



Step 3

Agency staff survey

The third step, the **agency staff survey**, contrasts the data from the formal mapping with **civil servants' views and opinions** on the challenges related to the rule of law at the agency conducting the self-assessment. It will be used as a guideline for writing a cumulative analysis of the respect for the principles of the rule of law in the public administration.

The survey is perception-based and asks agency staff questions related to the application of the six principles of the rule of law. The questions probe both general legal topics, such as the existence of key laws and other normative instruments, and specific institutional aspects—for example, whether they are informed about new laws and regulations, whether it is difficult to handle requests from affected communities within established time-frames, and how well complaints and appeals are handled at the selected agency (see Appendix 2 for a sample questionnaire for agency staff). The **agency staff survey is conducted through face-to-face interviews** to ensure more effective data collection.

Customizing the agency staff survey

Before initiating the survey, the survey questions must be customized and adapted. This means adjusting the questions to the specific public agency's functions and services. The results of the formal mapping can serve as starting points for customizing the agency staff questions.

Sample questions will need refinement and context adjustment to adequately cover the roles and responsibilities of the agency staff participating in the self-assessment (e.g. supervisors, decision makers, front-line staff, if applicable). In addition, an equal division between women and men should be promoted among the participating agency staff. The independent expert should review the primary set of principles of the rule of law and correlating questions presented in Appendix 2, in cooperation with the agency coordinator. **It might also be necessary to reduce the number of questions, add questions of local relevance or adjust the options for scoring the questions to reflect local conditions or issues related to the environmental governance of mining.**

Customization also means translating the questionnaire where necessary

After customization, the survey should be pre-tested, which gives the independent expert and the public agency an opportunity to further adapt the questions in the survey. **A focus group of civil servants could be employed to ensure proper customization of the questionnaire.** Ideally, the civil servants in the focus group should not participate as respondents to the questionnaire at a later stage, to avoid issues of bias.

Four measurement units are used in the questionnaire: *not at all*, *to a small extent*, *to a large extent* and *to a very large extent*. The measurement unit *don't know* is a silent option not given to the respondent but used by the interviewer when the respondent cannot answer a question. This four-point scale may encounter challenges depending on the cultural and linguistic nuances of each context. **It is advisable to consult a statistics expert or sociologist when customizing the survey measurement units.**

The independent expert should, in the brief progress report summarizing the agency staff survey, describe carefully how the questionnaire was customized and adapted.

Agency survey do's and don'ts

- **Assess job descriptions within the agency.** Ensure that staff directly involved in all aspects of the identified mining sector process, whether this be environmental protection, issuing licences or land registration etc., form the majority of those interviewed.
- **Cluster sampling should be used for the survey of agency personnel in most cases.** For example, if the agency is not too large, all its employees should be surveyed.
- **Conduct the interviews with staff in the workplace, in a specially designated room where they can be invited for face-to-face interviews.** It is important to assure interviewees that their answers will not be made known to management or other employees. Confidentiality forms can be drafted to this end. This allows the employees the time and privacy to adequately answer the survey, avoids bias and prevents managers from influencing the responses.
- **Do not offer the employees the choice of self-administering the survey,** as they may not prioritize it and may have a number of questions on the content. Aim to interview management and heads of departments last.
- **The importance of the assessment and the approach to conducting the survey with the help of enumerators should be well anchored within the management of the agency or agency unit being assessed.** Otherwise, the initial planned number of staff participating may decrease due to the prioritization of other agency-related work.
- Consider broadening the survey methods by conducting focus group discussions and in-depth interviews, especially to ensure confidentiality, honesty and openness of the answers. Consider holding in-depth interviews with agency staff to discuss complex cases where principles of the rule of law risk being particularly undermined, such as cases of forced resettlement.
- **Here, it is also a priority to consider possible gender implications when conducting surveys.** Traditionally, public agencies can face a number of challenges related to gender equality, such as: a) failing to address a set of unrecognized or unvoiced problems; and b) explicit factors concerning a common disparity in numbers of civil servants, where men are predominantly in higher positions, while women take lower-ranked roles. Assessing the status of gender parity in public administration, particularly in decision-making positions, can also be part of the CDA phase prior to the inception.
- **When interviewing agency staff, questions about gender should be included.** Gender dimensions within the agency could be crucial in the implementation of core principles of the rule of law. If decisions cannot be understood, it presents difficulties for people to appeal. Probing into how the agency communicates with its target audience could also be a useful additional exercise. If few women or girls can read, radio could be a better channel than leaflets, for example.

Agency staff survey outcomes

At the end of Step 3, the following outcomes will have been achieved:

- The questionnaire is adjusted and customized according to the purpose and scope of the self-assessment and on the basis of data from the formal mapping.
- The questionnaire is translated, where necessary.
- The customized and adjusted questionnaire is pre-tested using focus group discussions.
- A brief progress report written by the independent expert summarizes the agency staff survey step and is submitted to the advisory committee.

