of Internal Procedures was developed and published on 10 December 2021;
- The procedures for handling the reports of harm done to the public interest indicative of corruption, while securing the protection of the reporting person; the method and the criteria for designating the person to receive and handle whistle-blower reports were developed and published on 10 December 2021;
- The procedure with the criteria and benchmarks for managing, closing, executing, supervising and reporting on service agreements and agreements for temporary and occasional jobs;
- The internal rule/procedure with the criteria and benchmarks for managing, closing, executing, supervising and reporting on secondary employment agreements. The procedures were developed and posted on the webpages of the public authority as a part of the Book of Procedures on 10 December 2021;
- the internal rule defining the conflict of interest, the affiliated persons and the rules for staff concerning the possibility of having secondary jobs, 10 December 2021;

- Designation of persons to deal with the matters of ethics and personal integrity on 10 December 2021;
-The internal rule governing reception of gifts and actions to be taken in such cases; The letter of 10 December 2021 to notify the APC that there were no gifts received;
-The Risk Register was published after receiving the draft individual report;
<b>4. PI Day Care Centre for Children and Adults with Disabilities – Golubovci</b>
- After this authority received the draft report, the APC was provided with the decision designating the person for receiving and handling whistle-blower reports;
- the procedure concerning the method and the criteria of selecting the person for receiving and handling whistle-blower reports;
- the procedure for acting upon reports of harm to the public interest indicative of corruption which ensures protection of the reporting person;
-The Book of Internal Procedures - December 2021;
<b>5. The Nursing Home Bijelo Polje</b>
-The Risk Register developed 20 December 2021;
<b>6. The Nursing Home Pljevlja</b>
-The Risk Register developed 01 December 2021;
<b>7. The Nursing Home Grabovac Risan</b>
- 29 November 2021. The internal rule/procedure with the criteria and benchmarks for managing, closing, executing, supervising and reporting on service agreements and agreements for temporary and occasional jobs;
-The internal rule/procedure with the criteria and benchmarks for managing, closing, executing, supervising and reporting on secondary employment agreements;
<b>8. The Nursing Home Podgorica</b>
- Integrity Plan adopted 28.10.2021;
-The Book of Internal Procedures 16 December 2021;
- Internal instruction on recording gifts 22 November 2021;
- Internal rule for staff concerning other jobs 26 November 2021;
- Internal rule defining conflict of interests and affiliated persons 22 November 2021;
- Internal rule on supplemental work 23 November 2021;
- Internal rule govern non-full time types of contracts (service agreements, etc.) 23 November 2021;
- the procedure concerning the method and the criteria of selecting the person for receiving and handling whistle-blower reports 23 November 2021;
- the person for receiving and handling whistle-blower reports designated, 30 November 2021;
<b>9. Centre for Social Work Berane</b>
- Integrity Manager designated in December 2021, although Integrity Manager was designated in the previous period;
<b>10. Centre for Social Work Mojkovac</b>
- Integrity Manager designated in December 2021, although Integrity Manager was designated in the previous period.
<b>11. PI Day Care Centre for Children with Disabilities Herceg Novi</b>
- The Book of Internal Procedures;
- the procedure for acting upon reports of harm to the public interest indicative of corruption which ensures protection of the reporting person;
- the procedure concerning the method and the criteria of selecting the person for receiving and handling whistle-blower reports;
- the procedure with the criteria and benchmarks for managing, closing, executing, supervising and reporting on service agreements and agreements for temporary and occasional jobs;
- Decision designating the person responsible for ethics, integrity and anticorruption;
- Internal rule defining the conflict of interests;
- Internal rule defining the notion of affiliated person;
- Internal rule for staff concerning performance of other jobs;
- Internal rule governing receiving of gifts and how staff are to handle gifts. (the above internal documents were adopted on 02 December 2021)



Given that the Methodology is **being applied for the first time, the short time** of its application, the limitations of scoring the **newly established** institutions, **(mis)understanding** of indicators by public authorities, the difficulties when assessing some **proofs which are not fully clear**, based on the analysis of the data in all categories, following all criteria and indicators set, we reached the following conclusions:

### **Category 1: Putting in place the assumptions for implementing anticorruption regulations**

At the level of the whole system, internal mechanisms are in place for managing corruption risks in the manner envisaged by the Law on Prevention of Corruption.

The process of establishing the mechanisms for detecting and reporting corruption upon whistle-blower reports has commenced by designating the persons to receive and act upon reports of harm done to the public interest. However, more detailed process for selecting the person to handle reports and the method of handling reports are **not in place**.

Although the Law on Public Sector Management and Internal Control was adopted in 2018, the business process monitoring and control tools are not in place. This is an area in need of urgent actions.

Since it refers to public authorities in which the internal audit function is implemented by Internal Audit units from other entities based on a contract (Art 49 of the Law on Public Sector Management and Internal Control), public authorities reported that the obligation to establish internal audit rests with the other entity (the line ministry or local self-government) whose units are supposed to perform internal audit over their work.

There are manifestly several problems here: **ambiguity of legal provisions concerning the conclusion of contracts and placing the responsibility for failure to conclude such contracts for performing internal audit; lack of coordination between public authorities and their supervising entities**.

Positive activity of public authorities was observed in terms of developing internal rules and procedures and their publication; however, this process was not brought to the end, i.e. compilation of all such rules and procedures in a single Book of Procedures.

A number of obligations stemming from different pieces of legislation concerning risk assessment and similarities among relevant methodologies led to misunderstandings regarding how to proceed and follow on those obligations (e.g. what the Risk Register required under the Law on Public Sector Management and Internal Control is to contain, what the Risk Register under the Integrity Plan is to contain, and what the Risk Register developed under the ISO standards in the quality management system is to contain).

Only one public authority in the social and child protection system did actually develop the Annual Report on notified suspicions of irregularities and fraud and the measures taken.

Given the above, it may be concluded that in practice the obligations stemming from the Law on Public Sector Management and Internal Control are not implemented or are only sporadically implemented.

**Recommendations:**

- Establish coordination between the Ministry of Finance and Social Welfare and heads of authorities in the social and child protection system founded by the central government in order to overcome the problem of having the Internal Audit function performed by entering into agreements under Art 49 of the Law on Public Sector Management and Internal Control or possibly to amend the unclear provisions.
- In case of public authorities founded by local self-governments which at the same time supervise their work, there is a need to hold regular meetings between heads of public authorities and heads of relevant municipal bodies to discuss the conclusion of the agreement or pass the decision to perform internal control.
- Establish an effective mechanism to monitor the implementation of the Law on Public Sector Management and Internal Control by the Ministry of Finance and Social Welfare to implement the measures stipulated by the Law.

**Category 2: Strengthen institutional anticorruption framework**

As regards public availability of information, public authorities undertake measures and publish documents; however, such information is not regularly updated, while some are not readily accessible (in terms of their visibility), while some of the links are inactive.

Some public authorities have the positive practice of publishing requests for accessing information and the decisions made upon such requests.

Improvements in human resource management were perceived through risk assessment processes and putting in place the measures for personnel planning and recruitment. It was largely not recognised that internal enactments are needed to govern non-employment contracts (service agreements, agreements concerning temporary and occasional jobs), contracts of secondary employment to reduce the scope for discretionary powers in such instances; likewise, the need to designate a person responsible for ethics, integrity and anticorrosion was not recognised either.

This leads to a conclusion that public authorities in this field are still not ready to introduce standards which are not mandatory; rather, such standards should become statutory to ensure their introduction and application.

**Recommendations:**

- The information of public relevance, particularly concerning spending, procurement, recruitments, and other documents relevant for the public authority (Guide for Accessing Information, annual Activity Reports, Service Provision Programme, eligibility criteria and other information relevant for beneficiaries, etc.) should be proactively published and regularly updated.
- The homepage should feature a section entitled Proactive Access to Information which should include all the information published under Art 12 of the Free Access to Information Law<sup>11</sup> and make them accessible to persons with disabilities.

11 Official Gazette of Montenegro 44/2012 and 30/2017.



- The information about applications, enactments and actions taken needs to be provided to the Agency for Personal Data Protection and Free Access to Information within 10 days from their submission, compilation or generation, under Articles 41 and 42 12 of the Free Access to Information Law.
- It should be established at the level of each public authority whether staffing capacities are the reason for failure to implement statutory requirements (lack of staff, poor organisation, lack of motivation, etc.).
- When updating their Integrity Plans, public authorities should be mindful of the shortcomings noted in this Report, and assess risks of corruption and other irregularities in those areas. The noted shortcomings need to be taken into account when providing situation analysis and defining future development of the social and child protection system in strategy papers.

### Category 3: Building an ethical culture

Staff do attend training in ethics, integrity and anticorruption as one of the measures under the heading of building an ethical culture. However, very few managers used the opportunity to lead by example and show their commitment to ethical values by attending pertinent training, particularly given the fact that they lead the institutions whose primary aim is to improve the living quality of vulnerable groups (elderly, children, persons with disabilities) as beneficiaries of the social and child protection system.

**Conflict of interests, other jobs which are allowed for staff, receiving of gifts** are the areas in which public authorities did not see the need for further regulation, notwithstanding the fact that the existence of situations in which civil servants may perform public functions under the influence of private interest may harm both the budget and the reputation of the public authority.

The Code of Ethics for the Staff in the Social and Child Protection System, developed in 2015, does not contain provisions referring to conflict of interests, definition of gifts and how to handle gifts. The webpages of the Institute for Social and Child Protection does not feature any reports on the implementation of the Code of Ethics.

**The obligation to submit income and asset declarations** is still not complied with regularly or timely by all public officials, with the additional issue of some public authorities which believe that the director is the only public official, but not the members of the Management Board.

#### Recommendations:

- It is important to identify training needs of staff and managers at the level of individual authorities (professional training, training in ethics, integrity, anticorruption, etc.), to be delivered in cooperation with the Division for Professional Development at the Institute for Social and Child Protection.
- The line ministry and the Institute for Social and Child Protection should promote and share good practice examples to motivate other public authorities to introduce them.
- The implementation of the Code of Ethics for the Staff in the Social and Child Protection System should be assessed.

- The establishment of a working group, consisting of representatives of the public authority and the Ethical Committee in charge of monitoring the Code of Ethics, should be considered. This group should consider the amendments to the Code of Ethics to include, apart from core values and principles, also conflict of interests, gifts, etc. Public authorities should consider developing their own Code of Ethics given their specific remits.

#### **Category 4: Indicators leading to negative scores**

Under the category leading to negative scores, no conclusions can be drawn concerning the weaknesses recognised by other supervisory bodies given the scarce evidence available.

##### **Recommendation:**

An analysis is needed at the individual authority level concerning court judgments (labour disputes, administrative disputes, claims for damages, etc.) and SAI Audit Reports to identify the causes and undertake relevant measures. That report should go to the Institute for Social and Child Protection to undertake measures from within their remit.

#### **Category 5A: Strengthening the enforcement of Centres for Social Work competences**

Public authorities undertake the actions to standardise monitoring over the work of guardians by means of a formalised reporting format, which needs to include all elements envisaged by the law, which facilitates somewhat the monitoring, analysis and subsequent comparisons between and among different parts of the system. However, the field checks of the conditions and care for wards and foster children is still not performed regularly or more frequently than stipulated in rulebooks.

##### **Recommendations:**

- An analysis of the annual reports of the work of guardians should be done in cooperation with the Institute for Social and Child Protection and the line ministry to identify irregularities (inconsistent reporting, infrequent reporting, failure to insert important information about wards, disposal of their assets, building their skills for independent living, etc.) and undertake proper systemic measures to overcome them.
- Based on the checks made into the conditions in foster families, public authorities should, in cooperation with the Institute for Social and Child Protection and the line ministry, consider the existence of situations that require more frequent control of foster families. Based on the information obtained, the Rulebook on Detailed Conditions for Provision and Use, Normative and Minimum Standards for Assisted Living should be amended or an instruction or guidelines adopted that would contain more detailed criteria for recognising such situations (avoiding generalised statements, e.g. in an urgent procedure – without stipulating the framework and leaving it to subjective assessment of the responding officer).
- When updating the Integrity Plan, the risk assessment should include additional areas specific to the work of authorities in the social and child protection system.

## Category 5B: Strengthening the enforcement of competences of social and child protection institutions

Based on the data obtained, the re-assessment of beneficiaries once a year or every six months is being partly implemented, the same as the publication of necessary information on their webpages.

### Recommendations:

- Given the specific mandate of social and child protection institutions aimed to improve the quality of life for vulnerable children and youth with disabilities, adults and the elderly, public authorities should make a report listing the situations in which the practice has shown the need for shorter intervals between repeated assessments.
- After defining such instances, consider the possibility of initiating the amendment of current Rulebook on Detailed Conditions for Provision and Use, Normative and Minimum Standards for Placement for Adults and Elderly<sup>12</sup> and the Rulebook on Detailed Conditions for Provision and Use, Normative and Minimum Standards for Assisted Living<sup>13</sup> to list particularly risky cases and set timeframes for reassessment or initiating the drafting of guidelines/instruction for actions to be taken by pertinent authorities in such cases.
- When revising Integrity Plans, the risk assessment should include additional areas specific to the work of CSWs.

### Next steps

Given that this is the pilot Methodology, the individual reports noted some indicators and scores in need of adjustment in order to have as objective as possible assessment of anticorruption performance.

The indicators concerning the core mandate of respondent authorities regarding the collaboration with the CSWs and institutions for children and youth and other institutions will also require adjustment.

The verification of indicators leading to negative scores will be done in collaboration with supervisory institutions (the State Audit Institution, the Administrative Court, general jurisdiction courts, the Agency for Personal Data Protection and Free Access to Information).

In the next cycle more attention will be given to qualitative performance indicators. Notably, it will not only be relevant whether a certain internal enactment or a procedure was in place, but also whether it properly addresses a certain risky business process and whether it is actually implemented.

<sup>12</sup> Official Gazette of Montenegro 058/14, 021/16, 015/18, 065/19

<sup>13</sup> Official Gazette of Montenegro 063/19

## Appendix 1. The ranking table for each public authority by category, criteria and indicators

Criterion	1.1 Establishing an internal corruption risk management mechanism	1.2 Establishing business process supervision and control mechanisms	1.3 Establishing mechanisms for detecting and reporting corruption upon whistle-blowers' reports	TOTAL CAT. 1	2.1 Increasing transparency of the public authority	2.2. Undertaking measures towards improving human resource management	2.3 Undertaking measures towards improving the internal mechanism for ethical and professional conduct	TOTAL CAT. 2
MAXIMUM SCORE PER CRITERION AND CATEGORY	14.00	14.00	5.00	33.00	13.00	7.00	6.00	26.00
PI Centre for Social Work for municipalities Bar & Ulcinj	12.00	6.00	1.00	19.00	10.00	2.00	0.00	12.00
PI Centre for Social Work for municipalities Berane, Andrijevica & Petnjica	12.00	3.00	1.00	16.00	9.50	0.00	2.00	11.50
PI Centre for Social Work for municipalities Kotor, Tivat & Budva	11.00	1.00	1.00	13.00	7.00	1.00	2.00	10.00
PI Centre for Social Work for municipalities Mojkovac & Kolašin	13.00	1.00	1.00	15.00	11.50	2.00	2.00	15.50
PI Centre for Social Work for municipalities Plav & Gusinje	8.00	0.00	0.00	8.00	6.00	1.00	0.00	7.00
PI Centre for Social Work for municipalities Pljevlja & Žabljak	9.00	0.00	0.00	9.00	7.00	1.00	0.00	8.00
PI Centre for Social Work Bijelo Polje	13.00	3.00	1.00	17.00	10.00	0.00	0.00	10.00
PI Centre for Social Work Danilovgrad	13.00	0.50	1.00	14.50	10.50	2.00	2.00	14.50
PI Centre for Social Work Herceg Novi	12.00	2.00	1.00	15.00	10.50	2.00	0.00	12.50
PI Centre for Social Work Cetinje	10.00	1.00	1.00	12.00	5.50	0.00	0.00	5.50
PI Centre Ljubović PG	14.00	0.00	3.00	17.00	10.50	1.00	2.00	13.50
PI "Tisa" Bijelo Polje	13.00	0.00	1.00	14.00	10.00	2.00	0.00	12.00
PI Centre for Professional Rehabilitation Podgorica	14.00	0.00	1.00	15.00	9.00	0.00	1.00	10.00
PI Centre Golubovci (established in 2020)	11.00	1.00	5.00	17.00	1.50	2.00	3.00	6.50
PI Children's Home Mladost Bijela	13.00	1.00	0.00	14.00	4.50	0.00	0.00	4.50
PI Day Care Centre Berane	13.00	1.00	1.00	15.00	4.00	0.00	0.00	4.00
PI Day Care Centre Budva	10.00	0.00	0.00	10.00	10.50	1.00	0.00	11.50
PI Day Care Centre Mojkovac	14.00	1.00	0.00	15.00	9.00	2.00	1.00	12.00
PI Day Care Centre Podgorica	14.00	8.00	5.00	27.00	11.50	5.00	1.00	17.50
PI Day Care Centre "Sirena" Ulcinj	13.00	3.00	3.00	19.00	11.00	1.00	0.00	12.00
PI Day Care Centre "Lipa" Plav	12.00	1.00	1.00	14.00	10.50	3.00	0.00	13.50
PI Day Care Centre Rožaje	13.00	2.00	1.00	16.00	1.50	2.00	0.00	3.50
PI Day Care Centre Pljevlja	13.00	8.00	2.00	23.00	11.00	2.00	0.00	13.00
PI Day Care Centre Nikšić	12.00	1.00	0.00	13.00	3.00	1.00	2.00	6.00
PI for rehabilitation Podgorica (Kakaricka gora)	13.00	0.00	1.00	14.00	8.50	0.00	0.00	8.50
PI Komanski most Podgorica	14.00	4.50	1.00	19.50	10.00	1.00	2.00	13.00
PI Nursing Home Bijelo Polje	11.00	6.00	1.00	18.00	11.50	2.00	2.00	15.50
PI Nursing Home Grabovac Risan	10.00	3.00	0.00	13.00	8.00	3.00	0.00	11.00
PI Nursing Home Pljevlja	14.00	3.00	3.00	20.00	12.00	0.00	0.00	12.00
PI Nursing Home Podgorica	8.00	4.00	5.00	17.00	9.00	5.00	4.00	18.00
PI Nursing Home Nikšić	8.00	0.00	1.00	9.00	6.00	2.00	2.00	10.00
PI Day Care Centre Herceg Novi	12.00	5.00	5.00	22.00	8.00	4.00	1.00	13.00
TOTAL SCORE	ado	70.00	48.00	500.00	268.00	50.00	29.00	347.00
PERFORMANCE AGAINST INDICATORS (%)	88.84%	15.70%	30.00%	48.26%	65.37%	22.32%	15.10%	42.00%

3.1 Raising awareness among managers and staff about ethics and integrity	3.2 Existence and application of conflict of interests rules	3.3 Existence and application of rules for receiving gifts	TOTAL CAT. 3	TOTAL CAT. 4	5A.1 Improving admission and service evaluation processes	5A.2 Improving guardianship and foster care	TOTAL CAT. 5A	TOTAL CAT. 5B	GRAND TOTAL 4 CAT.	GRAND TOTAL 5 CAT.
4.00	6.00	3.00	13.00	-20.00	2.00	11.00	13.00	6.00	72 or 69	85/75/78/69 ILI 62
0.00	3.00	3.00	6.00	0.00	0.00	6.00	6.00	N/A	37.00	43.00
1.00	3.00	1.00	5.00	0.00	1.00	2.00	3.00	N/A	32.50	35.50
1.00	3.00	1.00	5.00	-2.00	1.00	9.00	10.00	N/A	26.00	36.00
1.00	0.00	1.00	2.00	-3.00	1.00	11.00	12.00	N/A	29.50	41.50
0.00	0.00	0.00	0.00	-3.00	0.00	0.00	0.00	N/A	12.00	12.00
1.00	0.00	0.00	1.00	0.00	1.00	4.00	5.00	N/A	18.00	23.00
2.00	3.00	1.00	6.00	0.00	2.00	7.00	9.00	N/A	33.00	42.00
1.00	3.00	1.00	5.00	0.00	1.00	5.00	6.00	N/A	34.00	40.00
1.00	0.00	3.00	4.00	0.00	1.00	8.00	9.00	N/A	31.50	40.50
1.00	3.00	0.00	4.00	0.00	2.00	9.00	11.00	N/A	21.50	32.50
1.00	0.00	1.00	2.00	0.00	N/A	N/A	N/A	5.00	32.50	37.50
1.00	0.00	2.00	3.00	0.00	N/A	N/A	N/A	1.00	29.00	30.00
1.00	3.00	1.00	5.00	0.00	N/A	N/A	N/A	N/A	30.00	30.00
1.00	0.00	3.00	4.00	0.00	N/A	N/A	N/A	0.00	27.50	27.50
0.00	0.00	0.00	0.00	0.00	N/A	N/A	N/A	1.00	18.50	19.50
1.00	3.00	0.00	4.00	0.00	N/A	N/A	N/A	4.00	23.00	27.00
1.00	3.00	0.00	4.00	-3.00	N/A	N/A	N/A	4.00	22.50	26.50
1.00	0.00	0.00	1.00	0.00	N/A	N/A	N/A	4.00	28.00	32.00
1.00	3.00	3.00	7.00	0.00	N/A	N/A	N/A	4.00	51.50	55.50
1.00	0.00	0.00	1.00	0.00	N/A	N/A	N/A	4.00	32.00	36.00
1.00	0.00	2.00	3.00	-3.00	N/A	N/A	N/A	0.00	27.50	27.50
1.00	0.00	0.00	1.00	0.00	N/A	N/A	N/A	0.00	20.50	20.50
1.00	3.00	1.00	5.00	-2.00	N/A	N/A	N/A	5.00	39.00	44.00
1.00	3.00	0.00	4.00	0.00	N/A	N/A	N/A	1.00	23.00	24.00
0.00	3.00	0.00	3.00	0.00	N/A	N/A	N/A	1.00	25.50	26.50
1.00	3.00	1.00	5.00	0.00	N/A	N/A	N/A	2.00	37.50	39.50
0.00	0.00	0.00	0.00	0.00	N/A	N/A	N/A	5.00	33.50	38.50
0.00	3.00	0.00	3.00	-3.00	N/A	N/A	N/A	1.00	24.00	25.00
1.00	0.00	1.00	2.00	0.00	N/A	N/A	N/A	2.00	34.00	36.00
1.00	6.00	2.00	9.00	0.00	N/A	N/A	N/A	1.00	44.00	45.00
0.00	0.00	0.00	0.00	0.00	N/A	N/A	N/A	1.00	19.00	20.00
1.00	6.00	3.00	10.00	0.00	N/A	N/A	N/A	1.00	45.00	46.00
26.00	57.00	31.00	114.00	-19.00	10.00	61.00	71.00	47.00	942.00	1060.00
20.31%	29.69%	32.29%	27.40%	-2.97%	50,00%	55,45%	54,62%	37.30%	41.35%	41.83%





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