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Can a change in the integrity system better guarantee integrity in the House of Representatives?

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Can a change in the integrity system better guarantee integrity in the House of Representatives?

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Can a change in the integrity system better guarantee integrity in the House of Representatives?

Master Thesis Public Administration

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“The key question is, can we trust public officials to regulate themselves or do we need to introduce regulatory regimes to ensure that our public officials behave themselves? If we do, then what kinds of regimes are needed?”

- Lawton, Rayner and Lasthuizen, 2013, pp. 117

Table of Content

List of Abbreviations	8
1. Introduction.....	9
1.2 The establishment of the code of conduct and the integrity system around it.	10
1.3 The research question	11
1.4 Academic and societal relevance.....	12
1.4 Method of analysis and method of data collection.....	13
1.5 Outline.....	14
2. Theory	15
2.1 What is integrity?.....	15
2.2 Types of integrity violations	17
2.3 Integrity policies	19
2.3.1 Introduction of the different elements of integrity policy	19
2.3.2 Can unethical behaviour be influenced? Bad apple vs. bad barrel.....	21
2.3.3 The different levels to which integrity management can be applied.....	21
2.4 Compliance approach.....	22
2.5 Integrity approach.....	23
2.6 Code of Conduct	25
2.6.1 The various forms of codes	25
2.6.2 What is the motivation for introducing a code of conduct?	27
2.6.3 Focus areas when drafting the code.....	29
2.6.4 The content of the code of conduct	30
2.6.5 How should a code of conduct be implemented?.....	31
2.6.6 How should the code of conduct be enforced?	32
2.7 Guidance on the application of norms and values	33
2.8 Monitoring integrity.....	36
2.9 Overview of the requirements of the code of conduct , and the corresponding systems, given in theory.....	37
3 Research design and data collection	41
3.1 Case study	41
3.2 Case selection.....	42
3.3 Method of data collection	44
3.4 Method of analysis	45
3.5 Reliability and validity.....	46
4 Empirical findings and analysis	48
4.1 The establishment of the code of conduct	48

4.2 Analysis of the content of the code of conduct.....	49
4.2.1 Analysis of the code of conduct.....	51
4.2.2 Analysis of the rules of conduct.....	53
4.3 Analysis of the independent integrity advisor	58
4.4 Analysis of the board of inquiry on integrity	59
4.5 Recommendations	61
5 Conclusion	62
5.1 A summary of the reserach.	62
6.2 Limitations and recommendation for follow-up research.	63
Bibliography	64

List of Abbreviations

CDA	Christian Democratic Appeal
D66	Democrats 66
FVD	Forum for Democracy
GL	GreenLeft
GRECO	Group of States against Corruption
JFVD	Youth organization Forum for Democracy
MP	Member of Parliament
PII	Political Integrity Index
PVDA	Labour Party
SGP	Reformed Political Party
TI	Transparency International
VVD	People's Party for Freedom and Democracy

1. Introduction

Thierry Baudet, a member of parliament and leader of the political party Forum for Democracy (FvD), has earned almost €75,000 from the sale of his books. These royalties from the book sales were transferred to the B.V. he set up in May 2020 specifically for income from books and lectures, and of which he is the sole shareholder. Even though it is not forbidden to publish books and to generate income from this, as MPs Arib (PvdA), van der Staaij (SGP) and Klaver (GL) have also done, MPs must report this to the Registry of the Plenary so that it can include the side activities and side income of MPs in the register. It is also compulsory to declare a majority interest in a company, which is automatically the case for a sole proprietorship, to the Registry, but Baudet has failed to do this as well.

In addition to Baudet not always complying with the rules of the House of Representatives, it appears that he has also displayed behaviour that lacks integrity. Reference is made to the anti-Semitic remarks made by Baudet during a team-building dinner with fellow FvD MPs (Hartog den, 2020). During this dinner, Baudet is said to have down-played anti-Semitism, according to fellow MPs Pouw-Verweij, Eerdmans and Vlaardingerbroek, and to have uttered the words "Almost everyone I know is an anti-Semite". Later that evening, when the chairman of the youth section of the FvD complained about a message that was shared in the youth party's app group concerning anti-Semitism, Baudet defended his statement as well. He even added that it was not fair that members of the youth wing were expelled because of anti-Semitic apps. "This was a concession to the left-wing media", according to Baudet.

The fact that Baudet is not the only politician who has violated the prevailing moral values, norms and rules of the Dutch Parliament is shown in research by Huberts, Kaptein and de Koning (Koning de, 2021). Since 2013, the scholars Huberts and Kaptein and the investigative journalist de Koning have been charting integrity violations by Dutch politicians, using the Political Integrity Index (PII). This PII has mapped every integrity violation of Dutch politicians that has made the press since 1980. The PII counted 45 integrity cases in 2020, which was a slight increase compared to 42 cases in 2019. However, despite the increased number of offences, it cannot automatically be concluded that Dutch politicians have become less honest. If integrity is highly valued in a society, possible violations will be discussed sooner, which may give the impression they occur more often than before, which is not necessarily the case (Huberts et al., 2004, pp. 1). Whether the increase in the number of integrity violations is the result of greater alertness or not is not entirely relevant. What matters is that integrity violations in politics are taking place and every violation is one too many. It is therefore difficult to understand why, after years of integrity violations by Dutch politicians,

the House of Representatives has waited so long to expand its integrity policy with several integrity instruments that can better safeguard integrity. Moreover, the House of Representatives has even opposed the introduction of a code of conduct for decades (Koning de, 2021).

1.2 The establishment of the code of conduct and the integrity system around it.

As stated, the implementation of the code of conduct in the House of Representatives has been subject to a long period of resistance. During these years, several motions were submitted, especially in 1997 and 2004, requesting the House of Representatives to develop a code of conduct (Working Group, 2018, pp. 40). Furthermore, the lack of a code of conduct in the House of Representatives was highlighted in academic studies and evaluation reports by integrity watchdogs such as TI and the GRECO (Huberts, 2001, pp. 33; Transparency International, 2016, pp. 17-18; GRECO, 2013, pp. 49).

In 2013, the adoption of a motion written by Member of Parliament Heijnen (PvdA) led to a turning point in 2013 (Parliamentary Paper 28844, 2012-2013, no. 69). The motion requested the Presidium to thoroughly review the laws and regulations regarding integrity, evaluate the integrity policy and enforcement and, if necessary, make recommendations based on the evaluation. 2013 also saw the release of the fourth evaluation report by GRECO, which recommended the implementation of a code of conduct (GRECO, 2013, pp. 49). This resulted in the establishment of the working group on integrity of members of the House of Representatives by the Presidium in 2013. The working group was asked to implement the Heijnen motion. The working group's report, published in 2014, did not recommend that a code of conduct be drawn up. However, after this recommendation was included in the second report of the working group in 2018, the Presidium presented the code of conduct to the House in 2019.

In 2020, the code of conduct, which aims to increase awareness of the integrity rules and to further internalise the application of the integrity rules, was adopted in the House of Representatives (Code of conduct for members of the House of Representatives, 2020, pp. 2). At the same time, an independent integrity advisor for members of the House of Representatives was appointed, to provide advice on the interpretation and application of the integrity rules (TweedeKamer.nl, n.d.). On 1 April 2021 both the code of conduct and the Integrity Investigation Board came into force. This Board intends to address the lack of a

system of supervision and enforcement by investigating alleged complaints of integrity violations by members of the House of Representatives (Tweedekamer.nl, n.d.).

1.3 The research question

As mentioned in the introduction, the PII showed that there were at least 45 integrity violations by politicians in the Netherlands in 2020. These politicians functioned at the local level or were members of the Senate or the House of Representatives. Ideally none of these violations would have taken place, and the fact that integrity violations by politicians continue to occur, indicates that integrity measures taken in the House of Representatives are lacking in content, implementation or are not sufficiently coordinated.

In an ideal situation, none of the members of the House of Representatives would commit integrity violations. In practice, however, this appears to be a utopia. Mistakes will always be made, in any organisation. However, integrity can be safeguarded by implementing integrity instruments. This study focuses on the implementation of the integrity instrument 'code of conduct' and its associated systems in the House of Representatives. The associated systems refer to guidance on integrity dilemmas, supervision of integrity violations and enforcement of the rules.

A comparative study to determine whether the code of conduct and its associated systems have prevented integrity violations is challenging, as a violation of integrity that has not taken place cannot be measured. However, it is possible to check whether the above mentioned measures are in line with the standards described in the academic literature. Therefore, this study will attempt to answer the following question:

"To what extent do the code of conduct and the associated systems of the House of Representatives meet requirements as described in contemporary academic literature?"

Because it is difficult to answer the research question in one go, it was decided to divide it into three sub-questions. The first sub-question concerns the requirements that must be met by the Code of Conduct and its associated systems to succeed. The second sub-question asks how the Code of Conduct and the associated systems of the Dutch House of Representatives can be characterised. The third and final sub-question concerns the extent to which the Code of Conduct and the associated systems of the Dutch House of Representatives meet the requirements.

1.4 Academic and societal relevance

Issues related to ethics and integrity have caused a higher degree of concern in the private and public sectors in recent decades (Hoekstra and Kaptein, 2012, pp. 5). This increased concern is partly due to the political drive to outdo the previous government in terms of ethical rigour and partly to high-profile incidents of fraud and corruption (Hoekstra and Kaptein, 2012, pp. 5). The increased interest in integrity can also be found in scientific disciplines and occurs in organisational sciences, business administration and public administration (Montfort et al., 2018, pp. 70). In addition to the increase in attention for integrity, the expertise regarding the content of integrity policy and the measures and instruments to be taken to safeguard integrity in an organisation has also grown (Hoekstra and Kaptein, 2012, pp. 6). However, there are many different opinions about how ethical behaviour can be promoted and what effective integrity policies should look like (Stout, 2015, pp. 116). Although the literature often refers to the advantages of introducing a code of conduct, it also emphasises that the introduction of a code of conduct on its own does not offer sufficient guarantee of integrity and should be done in conjunction with other integrity instruments (Lawton et al., 2013, pp. 98; OSCE, 2012, pp. 19-20; Maesschalck, 2009, pp. 34). However, discussions arise on the content and the view of what a code of conduct is supposed to serve (Stout, 2015, pp. 116). For example, one view is that a code of conduct should be implemented so that it can be used to initiate an internal dialogue about moral values. According to this view, the code of conduct serves as an internal motivation for acting with integrity (Stout, 2015, pp. 116). Completely opposite is the view that the code of conduct should be implemented so that it can be used to highlight rules of conduct and emphasise that breaches of the rules of conduct will result in sanctions. According to this view, the code of conduct serves as an external motivation for acting with integrity. However, the view that safeguarding integrity depends on the context is shared in the literature (Maesschalck, 2009, pp. 8). This view will be substantiated in this study by taking circumstances into account when evaluating the code of conduct and the accompanying systems of guidance, supervision and enforcement. This study will complement the already existing literature on the evaluation of the code of conduct and its systems.

Integrity is mentioned as one of the most important requirements for good governance (Hagedoorn and Hermes, 2015, pp. 33). The explanation for this is that behaviour with integrity has a significant positive influence on the public's trust in government and the legitimacy of its actions. A higher degree of integrity of public administration has therefore been the goal of

several Dutch cabinets for years (Hagedoorn and Hermes, 2015, pp. 33). Unfortunately, despite this focus on integrity, illegal and unethical behaviour and misconduct still take place within the government (Hoekstra and Kaptein, 2012, pp. 6). In addition to decreased trust in government, this can also lead to dissatisfaction regarding money that is 'wasted' by the government, and diminished willingness among citizens to follow imposed rules and regulations. Finally it will lead to a decrease in effectiveness of the public sector (Hoekstra and Kaptein, 2012, pp. 6). In conclusion, the actions of a (political) office holder influence numerous variables and integrity should be guaranteed at all times, and the House of Representatives tries to do this through its integrity system. In this research the code of conduct and its associated systems will be evaluated, and if shortcomings are found, recommendations will follow that can remedy these shortcomings which, among other things, will increase citizens' trust in the actions of the government.

1.4 Method of analysis and method of data collection

Since the research involves a detailed and in-depth analysis of a single case it makes use of a case study design. When selecting a case type, it was decided to choose an extreme case, as this fitted the purpose of this research. An extreme is a case in which an event has taken place that is special, such as a remarkable success or failure. Due to the fact that the code of conduct of the Dutch House of Representatives has had to endure a lot of criticism, it can be seen as an extreme case. In order to be able to map out the contents of the code of conduct, as well as the working method of the independent integrity advisor and the board of inquiry on integrity, use was made of official documents obtained from the state, official documents obtained from private sources as well as mass media publications. In terms of reliability, this research has some complications. For example, replication is made difficult by the fact that it is not possible to freeze the social setting and circumstances of the research. In addition, there is much disagreement among scholars regarding both the choice of certain integrity instruments and the content of these instruments. However, this study provides an overview of the requirements to be met by the code of conduct and its associated systems. This overview contributes to the possibility of replicating the research. Though, the use of other theory may cause the results of such a research to differ from the results of this research. It should be recognised that this study has a limitation in terms of generalisation, due to the use of a single case design. Despite this limitation, the possibility of generalisation is still possible. This research examines to what extent the code of conduct and the corresponding systems of the House of Representatives meet the requirements as described in contemporary scientific literature. The contemporary

scientific literature used has been generated by both Dutch and foreign scholars and shows the requirements of integrity instruments in a general sense. This means that these requirements do not specifically address the context, as a result of which it can be deduced that, for example, the code of conduct of England should also meet these requirements.

1.5 Outline

This study focuses on the evaluation of the code of conduct and its associated systems. Since the objectives of the above mentioned integrity instruments are to safeguard integrity, it is important to understand what integrity means. Therefore, chapter 2 will first define integrity. Next, the different types of integrity violations are shown, after which it is explained why a code of conduct should deal with these types of integrity violations. Subsequently, the explanation of, respectively, integrity policy and the integrity management types will be dealt with. This is followed by the review of the code of conduct. This review covers both the need for as well as the requirements of the code of conduct. Next, the integrity advisor, who advises employees who are struggling with an ethical dilemma, is discussed. Thereafter, the monitoring of the implementation of the ethical behaviour by employees is handled. The chapter ends with an overview of all the requirements described in the theory. Chapter 3 first discusses why a case study design will be used in this research. Next, the criteria on which the code of conduct and the related systems of the House of Representatives in the Netherlands were selected will be substantiated. Subsequently, the type of documents that will be used to map out the content and working method of the code of conduct, and the related systems, is discussed. Next, it is explained how these documents will be used to answer the research question. Finally, the reliability and validity of the study are discussed. Chapter 4 will first provide background information on the creation of the Code of Conduct, after which the Code will be tested against the requirements as discussed in the theory. Subsequently, the working methods of the independent integrity advisor and the board of integrity investigation will be discussed, after which they will be tested against the requirements discussed in the theory. Finally, there will be recommendations for adapting the integrity instruments mentioned above. If these recommendations are applied, a better safeguarding of integrity can be achieved. Chapter 5 will first provide a brief summary of the results and highlights which results have been noticeable in the study. Subsequently, the research question will be answered. This chapter will conclude with a discussion of the limitations of this research and recommendations for a follow-up study.

2. Theory

In this chapter, the reader will be introduced to integrity instruments which can be implemented to better ensure integrity. However, before discussing integrity instruments, section 2.1 will elaborate on what integrity actually means. Subsequently, in paragraph 2.2 the various types of integrity violations will be explained, after which arguments will be given as to why it is important that a code of conduct deals with these types of integrity violations. Section 2.3 goes on to briefly discuss the various types of integrity policy. Section 2.4 subsequently goes into more detail about compliance approaches and the accompanying integrity instruments. Section 2.5 is also more in-depth, this time regarding the integrity approach and the accompanying integrity instruments. The code of conduct is discussed in section 2.6. After explaining the various forms of codes, reasons are given as to why a code of conduct should be implemented. Additionally, the complications encountered in formulating the code of conduct and the rules of conduct are discussed. Finally, it states how the code of conduct should be enforced. The code of conduct can also be institutionally embedded. An example is the appointment of an integrity advisor. The requirements for the working method of such an integrity advisor are described in section 2.7. It should also be monitored whether employees actually exhibit ethical behaviour. Which body should monitor this behaviour and how this should be done are described in section 2.8. Finally, section 2.9 provides an overview of all the requirements that the code of conduct and related systems must meet in order to be considered successful.

2.1 What is integrity?

In 2020, the Dutch Minister of Justice and Security Ferdinand Grapperhaus (PvdA) received negative publicity because he publicly failed to comply with the corona rules during his wedding (RTL NIEUWS 2020). The Minister of Justice and Safety is one of the figureheads of the enforcement of the corona rules and he was fined for this violation by the Public Prosecution Service (Meijer, 2020). Grapperhaus subsequently apologised on several occasions and stated that he got carried away by the emotions associated with a wedding day. It is remarkable that the man whose job it is to defend corona policy, who is responsible for sanctioning those who violate the policy, who has repeatedly admonished the public to stick to the set rules, did not stick to the policy himself. Huberts, Kaptein and Eising (Koning, 2020) elaborate on the integrity affair of Grapperhaus in their Political Integrity Indices (PII) and mention 'wholeness' as an interpretation of integrity. For example, a man, or woman, should consist of one whole, meaning that words and deeds should correspond, not contradict. The

definition of 'wholeness' as a perspective of integrity appears frequently in the literature, for example, by Montefiore and Vines (1999, pp. 9). They explain that the Latin word 'integras' could be translated as intact or whole. Integrity can, therefore, be described as "wholeness", consistent and coherent principles, values. However, the meaning and interpretation of integrity differ enormously in the literature.

For example, integrity can also be interpreted differently, if one examines at the relationship between integrity and morality; at what is good and what is bad. Alternatively, integrity can be seen as an open reflection of morality (Huberts, 2018, pp. 20). Yet another description is that integrity should be seen more as an umbrella term, where different sets of values that are relevant to the assessment of the public official are bundled (Huberts, 2018, pp. 20). In addition, there is also a somewhat more legal perception of integrity whereby clarification is provided by existing laws and regulations. Kerkhoff and Overeem (2018, pp. 13) speak out against this interpretation as an act can be legal, but it can still be considered undesirable and inappropriate.

Table 1: Visions of integrity (Huberts, 2015, pp. 14)

- Integrity as wholeness
- Integrity as an appropriate part of the environment
- Integrity as a professional responsibility
- Integrity as conscious moral reflection and action
- Integrity as value(s) including integrity
- Integrity as compliance with (values in) law and regulations
- Integrity as compliance with prevailing moral values and norms
- Integrity as exemplary ideal behaviour

As described above, many different academics have different views on the meaning and definition of integrity. When Huberts (2015, pp. 13-14) noticed the plethora of meanings and interpretations of the concept of integrity, he attempted to map them. He recognised that there are at least eight different visions of integrity and that these eight visions differ in their representativeness in research and policy practices.

The complexity associated with the definition of integrity may even lead academics to rewrite their views. In 2003, Huberts described a person of integrity as someone whose

behaviour was in accordance with prevailing moral standards and values and the rules associated with them (Huberts, 2003,6). Kerkhoff and Overeem (2018, pp. 13) praise this definition by Huberts, as his description clarifies that the meaning of integrity depends on the specific context of time and place. They emphasize, however, that the word 'prevailing' can be criticised. The word suggests that there is an always prevailing morality, which is not always the case. They argue instead that a complication in an integrity issue is determining precisely what morals apply at that moment. Their most important proposition is therefore: 'what counts as integrity is not fixed, but subject to change'. This change can be gradual, jerky, or abrupt. They conclude that integrity is a moving target. Later, Huberts (2018, pp. 20) adjusted his definition by replacing the word valid with relevant. This makes his new definition of integrity: 'the quality of an act that is in accordance with relevant moral values, norms and rules'. This is the definition of integrity that will be used in this study. Huberts adds that if someone uses the same terminology, it is important to understand exactly what the terms moral values, norms and rules mean (Huberts, 2018, pp. 20). A value, which contributes to the choice of an action by individuals or collectives, is a belief or quality that contributes to a judgement. Examples of values are legality and incorruptibility. A norm, on the other hand, is much more specific and concrete than a value and concerns moral rules of conduct that set a clear limit to what is allowed or required in a situation (Huberts, 2003, pp. 7). Values and norms thus form the basis for judgement and decision-making. However, the roles they play in this process are different.

2.2 Types of integrity violations

The previous section, has highlighted various definitions of integrity and which definition will be used in this research. This section will first show the different types of integrity violations, and then it will illustrate that integrity violations can occur where it is difficult to immediately label behaviour as wrong. Subsequently, it will be clarified why it is important that the code of conduct deals with all these types of integrity violations.

In order to act with integrity, a person refrains from breaches of integrity, which occur when behaviour is not in accordance with relevant moral values, norms and rules. Integrity, however, is a grand concept; everyone wants to be seen as a person of integrity (Huberts, 2003, pp.6). Despite these aspirations, breaches of integrity do occur in practice, as illustrated in the previous section. The different types of behaviour that are considered to be integrity violations are presented in table 2. This typology has been developed in stages and is based on various

types of knowledge from corruption research and integrity research within the police, integrity of administration and research into organisational misconduct (Huberts, 2018, pp. 23).

Table 2: Types of Integrity Violations (Huberts, 2018, pp. 23)

1. Corruption: bribing
2. Corruption: favoritism
3. Conflict of interest (gifts, jobs, etc.)
4. Fraud and theft of resources
5. Waste and abuse of resources
6. Break rules/misuse power (also for the organization)
7. Misuse and manipulation of information
8. Indecent treatment (intimidation, discrimination)
9. Private time misconduct

Kerkhoff and Overeem (2018, pp. 15) note that the typology can be seen as an unbroken line from 'hard' to 'softer' violations. The hardest violations, (1) corruption in the sense of bribery, (2) corruption in the sense of favouring relations, and (4) fraud and theft of resources, are clear violations of social and political norms and are therefore punishable by law and regulation. The lower on the table, the more the violations enter the so-called grey area, where there is no black and white picture of right or wrong (Hoekstra et al., 2016, pp. 14). Conflict of interest (3) is a good example of this grey area. Which side job or side-line activity is morally objectionable or in conflict with basic moral norms and values? Wouldn't an Agriculture Minister who opposes a European subsidy cutback for the agricultural sector, while also owning farms himself, be acting somewhat out of self-interest (NRC, 2005)? If the integrity violations (3), (5), (6) and (7) are in a grey area, then the last type of integrity violation (8) indecent treatment and (9) private time misconduct are in a very light-grey area with even more room for debate, as judgements about these types of violations can vary significantly from person to person. Finally, dilemmas also arise because good governance requires dealing with various public values that may not all go together, such as the struggle between integrity and justice with effectiveness (Hoekstra et al., 2016, pp. 15).

The importance of the code of conduct dealing with all the above-mentioned types of integrity violations can be explained with the aid of Lasthuizen. Lasthuizen (2008, pp. 17)

describes that the boards of many government organisations have developed various policies, such as codes of conduct, with which an attempt is made to improve or safeguard the integrity of the organisation. These policies are aimed at minimising the extent of unethical behaviour within the organisation. According to Lasthuizen (2008, pp. 21), the types of integrity violations shown in table 2 can be considered universal, which makes them useful for describing unethical behaviour in almost all public organisational contexts. It can be deduced from this that the policies of government organisations should address the types of integrity violations shown in table 2 in order to minimise the extent of unethical behaviour within the organisation.

2.3 Integrity policies

2.3.1 Introduction of the different elements of integrity policy

The different types of integrity (Table 1) are known, the definition of integrity used in this study has been clarified, it has been established that breaches of integrity take place and what types of breaches exist (Table 2). Now the question can be addressed as to whether public officials can be trusted to regulate themselves or whether regulatory systems should be introduced to ensure that public officials behave? And in case of the latter what kind of regulations are already in place and which should still be implemented?

According to van Tankeren and Montfort, who conducted research into the effectiveness of the integrity policy of the Dutch police, integrity policy can be described as 'the whole of intentions choices and actions intended to promote and protect integrity within organisations' (Van Tankeren and Montfort, 2012, pp.134). Integrity policies include a whole range of initiatives and instruments, but ideally, they consist of a combination of 'software', 'hardware' and an 'operating system' (Hoekstra et al., 2016, pp. 10). Huberts (2015, pp.16) states that the basis of integrity management at the organisational level is formed by a collective of these three elements. Huberts defines integrity management as the constant effort of an organisation regarding the promotion of integrity (Huberts, 2015, pp.16).

These elements of integrity policy will be briefly explained below, but they are of such importance in this research that they each deserve their own paragraph that discusses them more explicitly.

Table 3: Elements of integrity policies (Hoekstra et al., 2016, Lawton et al., 2013, Hoekstra & Kaptein 2013)

	Integrity policy elements	Examples
Integrity approach	The use of tools with the intention of having a positive influence on the ethical culture within an organisation.	Pre-employment screening, ethics oaths, integrity training, ethics officers, integrity risk assessment methodologies, audits & reporting, investigation procedures.
Compliance approach	The use of tools to control unethical behaviour within an organisation.	Rules, procedures for procurement, code of conduct, contracting, side jobs, guidelines, clear assignment of responsibilities.
Operating system	Deals with the organisation and coordination of the integrity policy.	Monitoring, evaluation and risk analyses.

The term 'software' refers to the instruments that have a positive influence on the ethical culture within an organisation. Under the same definition, Hoekstra and Kaptein (2013, pp. 13) refer to this approach as the 'informal approach', Paine (1994) and Lawton et al. (2013, pp. 95) classify these measures under the 'integrity approach'. Because all definitions have the same meaning, for the sake of clarity it was decided to use one term, namely the 'integrity approach'.

Instruments deployed according to 'hardware' assume that the culture and values of an organisation are not sufficient in themselves and that behaviour must therefore be controlled by means of rules, procedures and guidelines. This term also has synonyms in the literature and is called the 'formal approach' by Hoekstra and Kaptein (2013, pp. 13). Paine (1994) and Lawton et al. (2013, pp. 95) classify these measures under the 'compliance approach'. Again, for the sake of clarity, one terminology has been chosen, namely the 'compliance approach'.

The operating system addresses the organisation and coordination of the integrity policy. Both forms of integrity policy must be consistently present and interlinked. This can be done through monitoring, evaluation and risk analyses, among other things.

2.3.2 Can unethical behaviour be influenced? Bad apple vs. bad barrel

The fact that breaches of integrity unfortunately occur, both in the private and public sectors, is a given. The question remains, however, whether something can be done about it. In other words, can an employee's behaviour be influenced or is it immune to external influences?

Literature provides various views regarding the extent to which organisations are able to control the behaviour of employees (Hoekstra and Kaptein, 2013; Hoekstra et al., 2016). One view assumes that an individual's ethical values and behaviour are learned during childhood (Hoekstra and Kaptein, 2013, pp. 7). According to this point of view, ethical awareness is based on disposition, an individual trait that is fixed and therefore almost impossible to influence later in life. Because it is almost impossible to influence, an organisation cannot be expected to be responsible for the character of employees. From this perspective, integrity can be seen as the opposite of corrupt or fraudulent (Hoekstra and Kaptein, 2013, pp.8). Hoekstra et al. (2016, pp. 17) add that, from this perspective, integrity management is limited to having a proper recruitment and selection policy (Hire), taking action if unethical behaviour is displayed by a 'bad apple' and if necessary, ensuring this employee is fired (Fire).

The opposite of the 'bad apple' view is the view of the 'bad barrel', which assumes that ethical behaviour can be learned and that an organisation can encourage and support ethical behaviour by designing structures, processes and strategies (Hoekstra and Kaptein, 2013, pp. 7). The focus here is on having a sound organisational 'barrel' which is supported by having a sound structure, culture and coherent integrity management system. Having an uneven organisational structure and culture would ensure that a 'bad apple' could also negatively influence other employees (Hoekstra et al., 2016, pp. 17).

Today, there is a view among scholars that integrity does fall under the responsibility of the organisation and management and that they should support employees in implementing an integrity policy (Hoekstra and Kaptein, 2013, pp. 8; Hoekstra et al., 2016, pp. 18).

2.3.3 The different levels to which integrity management can be applied

If it is necessary to determine how integrity should be institutionalised, the different levels at which the institutionalisation of integrity is applied should also be considered (Hoekstra et al., 2016, pp. 16-17; Hoekstra and Kaptein, 2013, pp. 7). Integrity and its institutionalisation can take place at 3 different levels, being *macro*, *micro* and *meso*.

Integrity at the *macro* level includes the development of the integrity system and integrity policy at the national or even international level (Hoekstra and Kaptein, 2016, pp. 7). The focus here is on the roles, tasks and powers of institutions involved in combating corruption. An example of such an international NGO operating at the macro level is Transparency International, which by exposing the systems and networks that enable corruption seeks to promote transparency, accountability and integrity (transparency.org, n.d.). Hoekstra et al (2016, pp. 16) emphasise the importance of interaction between the actors and institutions involved, each of which is responsible for the formulation, implementation or enforcement of centrally determined anti-corruption and/or integrity legislation and regulations.

When applied at the *micro* level, integrity and its institutionalisation refer to the actions of an individual person (Hoekstra et al., 2016, pp. 17). It deals with the different roles that a person can fulfil throughout their life and their capacity to act with conflicting values. It also deals with how this person resists temptations and deals with moral dilemmas. Hoekstra and Kaptein (2013, pp. 7) describe that at the micro level, the emphasis is on the extent to which a person can act as a 'good' employee.

The most important level for this research at which integrity and the institutionalisation of integrity can occur is at the *meso* level, also called the intra-organisational level. At this level, the focus is both on the structures and formalisation of processes that have been developed to support integrity initiatives, and on the key players in this development (Hoekstra and Kaptein, 2013, pp. 7).

2.4 Compliance approach

Section 2.3.2 concluded with the proposition that integrity does fall under the responsibility of the organisation and management and that they must support employees by implementing an integrity policy. The previous section clarified that integrity policy can take place at multiple levels and that for this research, the meso level will be examined. Now the question remains which approach, an organisation that tries to safeguard the integrity of its employees should use: the compliance approach, the integrity approach or a combination of these. A brief explanation of both approaches has already been given in the introduction. What follows now is a detailed description of each approach.

One of the first scholars to make a clear distinction between the compliance approach and the integrity approach was John Rohr (Lawton et al., 2013, pp.118). In 1989, he described the compliance approach as the rules-based approach and also called this the 'low road' of compliance, and described the integrity approach as the values-based approach and called this the 'high road' of integrity.

The distinction between these approaches was further developed by Paine (1994). Paine described the compliance approach as a legal, rules-based strategy that addresses organisational ethics. This approach focuses on preventing unethical behaviour and does so by detecting integrity violations. After a violation of the law, rules and/or organisational standards has been identified, the relevant employees are sanctioned. Paine (1994) also emphasises that organisations that follow this approach perceive ethics as behaviour that is legal and within the law and are primarily concerned with avoiding legal sanctions.

Both Hoekstra et al. (2016, pp. 18) and Huberts et al. (2014, pp. 177) emphasise that the top down imposition of rules and regulations acts on the extrinsic motivation of employees and that it is generated out of fear of sanctions. It also implies that people cannot be trusted entirely, and therefore rules and supervision are required to keep them on the right track. According to Hoekstra and Kaptein (2013, pp. 13), this approach can be criticised by an explicit and purposeful focus on integrity and the assignment of responsibilities and accountability structures for integrity officers, ensuring clear observability of all integrity activities.

Huberts (2018, pp. 26) highlights that the punitive approach, which can certainly be effective in combating fraud, for example, can have negative effects such as intimidation and discrimination. Paine (1994) also emphasises that organisational ethics should involve more than avoiding illegal practices, as having rules and regulations does not ensure that problems underlying illegal behaviour are addressed. To solve this problem, organisations must create a climate that encourages exemplary behaviour and they must have a comprehensive approach that goes beyond focusing on compliance with laws. Lawton et al (2013, pp.118) highlight the thinking of many scholars who see the compliance approach itself as counterproductive, as it emphasises punishment avoidance rather than the promotion of self-governance.

2.5 Integrity approach

Opposite of the compliance approach is the integrity approach, which has an entirely different view of organisational ethics. This approach, in which managers play an important role, is

based on the concept of employee self-governance, which should be in line with guiding principles from the organisation (Lawton et al., 2013, pp. 118). Policy instruments based on this approach aim to define organisational moral values and encourage employees to act in accordance with these guiding values and ethical aspirations (Lawton et al., 2013, pp. 118).

In the article she wrote for the Harvard Business Review, Paine (1994) explains that despite the difference in design and scope, all integrity strategies strive to define the guiding values, aspirations, patterns of thought and behaviour of companies. If the daily activities of the organisation's employees align with such strategies, ethical lapses can be more easily prevented. It will also ignite human impulses for moral thinking and action. Both effects will lead to an ethical framework becoming the guiding ethos of an organisation. Hoekstra et al. (2016, pp. 18) add that the joint formulation and internalisation of organisational values ensures that the strategy is more positive in nature and that it encourages employees to do the right thing. Huberts (2018, pp. 26) emphasises the importance of a broader integrity approach, as this will ensure further development about knowledge of policy instruments that work. The explanation for this statement is the assumption that organisations should develop specific policies to deal with the many different types of integrity violations.

The soft approach is also criticised in the literature (Hoekstra, 2016; Hoekstra et al., 2016). For example, Hoekstra (2016, pp.12) refers to earlier research by Deemke and Moilanen from 2012, which concludes that policy instruments according to the integrity approach often follow an incident and are symbolic in nature. Often, little attention is paid to the implementation and institutionalisation of the existing policy and more attention is paid to the construction of new measures. At the same time, the quality of this approach is at stake, as a value-based strategy, without clear standards, rules and sanctions has no 'bite' (Hoekstra et al., 2016, pp. 22).

In conclusion, scholars agree that organisations should not implement only one approach, but that ideally, integrity policies should consist of both approaches, as none by itself will sufficiently ensure good standards of conduct (Lawton et al.,2013; Hoekstra et al., 2016; Huberts et al., 2014; Huberts, 2018; Hoekstra, 2016; Hoekstra and Kaptein, 2013). It should be kept in mind that the effectiveness of both approaches depends on the context and is related to the type of integrity violation (Hoekstra et al., 2014, pp. 193).

2.6 Code of Conduct

2.6.1 The various forms of codes

The use of ethical codes is not a new phenomenon. Think of the Ten Commandments and the perhaps lesser-known but also centuries-old, Athenian Code. Both codes contain general obligations and admonitions, but above all, they address a vision of excellence that every individual should strive for. The use of ethical codes has not faded over the years; on the contrary, more and more Dutch companies, trade organisations and (semi) governmental organisations have implemented such a code in recent years or are in the process of developing one (Kaptein, 1998, pp. 853). The above, simplified description of a code of conduct, which was applicable in ancient times, has been extended today. However, before giving a comprehensive description of a code of conduct, it may be wise first to clarify the term code.

The Cambridge English Dictionary defines code as "a set of rules that are accepted as general principles, or a set of written rules that say how people in a particular organisation or country should behave". However, a code can be used in different contexts, which gives it a different meaning. An example of this is the use of the word code in the 'penal code'. A penal code is defined as: "the system of legal punishment of a country". It is important to emphasise, that this research does not define code as a synonym for law. It is possible that law contains a code, but a code rarely contains specific prohibitions (Gilman, 2005, pp.4). However, a code often includes a set of principles, the purpose of which is to underpin laws.

Now the term code has been explained, it is essential to clarify what forms of codes exist. In the literature, various forms of codes can be found (Huberts et al., 2014, pp. 169; Lawton et al., 2013, pp.95). For example, there are codes contain rules that deal with specific issues such as side activities. These are called vertical codes. Other codes contain rules for specific functions that deal with task-related moral risks such as a finance department, the so-called sub-codes (Huberts et al. 2014, pp. 169). In general, a code refers to the organisational code, and generally consists of three parts: a code of values, a code of conduct or a combination of both.

A code of values elaborates on the central values of the organisation, and employees should act in accordance with these values (Huberts et al.,2014, pp.169; Lawton et al.,2013, pp.97). However, it is essential to note that a code based on principles has disadvantages, as it can leave too much room for different interpretations, which can lead to uncertainty and

controversy (OSCE, 2012, pp.36). However, as mentioned above, these codes are not mutually exclusive, and codes should, albeit implicitly, consist of certain principles and are often accompanied by some rules of conduct. Often, principle-based codes are accompanied by manuals, which do go into detail.

A code of conduct, which has a broader scope than a code of values, contains guidelines and instructions which address how employees and the organisation should and should not behave (Huberts et al. 2014, pp. 169; Lawton et al., 2013, pp. 96; Stout, 2015, pp.116). A rules-based code contains specific rules of conduct and is usually long and detailed (OSCE, 2012, pp.36). The detailed scope of a code can be explained by the fact that its task is to protect both the employee and the organisations reputation (Gilman, 2005, pp. 16). It must be highlighted that a rules-based code can be complex, making it difficult to follow, and it promotes an overly legalistic approach. There is also the risk that despite the inclusion of details, it never covers all possible events. Despite this distinction in the literature, it appears that in practice, the terms are used interchangeably by organisations (Lawton et al., 2013, pp.97). For the sake of clarity, it was therefore decided to stick to one term, namely code of conduct.

A Code of Conduct, although seen as necessary, is not in itself seen as a sufficient means of promoting ethical behaviour (Lawton et al., 2013, pp.97). One argument to support this assumption is that a Code of Conduct can be seen as a way in which rules regulate an activity. These rules can be viewed from different points of view; either from an external or an internal point of view. If viewed from an external perspective, the rules are portrayed as a top-down instrumental control resulting in fear of sanctions. Opposite the external point of view, there is the internal point of view of the rules, and this insider view can be achieved by anchoring the rules in the organisation. A condition for achieving an insider view is the confidence that other colleagues will also follow these rules and that there is unanimity as to the soundness of the rules. Socialisation of ethics training and generation of trust through exemplary behaviour of role models can promote these conditions. Lawton et al. (2013, pp.98) conclude by stating that by implementing an insider view, a code will be effective, provided that sufficient attention is paid to the context, content, implementation and enforcement of the codes. Huberts et al. (2014, pp. 169) also address the question of whether organisational codes help in practice and also conclude that codes should be viewed and assessed in their context. The effectiveness of a code would depend, among other things, on the process by which the code is developed, its actual content and its implementation. In particular, the implementation

of the code should influence characteristics of employees, managers and the internal organisational context in order to influence the behaviour of others.

2.6.2 What is the motivation for introducing a code of conduct?

A leaky roof is best repaired while the sun is shining. With this statement, Kaptein (1998, pp. 861) illustrates that it is preferable to take *preventive* measures in order to avoid bad behaviour, as practices that have gone wrong require much more time to repair. Even if there appear to be no substantial problems, it is justified to spend ample time developing a code. After all, if problems do come to light, they will accelerate the downward trend significantly.

Lawton et al. (2013, pp.98) add that regardless of the scope and content of the codes, they can fulfil different functions. Table 5 provides an overview and an illustration of the various functions that a code should have. However, the balance between these functions may vary depending on the context. The literature shows that scholars mostly agree with the functions described by Lawton et al.. Examples of this will follow after the definitions of the functions have been clarified.

Table 4: Functions of codes (Lawton et al., 2013, pp. 99)

Aspirational
1 Promote public trust and confidence in the ethical performance of public officials
2 Generate pride amongst staff
3 Reaffirm the values of public service to existing public officials and inspire a new generation of public officials
4 Establish external credibility and indicate that ethics are being taken seriously
Guidance
1 Offer a clear statement of values, roles and duties, rights and responsibilities
2 Clarify the ethical behaviour expected of public officials
3 Act as guidelines in developing ethical conduct
4 Form an independent, consistent and pre-determined set of criteria for ethical conduct
5 Help resolve possible ethical dilemmas
Regulatory
1 Clarify procedures and sanctions to deal with misconduct

2 Minimize ambiguity and reduce uncertainty**3 Offer a coherent statement of ethical conduct, drawing together ethical statements which may be scattered throughout different pieces of legislation**

If a function is *aspirational* in nature, the code reflects an explicit consideration of the ethical values that should be pursued (Lawton et al., 2013, pp. 98). Maesschalck (2009, pp. 51) also foresees a higher degree of public trust in the government when a code of conduct is implemented. An increase in public trust is improbable if citizens are regularly confronted with breaches of integrity by (political) officials. The use of a policy instrument such as the code of conduct will most likely result in a decrease in integrity violations, which will increase the public's trust in the government's ethical safeguards. Gilman (2005, pp. 9) foresees that codes can contribute to the pride that accompanies belonging to a group or a profession. According to him, pride plays an essential role in motivating an individual to see himself as a professional. Kaptein (1998, pp. 863) highlights that the introduction of a code of conduct does not bring about a departure from the past but that it merely improves existing policy and reaffirms norms and values. Finally, Groot (2015, pp. 77) highlights that integrity violations by elected executives harm the credibility of government and that a code of conduct, by decreasing the level of integrity violations, will increase the credibility of the government.

If a function is *guiding* in nature, then the code provides a coherent and consistent set of guidelines to assist an employee (Lawton et al., 2013, pp. 98). Gilman (2005, pp. 8) explains that codes cause people to behave in a certain way, which can be explained partly by the fact that they focus on the character of their actions. Because the code inspires actions, they will be done in the right way for the right reason. Another explanation is the fear of sanctions that follow a violation. With the help of the code, (political) officials can test their actions against the expected standards. Kaptein (1998, pp. 860) adds that in addition to the above-mentioned increase in awareness of the moral aspects of actions, a code also provides clarity regarding responsibilities, establishes a minimum set of expectations and creates a system of checks and balances because employees can call each other to account when the code is violated.

If a function is regulatory in nature, the code shows what sanctions will follow if ethical principles are violated (Lawton et al., 2013, pp. 98). This description corresponds to Maesschalck (2009, pp. 24), which explains that a disciplinary code must define what is

considered irregular behaviour, what the disciplinary process is and what sanctions follow if a violation occurs.

2.6.3 Focus areas when drafting the code.

When drawing up a code of conduct, problems may arise regarding the degree of specification of the statements of values (Lawton et al., 2013, pp. 98; Gilman, 2005, pp. 19-20; Kaptein, 1998, 858-860). If these statements of values are too general, they will have little operational value and in many situations will not provide guidance (Lawton et al., 2013, pp. 98; Kaptein, 1998, pp. 859). For example, if an organisation strives for the highest degree of integrity, this too general guideline is of little use to an employee. On the other hand, too detailed a declaration of values results in a cumbersome document, which, therefore, will not be used (Lawton et al., 2013, pp. 98). Gilman (2005, pp. 47) adds that detailed codes are often justified by the organisation by claiming they are easier to enforce. Gilman argues, however, that detailed codes are as difficult to enforce as overly general codes. Enforceability depends on who interprets them and the institutional structure that supports the code. Also, experience shows that codes, despite their detailed terms of reference, in practice blend together. Kaptein (1998, pp. 859) states that a clear code should be as detailed as possible. However, it should be borne in mind that a code that is too detailed will be useless and unmanageable due to the many *ifs* and *buts*. In addition, both Kaptein and Lawton et al. warn that detailed codes can increase the chance of employees taking only the described situations into account and ignoring other situations.

A second dilemma arises when choosing a negative or positive formulation of the code (Kaptein, 1998, pp. 858). If a code has a negative formulation of the principles, it will explicitly state which behaviours employees are not allowed to perform. The disadvantages of this formulation are that employees may perceive it as threatening and that no picture is painted of how an employee should behave. Also, it is not possible to include all possible actions in the rules. In addition, the existing rules can be circumvented in practice. A grey area will therefore arise in which it is not clear whether an action is permissible or not. A positive formulation of the code is a guideline for employees on how they *should* behave. A disadvantage of this method is that it is difficult to monitor compliance with the code, as unacceptable behaviour cannot automatically be deduced from a description of only desired behaviours and actions. By explicitly mentioning unacceptable behaviour, it is easier to impose possible sanctions. Not correcting unethical behaviour sends out a strong and unwanted signal.

Clearly the drafting of a code of conduct, as described above, is accompanied by difficult dilemmas. Fortunately, many objections can be overcome, provided that the code is formulated with care, and with attention to *clarity, consistency, completeness and practical application* (Lawton et al., 2013, pp.98-99). *Clarity* will promote understanding and ensure minimal ambiguity. *Consistency* refers to compliance of the code to existing legislation, as organisations are subject to civil and criminal law, and general agreement on a set of principles. *Completeness* concerns drafting the code as comprehensively as possible. The *practical application* of the code concerns the usability of the code in practice. Maesschalck (2009, pp.37) mentions that in addition to the focal points *clarity* and *consistency*, a code also should be *simple, concrete, structured, linked* and *relevant*. *Simplicity* means that the text should be easy to understand and not more complex than it needs to be. *Concreteness* means avoiding generalisation. Although vague statements cannot always be avoided, it is important to make the statements as concrete as possible, for example by specifying them in rules and guidelines. The value *structure* entails that a code should be built logically, focussing on only a few values that do not overlap. By focussing on a small number, it is easier to identify the tensions between values included in the code. These tensions are characteristic of ethical dilemmas, and a code that clearly delineates values is a valuable tool for dealing with ethical dilemmas. The value *linked* indicates the cross-reference in the code to other documents, guidelines and codes. With the help of this cross-reference, employees can easily find further details on specific topics. Finally, the code must be *relevant*. This means that the code should go further than the obvious and focus in particular on those issues where guidance is needed.

2.6.4 The content of the code of conduct

The above-mentioned values should all be taken into account in the development of a code of conduct. As an attempt has been made to provide a full description of values, the term principles, as used in the definition of the term *consistency*, should also be explained as a set of principles included in a code. Lawton et al. (2013, pp. 102) describes principles as guidelines for action and based on values. It emphasises that it is essential that key stakeholders agree on the set of principles that is included in a code. Gilman (2005, pp. 10) adds that a principle is a statement of behaviour required to fulfil a value. The principle connects a value with a general course of action. Although there is no agreement on the appropriate number of principles, a set of principles concerning the following values are commonly included: accountability, integrity, honesty, impartiality, serving the public interest and obedience to the law (Lawton et al., 2013, pp. 99).

Because the particular circumstances of a country must be taken into account, there will be differences in the choice of certain principles. It is also possible that codes vary in the issues that are addressed (Lawton et al., 2013, pp. 104). Despite these differences, there is a set of issues that are common to every country, although they may take on different forms in each country. Table 5 provides an overview of issues that often recur in codes.

Table 5 Issues often found in codes (Lawton et al., 2013, pp. 104-105).

1	Standards of conduct of public officials.
2	Disclosure of official information.
3	The political neutrality of public officials and engagement in political activity.
4	Relationships between the relevant stakeholders of civil servants, elected representatives, ministers, the judiciary, citizens generally, clients and interest groups.
5	Conflicts of interest and balancing competing loyalties.
6	Hospitality and gifts.
7	Corruption and fraud.
8	Duties and rights of public officials.
9	Disclosure and Registers of Interests.
10	Employment matters in terms of recruitment and promotion on merit, not patronage.
11	Maladministration, which includes giving out misleading information, depriving individuals of their rights, or administering services in an inequitable manner.
12	Misuse of power.
13	Discrimination, malice or bias.
14	Whistle-blowing.
15	Post-employment issues.

2.6.5 How should a code of conduct be implemented?

Lawton et al. (2013, pp. 105-106) hypothesise that if a code of ethics is to contribute to good governance, then addressing implementation issues is a requirement. Whether the implementation of the code of conduct will be successful depends on several factors.

First, public commitment to ethical public service must be demonstrated by executives within these organisations. These executives hold political, administrative or judicial positions, and without their commitment, the importance of the code will not be taken seriously.

Secondly, the success of implementation depends on the extent to which the ethical principles are embedded in the organisational culture. This embedding can be achieved in several ways, for example, by consulting with the key stakeholders during the development of the code. Another way is to disseminate and publicise the code through workshops and briefings. Additionally, to achieve the embedding of ethical principles, it is also advisable to

include them in the induction programme of new employees. Finally, it also pays to show the benefits of ethical public service to both employees and public interest as a whole.

The third factor influencing the successful implementation of the Code of Conduct is the degree of flexibility and diversity of the Code. Here, the emphasis on the aspirational and guiding characteristics of the codes is equally as important as the emphasis on the legal requirements. After all, this can ensure that the code will not be seen as yet another control mechanism from higher-ups. Because ethics change over time, it is vital that the code is reviewed every few years in the light of lived experience.

2.6.6 How should the code of conduct be enforced?

If an employee does not comply with the code of conduct, appropriate sanctions should follow. It is important to find a balance between encouraging good behaviour and controlling behaviour (Lawton et al., 2013, pp. 107). Even though in practice, there are many differences in this balance between countries, the literature shows that an enforcement mechanism is most effective if it combines law enforcement, independent investigative agencies, preventive management controls, transparency mechanisms, and awareness and skills development (Lawton et al., 2013, pp. 107). Although the code of conduct will have to adapt to an ever-changing political, social and economic environment, it will at all times have to address three different questions: 1) What type of violation has taken place? 2) What sanctions should follow? 3) Who should impose these sanctions?

Table 6: Disciplinary matrix (Lawton et al., 2013, pp. 108)

Type of offence	Appropriate sanctions	Enforced by
Illegal	The law	Central body, the courts
Unethical	Disciplinary action, dismissal, the law	Public service tribunal, central body, the courts
Inappropriate	Reprimand, disciplinary action	Superiors, public service tribunal, ombudsman

To know what type of offence has taken place, reference is made to the OECD's definition of different types of behaviour (Lawton et al., 2013, pp. 107). Behavioural offences, can be characterised as illegal behaviour, unethical behaviour and misconduct, but it must be noted

that the boundaries between different types of behaviour can be unclear. Illegal conduct includes acts that are contrary to the law and may include criminal offences and misdemeanours. Unethical behaviour refers to actions that violate ethical guidelines, principles or values. Finally, misconduct includes actions that are contrary to commonly accepted manners or practices.

It is difficult to give an unambiguous answer to the question of which sanctions should follow behavioural violations, but sanctions should, in any case, be proportionate to the violation (Lawton et al., 2013, pp. 108; Maesschalck, 2009, pp. 58). This means the severity of a sanction should bear relation to the seriousness of the violation. Also, the sanctions should correspond to the sanctions that followed previous similar violations committed by peers.

Sanctions can be informal or formal sanctions (Maesschalck, 2009, pp. 58). Informal sanctions are the result of social control or daily supervision. These sanctions can take many forms, such as an informal reprimand, a change in job description or exclusion from social events, and can be seen as appropriate, efficient and effective. However, these sanctions are also prone to perceived unreasonableness and should therefore be applied with great caution. Maesschalck (2009, pp. 58) adds that employees must be able to trust that when an accusation of misconduct is levelled, this accusation will be thoroughly investigated and the sanction will be appropriate to the violation. Also, disciplinary action should only follow after the accused has been given the opportunity to explain their behaviour. The decision to take disciplinary action is typically made by managers within the organisation. However, it is possible to enlist the help of external institutions for investigation and prosecution in the event the conduct violates the law.

2.7 Guidance on the application of norms and values

Maesschalck (2009, pp. 47) states that determining and defining integrity is only the first step in building a sound integrity system, as merely formulating values and rules, creating structures and procedures will not in be sufficient to guarantee integrity among employees. The second step, which contributes to the guarantee of integrity behaviour, is the implementation of the above in the day-to-day operation of the organisation, with the help of employee guidance and coaching.

Guidance and coaching will ensure that employees know what is expected of them regarding integrity and will stimulate them to act with integrity (2009, pp. 47). For this purpose, one or more actors must be appointed, within or outside the organisation, and tasked

with providing employees or the entire organisation substantive support concerning ethical objections (Maesschalck, 2009, pp. 50). This appointment of actors can vary from an informal appointment, where employees are appointed as coaches, to a formal appointment, where a (partially) independent body is established to give written advice on integrity issues. If it is decided to appoint individual coaches, they should be vetted to determine whether they are suitable for the job, whether they are well-trained to listen to the dilemmas of staff and whether their personal behaviour sets a good example. The organisation should also ensure that these coaches are aware of what behaviour is expected from employees. Their duty of professional secrecy should also be described in concrete terms, and it should be checked whether the coaches are sufficiently supported by another unit or network. If the second option is chosen, namely the appointment of a (partially) independent body, the task of this body is to provide substantive ethical advice on the acceptability of behaviour in certain circumstances and on the general guidelines of an organisation regarding integrity issues (Maesschalck, 2009, pp. 50). In carrying out its task, the body must take four risks into account.

The first risk to be considered is that by assigning responsibility to one or more actors concerning the establishing rules and values, the sense of responsibility of other employees may weaken, (Maesschalck, 2009, pp. 50-51). Thus, in the case of an ethical dilemma, employees might adopt a passive role and, instead of analysing the dilemma themselves, they will wait for advice from the integrity actor. This is especially true if the integrity actor's recommendations are very detailed. The second risk that should be considered is conflicting guidelines from the integrity actor and guidelines from other bodies within the organisation (Maesschalck, 2009, pp. 51). If there is a conflict between the guidelines, employees who find themselves caught between the two parties may experience serious problems. The third risk concerns the possibility that employees may perceive the expert advice of the integrity officer as purely objective advice from an expert (Maesschalck, 2009, pp.51). Although the quality of the integrity actor's ethical judgment may be seen as advantageous due to experience in ethical reasoning and by viewing the situation from a distance, it cannot be seen as entirely objective. When formulating a normative opinion, the integrity actor will have to do so using the interpretation of integrity as reflected in section 2.1. The fourth risk is that employees will try to justify their behaviour by referring to previous judgements of integrity actors (Maesschalck, 2009, pp. 51). Because a judgment of integrity actors is based on details, the advice may differ from one situation to another. Therefore, the advice given in one integrity dilemma in a

particular situation may differ from the advice given in the same integrity dilemma in another situation.

However, thanks to their experience, expertise and broader view of the integrity management framework, the integrity actor is well-positioned to give advice (Maesschalck, 2009, pp. 51). It is therefore important to find a balance that ensures that the integrity actor can provide normative advice while also considering the risks mentioned above. Maesschalck (2009, pp. 51) states that there are many ways in which such a balance can be found, but highlights three. First, the integrity actor should only be asked for advice if other colleagues were unable to provide satisfactory advice. Second, the integrity actor should attach more importance to general guidelines than advice given on specific integrity situations. If advice is sought on a specific situation, this should be seen as indicating the general guideline is lacking, which should lead to an addition to the existing guideline. Finally, the advice given by the integrity actor should ideally be in line with advice given by other bodies. Also, clear general guidelines should be developed which detail the process if an agreement is not reached.

The independent body that advises on integrity issues, as described by Maesschalck, is described by Belling and Fenne as an independent integrity counsellor. Belling and Fenne (2015, pp. 66) state that independent integrity advisors are usually employees within an organisation, who make themselves available for this position in addition to their regular work. If employees have doubts about whether the behaviour of colleagues is appropriate or if they are struggling with an integrity dilemma, they can turn to the confidential counsellor. An integrity counsellor should, however, not act as a mediator, as this may lead to them becoming too closely involved in the case, which could result in them becoming a personal service provider for their 'client' (Belling and Fenne, 2015, pp. 66). If they engage in conversation with a confidential advisor, it will always be confidential. This means that this person's name should never be disclosed to a third party, even if requested. If this person doubts the actions of a colleague, the confidential counsellor will support the colleague in deciding by listening, asking questions and outlining possible next steps. It is then up to the notifier to decide whether they want to take these next steps. During this meeting, the confidential adviser may also be asked to draw up an official report of the notification. However, upon receipt of this notification the confidential counsellor is obliged to hand it over their report to the competent authority. The report must contain the violating employee's name in question and describe the suspicions as concretely as possible. The name of the notifier shall not be mentioned, unless they give

their explicit consent. The competent authority receiving the report should then inform the reporter of its receipt via the confidential adviser. At a later stage, the competent authority may ask the notifier for additional information via the confidential adviser.

To ensure continuity, an organisation should appoint two or more integrity advisors (Belling and Fenne, 2015, pp. 67). This ensures that in the absence or lack of trust of a potential reporter in a confidential counsellor, they have an alternative. If there is a fear among potential reporters that the integrity confidant is too close to the organisation, the organisation can also choose to use external confidants (Belling and Fenne, 2015, pp. 67). Finally, it is recommended that when the (political) official is appointed, in addition to the values and responsibilities of the office, the support that a confidant can offer should also be mentioned (Belling and Fenne, 2015, pp. 68).

2.8 Monitoring integrity

After integrity has been defined and employees have been guided how to implement it in their day-to-day activities, the organisation should monitor to what extent this implementation truly takes place. An organisation can use either passive monitoring or active monitoring. Passive monitoring refers to setting up channels for reporting integrity problems. This method is described as passive, as it waits for a report from an employee or other stakeholders. Active monitoring refers to the initiatives taken by the organisation to look for integrity violations deliberately. The aim is to stop these integrity violations and, if necessary, to take corrective or punitive measures.

In a secretive environment, the risk of integrity violations increases significantly (Maesschalck, 2009, pp. 53). Facilitating the reporting of misconduct can help an organisation to monitor compliance and detect violations of integrity. An employee's reporting of illegal, immoral or unlawful acts performed under the control of their employer to a third party who may be able to act is also known as whistleblowing. Experience shows that whistleblowing often damages both the whistleblower's career and the reputation of the organisation concerned. A whistleblower policy should address both the reporting structure and the protection of whistleblowers (Maesschalck, 2009, pp. 53-54). The reporting structure should ensure that reporting abuses is possible in such a way that the organisation can solve these abuses without having to suffer damage to its reputation. Whistleblowers must be protected by the organisation against reprisals, like the employee is assigned another position within the

organisation, or a possible promotion is blocked. However, it should be stressed that, although a whistle-blower scheme is certainly considered important, it should never be the main instrument of an integrity management framework and should only function as a safety net when all other instruments have failed (Maesschalck, 2009, pp. 55). Also, the emphasis should not be put on the whistleblower scheme, as it weakens the values-based side of the integrity management mix. Therefore, it is advised to implement a whistleblower scheme only after other value-based instruments have been implemented.

If active monitoring is applied, instruments that are either focused on individual integrity violations or on mapping integrity violations at the organisation level can be used (Maesschalck, 2009, pp. 55-57). Not only is the detection of individual integrity violations important as a deterrent, it is also an important preparatory stage of punishment (Maesschalck, 2009, pp. 56). Therefore, every organisation should have sufficient capacity, inside or outside the organisation, to actively look for integrity violations. Various instruments can be used for this, including daily supervision, formal checks and early warning signals. The most direct form of top-down supervision, daily supervision, can be highly effective. A condition of this, however, is that when integrity violations are identified, the supervisor must respond appropriately. The organisation can also assign actors to monitor and actively seek out a breach of integrity and then investigate it. By using data analysis systems, potential breaches of integrity can be detected at an early stage.

If the choice is made to map integrity violations at the organisational level, this will not have function as a deterrent to employees. However, it will serve as a source of useful information about the prevalence of certain types of violations and dilemmas, which in turn is valuable for the design of the integrity management framework (Maesschalck, 2009, pp.57). Other instruments include the systematic registration of complaints, investigations and the measurement of integrity violations and integrity dilemmas by means of a survey.

2.9 Overview of the requirements of the code of conduct , and the corresponding systems, given in theory.

The theory discussed in the previous sections has reflected the requirements that a code of conduct, and its associated systems, should meet in order to be considered successful. In order to provide an overview of these requirements, the requirements have been summarised in table 8.

Table 8: Overview of the requirements to be met by the Code of Conduct and the associated systems

Requirements code of conduct	
Topic	Explanatory note
Definition of Integrity	<ol style="list-style-type: none"> 1) Does the Code of Conduct provide a definition of integrity? 2) Is it clarified how the Code of Conduct is linked to this definition of integrity?
Functions that a code should have	<ol style="list-style-type: none"> 3) Does the code have an aspirational, guiding and regulatory function?
Implementation of the code	<ol style="list-style-type: none"> 4) Is commitment to ethical public service demonstrated publicly by executives within the organisation? 5) To which extent are the ethical principles embedded in the organisational culture? 6) Is the code able to be amended?
Requirements rules of conduct	
Topic	Explanatory note
The notation of the rules of conduct	<ol style="list-style-type: none"> 1) Aren't the rules of conduct written too general or too detailed? 2) Are the rules of conduct formulated positively or negatively? 3) How is dealt with the weaknesses of both types of formulation?
Integrity violations	<ol style="list-style-type: none"> 4) Do the rules of conduct address all types of integrity violations?

Careful formulation of the code	5) In formulating the code, was attention paid to: <i>clarity, consistency, completeness, practical application, simplicity, concreteness, structure, linked and relevancy?</i>
Requirements for institutional embedding of the Code	
Topic	Explanatory note
Advice on integrity issues	<ol style="list-style-type: none"> 1) Is one or more actors appointed and tasked with providing employees or the entire organisation substantive support concerning ethical objections? 2) Are there conflicting guidelines from the integrity actor and guidelines from other bodies within the organisation? 3) Do employees try to justify their behaviour by referring to previous judgements of integrity actors? 4) Is the integrity actor only asked for advice if other colleagues were unable to provide satisfactory advice? 5) Is the conversation confidential? 6) Is the confidential adviser authorised to draw up an official report of the notification? 7) Are there two or more integrity advisors appointed?
Monitoring the implementation of integrity	<ol style="list-style-type: none"> 8) Does the organisation makes use of passive and/or active monitoring? 9) If passive monitoring is used, does the whistleblower policy address both the reporting structure and the protection of whistleblowers? 10) Is a whistleblower scheme implemented only after other value-based instruments have been implemented?

	11) What are the sanctions in case of a breach of the code?
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As shown, Table 8 consists of three parts. The first section addresses the requirements to be met by the code of conduct. The second section addresses the requirements that the rules of conduct should meet. The third section addresses the requirements to be met by the integrity adviser and the monitoring mechanism. By means of the requirements displayed, an answer was given to the first sub-question. This sub-question stated: "What requirements must the code of conduct and the associated systems meet to be successful?"

3 Research design and data collection

This chapter first elaborates why a case study design will be used in this research. In paragraph 3.2 the criteria on which the code of conduct, and the related systems, of the House of Representatives in the Netherlands were selected is substantiated. Subsequently, paragraph 3.3 shows the type of documents that will be used to map out the content and working method of the code of conduct, and the related systems. Next, it is explained in paragraph 3.4 how these documents will be used to answer the second sub-question. Finally, the reliability and validity of the study are discussed in paragraph 3.5.

3.1 Case study

Toshkov (2016, pp. 285) states that case studies can be either used when there are strong, establishing theories or when there are only a few theoretical ideas regarding the research topic. If there are strong, establishing theories regarding the research topic, a 'crucial case' design or a 'least likely case' design can be used to undermine or delimit the scope of existing established theories. If only a few theories exist regarding the research topic, purely descriptive or an acknowledgement, case studies can be used to generate new theory. Case studies can also be used to explain a phenomenon. Due to the fact that there are many established theories regarding integrity instruments, a 'crucial case' design or 'least likely case' design is most applicable. However, this research does not aim to undermine or delineate the scope of existing established theories. The purpose of this research is to highlight possible shortcomings of the following: code of conduct; guidance in integrity dilemmas; supervision of integrity violations, and enforcement of the rules of a parliament in order to explain the limitations of safeguarding integrity policy in the Dutch parliament.

A single case-study involves detailed and in-depth analysis of a one case. A single-case design can be chosen if there is an interest in accounting for the specific outcome of an individual case (Toshkov, 2016, pp. 285). Because this research focuses on the limited assurance of integrity of a parliament, the choice of a single-case study design is most preferable. The analysis should only use evidence within the case (Toshkov, 2016, pp. 286). Thus, there will be no search for single variables for many cases, but for many observations related to a single case. However, a single case study design also has limitations. The main limitation is the dubious possibility of generalisation beyond the studied case (Toshkov, 2016, pp. 304). Despite the fact that limited generalisation should be acknowledged, generalisation is not essential when it is not the aim of the research (Toshkov, 2016, pp. 305).

A small-n comparison design is also applicable. Comparative studies are commonly used to inductively derive theories or to evaluate existing theories. Because both theory generation and theory testing are not the aim of this research, the choice for a small-n comparative study falls through. In addition, the literature also notifies the disadvantages of a multiple-case study. One of the disadvantages is that such a design tends to pay less attention to the specific context of the case and more to how the cases can be contrasted (Bryman, 2012, pp. 75). On the contrary, the specific context can play an important role in integrity instruments by reflecting the particular circumstances of individual countries (Lawton et al., 2013, pp. 104).

In this study, the code of conduct; guidance in integrity dilemmas; supervision of integrity violations, and enforcement of the rules of a parliament will be tested against contemporary scientific literature with the aim to denounce possible shortcomings. When shortcomings are observed, recommendations will be made. With the help of these recommendations, integrity instruments can be adjusted which will lead to a more successful safeguarding of integrity. Since an attempt is made to provide an in-depth clarification of the unique characteristics of the integrity instruments mentioned above and the case is an object of interest in itself, one can speak of a case study (Bryman, 2012, pp. 69).

3.2 Case selection

Bryman (2012, pp. 70-71) describes that in a research study there are five possible different types of cases: the critical case, the extreme or unique case, the representative or typical case, the revelatory case and the longitudinal case. Each type of case distinguishes itself from other types on the basis of its characteristics. A critical case is one in which a well-developed theory is already available, and the case offers insight into the circumstances under which the hypothesis does (or doesn't) hold. The aim of this research is not to test the existing theory, which means that the choice for a critical case is not made. An extreme or unique case is one where an event has taken place that is special, such as a notable success or failure. In this case, either a code of conduct that has had a significant impact on safeguarding integrity should be chosen, or one that has received a lot of criticism. The opposite of the extreme case is a representative or typical case, which aims to capture the circumstances and conditions of an everyday situation. The case is important because it is an example of a broader category of which it is a part. The choice of a representative code of integrity is also possible, but then it would have to serve as an example for the entire integrity system of a parliament. In this study, however, the choice was made not to test the entire integrity system, but to focus on the code of conduct, which means that a representative case is not applicable either. The criteria for a

revelatory case are that a subject can be observed and analysed which was previously inaccessible to scientific research. In this study, a revelatory case is not an option, since research of codes of conduct and their systems is not a new phenomenon. Finally, a longitudinal case can be chosen, as it offers the possibility to investigate in a subject at two or more moments. If this option is chosen, the code of conduct and its influence on the safeguarding of integrity should be tested at least two times. Determining whether the code of conduct has prevented breaches of integrity is a challenge, because a breach of integrity that has not taken place cannot be measured.

Because an extreme or unique case is the only type of case relevant to this research, a code of conduct must be sought which has either had a significant influence on the safeguarding of integrity or a code of conduct that has received a lot of criticism. A code of conduct that has received a lot of criticism is the code of conduct of the Lower House of Parliament in the Netherlands. Despite the fact that the code of conduct of the Lower House did not come into force until 1 April 2021, Parliamentary President Bergkamp (D66) already announced in June that an investigation would be conducted into the stringency of the rules of conduct with respect to undesirable behaviour (Julen, 2021). The reason for this investigation was a new accusation against member of parliament Dion Graus (PVV). It turned out that Graus had again been accused of sexual intimidation and abuse of power (Luyendijk and Dohmen, 2021). This accusation was made by a former employee of the PVV fraction, who complained to then-Member of Parliament Arib (PvdA) and to a confidant of the Lower House. The misconduct displayed by Graus was followed not only by disapproving reactions from various Members of Parliament towards Graus, but also by questions concerning the correct operation of the code of conduct (Julen, 2021). Member of Parliament Joost Sneller (D66), for example, wondered whether the code of conduct does in fact cover the scope of the case. Renske Leijten (SP) asked whether the House of Representatives could not temporarily deny a political group access to the building if it did not comply with the integrity rules. From the conduct of the investigation into the Code of Conduct and the parliamentary questions concerning the content and functioning of the Code of Conduct it can be concluded that the Code of Conduct of the House of Representatives is currently in the spotlight in a negative way. For this reason it was decided to test the Code of Conduct of the House of Representatives, and the institutions associated with it, against the requirements as stated in contemporary academic literature.

3.3 Method of data collection

The document analysis is carried out based on official documents from the state, official documents from private sources and mass media releases. When using the above-mentioned documents, Scott's (1990, pp. 6) criteria for assessing the quality of documents were taken into account. Scott describes that documents should be assessed for authenticity, credibility, representativeness and meaning.

With regard to official documents originating from the state, it is stated that they can be seen as authentic, meaningful and representative (Bryman, 2012, pp. 550). However, the question of existing bias remains, and therefore caution should be taken when attempting to treat these documents as representations of reality. In this research, however, the credibility of the official documents used, which originate from the state, is not at stake as these documents are only used to reflect the content and the creation of the integrity instruments used by the House of Representatives. If these documents would also address the successful functioning of the implemented integrity instruments, the credibility of the documents could be questioned, but this is not the case. With the help of official documents originating from the state, an attempt will be made to reproduce the contents of the code of conduct of the House of Representatives. These documents will also be used to look into the design of the guidance of integrity dilemmas, the monitoring of integrity violations and the enforcement of the code of conduct in the House of Representatives. In addition, official reports of the Presidium, such as parliamentary papers, will be used to try to establish how the integrity instruments referred to above came into being and on what dates they took effect.

With regard to official documents from private sources, it is stated that these can also be seen as authentic and meaningful (Bryman, 2012, pp. 551). When using this type of document, it is emphasised that extra attention should be paid to problems of credibility and representativeness when analysing the documents. Documents of this kind should not automatically be regarded as objective testimony to the state affairs, but should be examined in the context of other data sources. Also, with regard to representativeness, it should be asked whether the private sources had access to a complete list of documents. The official documents from private sources that will be used in this research consist of the evaluation and compliance reports from GRECO. Since these reports not only reflect on the content of the adopted integrity instruments, but also evaluate them, these documents will be compared with the earlier mentioned official documents coming from the state in order to confirm their credibility. The fact that these reports are not representative seems very unlikely since the analysis of the

situation is performed based on written answers to a questionnaire, or is based on information gathered during meetings with government officials and representatives of civil society (Coe.int, n.d.). It is also in a country's interest to provide all necessary documents to the expert who drafts the evaluation reports, as missing documentation may lead to the conclusion that shortcomings exist in legislation and practice. Such a conclusion could then lead to recommendations that require a country to take action within 18 months.

When it comes to mass media publications, it is stated that they can be seen as meaningful and representative (Bryman, 2012, pp. 552). In order for a report to be considered authentic, it is important that the author is known, so that it can be determined whether the author is in a position to be able to give an accurate version. In order to guarantee authenticity, this study will look for newspaper articles in which the name of the author(s) is/are known. It has to be noted that the credibility of mass media publications can be problematic. In this research, however, only newspaper articles will be used to investigate misconduct by members of the House of Representatives. Because these misconducts can often be found in multiple newspaper articles, the bias is unlikely, so the report can be considered credible.

3.4 Method of analysis

With the aid of a literature study, the requirements for a code of conduct to be considered successful were identified. The literature study also examined the requirements for successfully managing ethical dilemmas, successfully monitoring ethical behaviour and the sanctions that should follow if the code of conduct is violated. The results of the literature study were used to address the first sub-question. This sub-question stated: "What requirements must the code of conduct and the associated systems meet to be successful?"

The data, which are mentioned in paragraph 3.2, collected can be used to chart out how the code of conduct came into being in the House of Representatives, how and by whom it was drawn up, what the content of the code of conduct is, how it is implemented and what sanctions follow if the code of conduct is violated. In addition, the data can be used to show the function and working method of the independent integrity advisor appointed in the House of Representatives and the Integrity Investigation Board. Based on the above data, an answer can be given to the second sub-question. This sub-question stated: "How can the code of conduct and the associated systems be characterised?".

Once both sub-questions have been addressed, the third sub-question can be answered. This sub-question reads: "To what extent do the code of conduct and the associated systems of the

House of Representatives meet these requirements?". By addressing all three sub-questions, the research question of this study can be answered.

3.5 Reliability and validity

Reliability and validity are seen as the most important criteria for the evaluation of social research (Bryman, 2012, pp.46). Reliability refers to whether the results of a study are repeatable (Bryman, 2012, pp. 46). The term reliability is often used when asking whether the measurements developed for concepts in social sciences are consistent. Reliability is particularly important in quantitative research. In qualitative research, the question of whether a measurement is stable or not is particularly important. It is difficult to replicate qualitative research because it is impossible to freeze the social setting and circumstances of this research (Bryman, 2012, pp. 90). In addition, replication is complicated by the fact that, among scholars, there is much disagreement regarding the choice of a type of integrity policy. For example, some scholars favour the use of the compliance approach and other scholars favour the use of the integrity approach. There is also no consensus among scholars regarding the content of integrity instruments, such as the code of conduct. With as example the disagreement regarding the choice of the positive or negative forum learning of rules of conduct. However, table 8 shows the requirements that the code of conduct and the associated systems must meet in order to be considered successful. If the operationalisation shown in section 3.4 is followed, the study would be partially repeatable. However, because scholars have generated many different theories that can be applied, it is likely that the results of a repeat of the study will differ.

The second important criterion of research is validity. Validity has to do with the integrity of the conclusions drawn in a study (Bryman, 2012, pp. 47). Validity can be distinguished into several main types. The first main type, measurement validity, applies particularly to quantitative research and to the search for measurements for social science concepts. Measurement validity addresses the question of whether a measurement for a concept actually reflects what it is supposed to reflect (Bryman, 2012, pp. 47). In this study, however, the influence of integrity instruments on the safeguarding of integrity will not be measured, which is why measurement validity does not play a role in this study. The second main type, internal validity, deals with the question of whether a conclusion that implies a relationship between two variables is valid (Bryman, 2012, pp. 47). In other words, it is about whether this research actually measures what it is trying to measure. To explain the internal validity of this research, the following operationalisation was used. Firstly, it will be tested whether the code of conduct deals with all the types of integrity violations mentioned in paragraph 2.2. Whether

the code of conduct deals with all types of integrity violations is easy to measure, because the rules of conduct in the code of conduct have a specific explanation. Next, the content of the code of conduct will be tested against the table 8. Again, the specific explanation of the rules of conduct in the code of conduct ensures that it is easy to measure whether the code of conduct complies with the requirements set. Subsequently, the embedding of the code of conduct will be discussed. Here, the working method of the independent Integrity Advisor, the Integrity Investigation Board and the way in which violations of the code of conduct are punished will be discussed. With the help of the many official documents available from both private and public sources, it is possible to obtain a picture of the working methods above. However, documents may not be in the public domain, which means that it may not be possible to give a complete picture of the practices. The third main type, external validity, has to do with the generalisation of the results of the study outside the specific research context (Bryman, 2012, pp. 47-48). As already discussed in section 3.1, this research uses a single-case design, which means that generalisation of the results is made more difficult. The limited generalisation of this study should therefore be acknowledged. However, this does not mean that generalisation is not possible at all. This research examines to what extent the code of conduct and the corresponding systems of the House of Representatives meet the requirements as described in contemporary scientific literature. The contemporary scientific literature used has been generated by both Dutch and foreign scholars and shows the requirements of integrity instruments in a general sense. This means that these requirements do not specifically address the context, as a result of which it can be deduced that, for example, the code of conduct of England should also meet these requirements. With regard to the code of conduct, it should be mentioned that the content of the code of conduct may differ from country to country as it will to some extent reflect the particular circumstances of a country (Lawton et al., 2013, pp. 104). However, a different content of the code does not mean that it cannot be tested against the requirements as shown in table 8.

4 Empirical findings and analysis

This chapter first briefly describes how the code of conduct came into being. Subsequently, the code of conduct of the House of Representatives will be discussed in paragraph 4.2, after which it will be tested whether it meets the requirements discussed in the theory. If Members of Parliament have questions about integrity rules or if they are struggling with an integrity dilemma, they can seek advice from the independent integrity advisor. After an explanation of the function and working method of the independent integrity advisor has been given in paragraph 4.3, it will be tested whether (s)he meets the requirements discussed in the theory. Next, the board of inquiry on integrity will be discussed in paragraph 4.4. The board's task is to monitor the day-to-day application of ethical conduct by Members of Parliament. After explaining the board's working method, it will be evaluated whether it meets the requirements discussed in the theory. Finally, recommendations follow, in paragraph 4.5, with which shortcomings of the integrity instruments can be remedied.

4.1 The establishment of the code of conduct

6 March 2013 can be seen as the starting point for the establishment of the 'code of conduct' for Members of the House of Representatives. On that day, Member of Parliament Heijnen (PvdA) tabled a motion addressing the need for permanent attention to integrity in public administration and, as this applies to all administrative bodies, it also applies to the House of Representatives (Parliamentary Paper 28844, 2012-2013, no. 69). Heijnen requested the Presidium to thoroughly examine legislation and regulations, evaluate policy and enforcement and, if necessary, make recommendations based on the evaluation. In response, the Presidium established the working group integrity of Members of the House of Representatives in 2013 on the 14th of March in order to review the existing regulations on the enforcement of the integrity of members of Parliament (Parliamentary Paper 33924, 2014-2015, no. 15). In its work, the working group drew attention to the fourth evaluation report of GRECO, published in June 2013, which painted a picture of anti-corruption measures in the Netherlands. That report also included recommendations regarding the integrity policy in the House of Representatives. In 2014, the working group presented the report with recommendations to the President of the House of Representatives. However, the working group at the time, unlike GRECO, argued that the introduction of a code of conduct would be superfluous as it would only serve to notify existing regulations, which could be tightened somewhat based on their recommendations (Parliamentary Paper 33924, 2014-2015, no. 15, pp. 3). Following the second compliance report of GRECO in 2018, the working group was established for a second

time by the Presidium. This time the working group was requested to consider the existing integrity provisions, in the light of GRECO's recommendations and in the light of forthcoming new regulations (Working Group, 2018, pp. 14). The second report of the working group included a recommendation to form a code of conduct with accompanying explanatory notes (Working Group, 2018, pp. 28). Following the recommendation, the Presidium offered the 'Code of Conduct for Members of the House of Representatives' to the House of Representatives in a letter on 28 November 2019 (House of Representatives document 35351, 2019-2020, no.1). After this proposal was accepted on 22 September 2020, it entered into force on 1 April 2021 (Parlement.com, n.d.).

4.2 Analysis of the content of the code of conduct.

The theory discussed has reflected the requirements that a code of conduct, and its associated systems, should meet in order to be considered successful. The requirements have been summarised in table 8. In the first section (4.2.1), the requirements shown in the table will be used to evaluate the code of conduct of the House of Representatives. In the second section (4.2.2), the requirements shown in the table will be used to evaluate the rules of conduct of the House of Representatives

Table 8: Overview of the requirements to be met by the Code of Conduct and the associated systems

Requirements code of conduct	
Topic	Explanatory note
Definition of Integrity	1) Does the Code of Conduct provide a definition of integrity? 2) Is it clarified how the Code of Conduct is linked to this definition of integrity?
Functions that a code should have	3) Does the code have an aspirational, guiding and regulatory function?
Implementation of the code	4) Is commitment to ethical public service demonstrated publicly by executives within the organisation?

	<p>5) To which extent are the ethical principles embedded in the organisational culture?</p> <p>6) Is the code able to be amended?</p>
Requirements rules of conduct	
Topic	Explanatory note
The notation of the rules of conduct	<p>1) Aren't the rules of conduct written too general or too detailed?</p> <p>2) Are the rules of conduct formulated positively or negatively?</p> <p>3) How is dealt with the weaknesses of both types of formulation?</p>
Integrity violations	<p>4) Do the rules of conduct address all types of integrity violations?</p>
Careful formulation of the code	<p>5) In formulating the code, was attention paid to: <i>clarity, consistency, completeness, practical application, simplicity, concreteness, structure, linked and relevancy?</i></p>
Requirements for institutional embedding of the Code	
Topic	Explanatory note
Advice on integrity issues	<p>1) Is one or more actors appointed and tasked with providing employees or the entire organisation substantive support concerning ethical objections?</p> <p>2) Are there conflicting guidelines from the integrity actor and guidelines from other bodies within the organisation?</p> <p>3) Do employees try to justify their behaviour by referring to previous judgements of integrity actors?</p>

	<p>4) Is the integrity actor only asked for advice if other colleagues were unable to provide satisfactory advice?</p> <p>5) Is the conversation confidential?</p> <p>6) Is the confidential adviser authorised to draw up an official report of the notification?</p> <p>7) Are there two or more integrity advisors appointed?</p>
Monitoring the implementation of integrity	<p>8) Does the organisation makes use of passive and/or active monitoring?</p> <p>9) If passive monitoring is used, does the whistleblower policy address both the reporting structure and the protection of whistleblowers?</p> <p>10) Is a whistleblower scheme implemented only after other value-based instruments have been implemented?</p> <p>11) What are the sanctions in case of a breach of the code?</p>

4.2.1 Analysis of the code of conduct

At the top of the Code of Conduct, the purpose of the Code is stated. The purpose states that The code of conduct aims to increase both the familiarity with the integrity rules and the awareness of the content of these integrity rules. In addition it also aims to further internalise the application of the integrity rules (Code of Conduct for Members of the House of Representatives, 2021, pp. 1). The aforementioned goals of code, correspond to the guiding goal of a code described by Lawton et al. (2013, pp. 98). By becoming familiar with the content of the code of conduct, MPs may be inspired to adjust their behaviour. The explanation for this, is that they will focus more on the character of their actions (Gilman, 2005, pp.8). In addition, the code offers the opportunity to test their actions against the expected standards. Due to the fact that the code offers clarity in relation to responsibilities, it establishes a minimum set of expectations and creates a system of checks and balances because employees can call each other to account when the code is violated. The stated purpose does not address procedures and sanctions that would follow if a Member of Parliament violates the code of conduct. However,

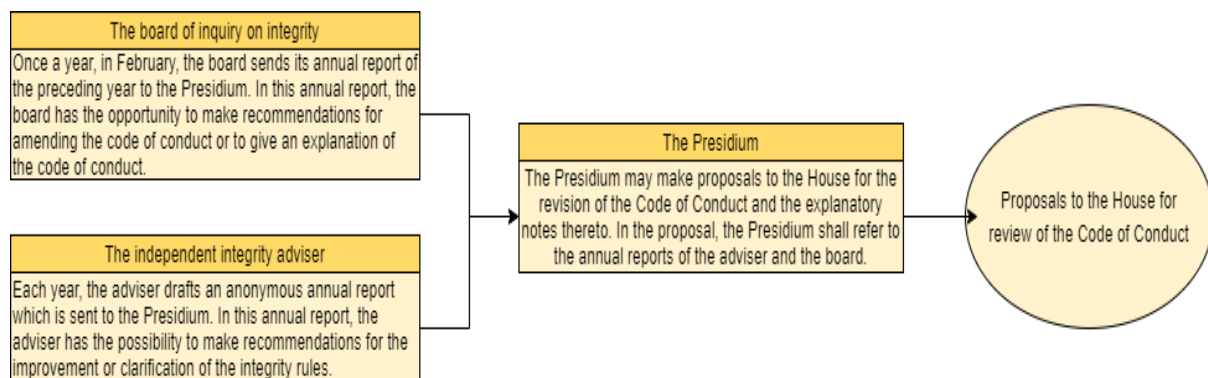
the code should have this regulatory purpose (Lawton et al., 2013, pp. 98). In addition, it should also state an aspirational purpose (Lawton et al., 2013, pp. 98). The aspirational purpose, implies that the code seeks to increase public confidence in the ethical performance of public officials. It is also striking, that the purpose does not mention that the code of conduct aims to safeguard the integrity of the House of Representatives. If it is to be described, a definition of integrity should also be given. Hubert's (2018, pp. 20) formulation: 'the quality of an act that is in accordance with relevant moral values, norms and rules', could then be used, for example. If this formulation of integrity is chosen, however, it should also be explained what exactly is meant by the terms moral values, standards and rules (Huberts, 2018, pp. 20).

After the purpose of the Code of Conduct has been stated, its scope is addressed. The scope of the code is defined as: 'The conduct of Members of Parliament in the exercise of their duties must be in conformity with the rules of conduct as laid down in the code of conduct. If the conduct of the Members of Parliament affects the authority or the dignity of the House, their conduct outside the performance of their duties may also fall under the scope of the code of conduct'. This can be seen as an attempt to make Members of Parliament aware that the Code of Conduct always applies to the actions of the Member of Parliament, even when (s)he is not performing his or her duties. However, this only applies if the conduct affects the authority or the dignity of the House. This vague description offers little guidance and is particularly ineffective if rules of conduct are formulated positively.

Finally, the appropriate implementation of the Code of Conduct is assessed. The literature argues that a code of conduct can only contribute to good governance if the problems in its application are addressed (Lawton et al., 2013, pp. 105-106). Firstly, Members of Parliament should demonstrate their commitment to ethical public service (Lawton et al., 2013, pp.105). In the first place, it seems sensible that a member of the House of Representatives should perform his or her duties with integrity, since ultimately, they are accountable to the electorate. In addition, after taking of office, a Member of Parliament must take an oath (Working Group, 2018, pp. 53). During this oath the Member of Parliament promises to faithfully fulfil the duties imposed on him or her by the office. Making this promise suggests that the MP will perform his duties with integrity. However, the integrity breaches that have occurred, show that these instruments were not reason enough for executives to demonstrate their commitment to ethical public service. What may bring a turning point, is the entry into force of the code of conduct. After a proposal for a new code of conduct was adopted in 2019, it was discussed and adopted in 2020. The fact that a majority of the House of Representatives

voted in favour of the introduction of the code of conduct suggested that the administrators were demonstrating their commitment to ethical public service. However, the discussed integrity violation of Member of Parliament Graus (PVV) has shown that this assumption was incorrect. Therefore, it cannot be said that the first requirement is fulfilled. The theory also stated that the success of implementation depends on the extent to which ethical principles are embedded in the organisational culture (Lawton et al., 2013, pp. 105). This anchoring can be achieved, among other things, by consulting with key stakeholders in the development of the code. The code of conduct was drafted by the working group. This working group includes members of the political parties VVD, PVV, GL, D66, SP and CDA. Due to the fact that the working group included members of the political parties, the requirement to consult with key stakeholders is automatically met. The final condition for the successful implementation of the Code of Conduct requires a degree of flexibility of the code (Lawton et al., 2013, pp. 106). That the Code of Conduct is not set in stone is shown in the diagram below.

Figure 1: Proposals to review the code.



As the diagram shows, both the board of inquiry on integrity and the independent integrity adviser have the option of including a recommendation to amend the code in their annual report (Regulations on the Monitoring and Enforcement of the Code of Conduct for Members of the House of Representatives of the States-General, 2021, pp. 2-5). This annual report is then submitted to the Presidium. The Presidium is able to propose a revision of the Code of Conduct and its explanatory statement to the House. In this proposal, the Presidium refers to the annual reports obtained.

4.2.2 Analysis of the rules of conduct

The 'Code of Conduct for Members of the House of Representatives' consists of five rules of conduct that are listed in Table 9.

Table 9: Rules of conduct of the House of Representatives (Code of Conduct for Members of House of Representatives, 2021, pp. 4)

1	The Member of Parliament performs his duties independently and in the public interest.
2	The Member of Parliament shall not accept any gift or favour intended to influence his or her conduct in office.
3	The Member of Parliament shall comply with the registration requirements imposed by his office.
4	The Member of Parliament shall not use information obtained in the course of his or her duties for personal interests and shall, where appropriate, ensure its confidentiality.
5	The Member of Parliament acts in accordance with the rules of the Chamber.

The first rule of conduct emphasises the importance of the independence of Members of Parliament and that they act in the public interest (Code of Conduct for Members of the House of Representatives, 2021, pp. 4). The explanatory note states the following: ‘When a new Member of Parliament takes office, he or she must take an oath. By taking of this oath, together with provisions laid down in the Constitution, obliges the MP to act in the interest of the public. This implies that one should never choose for his own interest. It also stresses the importance of being aware of his independent position and his duties as laid down in the Constitution when dealing with lobbyists. Despite the fact that lobbyists can play an important role in providing information to the MP, he or she should keep an appropriate distance from them’. The first rule of conduct is described in general terms. Theory has explained that a too general described rule can result in a little operational value and will not provide guidance in many situations (Lawton et al., 2013, pp. 98; Kaptein, 1998, pp. 859). The general description does not apply to the definition of the independent working method, especially in dealing with lobbyists. However, the requirement to act in public interest is vaguely formulated. The requirement to act only in public interest would make this rule applicable to several types of integrity violations. This would mean that a member of parliament should have to opt for the public interest in the event of a conflict of interest. However, the lack of a detailed description allows for the possibility of circumventing the rule. An example would be that the Member of Parliament makes a choice that is completely in accordance with the public interest, but that also benefits himself. Also, the requirement to serve the public ensures that other types of integrity violations such as fraud, theft, waste and misuse of resources and the abuse of power are not permitted to occur. It has been established that rule of conduct has a positive formulation, since the rule explains how

the Member of Parliament should behave. The positive formulation could make the imposition of sanctions in case of a violation of the rule complex (Kaptein, 1998, pp. 858). Despite the fact that it is emphasised that in a situation in which both a personal and a general interest play a role, the general interest must be chosen, this formulation offers too much room for the creation of a grey area.

The second rule of conduct, stresses the importance of rejecting gifts or favours intended to influence the actions of the Member of Parliament (Code of Conduct for Members of the House of Representatives, 2021, pp. 4-5). Specific reference is made to offers of gifts or favours, including the funding of trips abroad, by lobbyists that are intended to induce the Member of Parliament to make certain promises concerning his or her actions. Although, the second rule of conduct is described in general, the explanatory note describes it in detail. Theory warns that a too detailed description results in a cumbersome document, which, therefore, will not be used (Lawton et al., 2013, pp. 98). However, in this case, there does not seem to be a too detailed description. The explanatory note states that, like the first rule of conduct, the second rule is derived from the oath of office (Code of Conduct for Members of the House of Representatives, 2021, pp. 4-5). If a Member of Parliament chooses the personal interest over the general interest, the reason can be that the Member of Parliament chooses to receive favours or gifts. The oath, however, specifies that actions which are contrary to the underlying obligations of the promises, or contrary to what may be expected from a member in the performance of his duties, shall lead to a prosecution of the Member of Parliament on the basis of committing an abuse of office or misconduct (Working Group, 2018, pp. 54). Since the Penal Code discusses the acceptance of gifts or favours in detail, it can be concluded that the second rules of conduct should not be considered too general. It has been established that the second rule of conduct has a negative formulation, since it explicitly states which behaviours employees are not allowed to perform (Kaptein, 1998, pp. 858). A disadvantage of the negative formulation is that Members of Parliament may consider it as threatening (Kaptein, 1998, pp. 858). The theory also warns that the negative formulation does not reflect the way in which action should be taken. However, since the many forms of improper conduct are listed in the Penal Code, it can be deduced which conduct is permitted. It has been established that this rule of conduct addresses both forms of corruption, bribery and favoritism.

The third rule of conduct stresses the importance of compliance with the member of parliament's registration obligations (Code of Conduct for Members of the House of Representatives, 2021, pp. 5-6). The registration obligations include the declaration of

secondary activities, secondary income, other interests that are logically relevant, trips abroad that are partly or wholly paid for by third parties and gifts and benefits in excess of EUR 50. This information must be submitted by the MP to the Registry of the House, which will include it in a register, which will be made public. Members of Parliament are also informed every six months that their information in these registers is up to date by the clerk and they are given the opportunity to correct omissions in their declarations. Other interests that are logically relevant include not only financial interests, but also previous positions, a return guarantee or other arrangements that can be applied upon termination of the MP's duties and a majority interest in a company. Deliberately, not all interests deemed logically relevant are mentioned, and reference is made to the rule of thumb: "if a random observer could think without much ado that a certain private circumstance of a member influences his position on a public issue, it may be advisable to have that circumstance recorded in the register" (Code of Conduct for Members of the House of Representatives, 2021, pp. 5). Other relevant interests may also include the circumstances of the MP's partner or relatives. Finally, it is emphasised that gifts or favours from lobbyists that are accepted by Members of Parliament must be registered promptly. The third rule of conduct entails a detailed description of the registration obligation for Members of Parliament. A point of emphasis, however, is the formulation: "declaration of interests that can reasonably be considered relevant" (Code of Conduct for Members of the House of Representatives, 2021, pp. 3). Although it is emphasised that not only financial interests are included, other types of interests that should be registered are not discussed in great detail. However, a very extensive list would have increased the chance of employees taking only the described situations into account and ignoring other situations (Kaptein, 1998, pp. 858). It has been established that the third rule of conduct has a positive formulation, since it states how the Members of Parliament should behave (Kaptein, 1998, pp.858). The positive formulation could make the imposition of sanctions, in case a breach of the rule has taken place, complex. For example, if a member of parliament is given the opportunity to decide whether a circumstance can reasonably be considered relevant to his functioning, the rule of conduct offers little guidance. Despite the fact that a rule of thumb is offered, this leaves too much room for a grey area. The third rule of conduct does not specifically address a type of integrity violation.

The fourth rule of conduct stresses the importance of the prohibition on not using information obtained in office as a Member of Parliament for personal gain. The Member of Parliament should as well guarantee the confidentiality of the information (Code of Conduct

for Members of the House of Representatives, 2021, pp. 6). Due to the fact that the fourth rule of conduct only refers to the formulation "misuse of information for personal gain", this formulation can be seen as generic. It has been established that the fourth rule of conduct has a negative formulation, since it explicitly states which behaviours employees are not allowed to perform (Kaptein, 1998, pp. 858). The theory also warns that the negative formulation does not reflect the way in which action should be taken. The explanatory notes offer little guidance on which may be seen as usage of information for private gain, which leads to a lot of room for a grey area. However, the confidential manner in which the information is to be handled is described in detail in the explanatory notes. The secrecy obligation of the discussion in a closed committee meeting or plenary sitting applies to all participants in the meeting until the secrecy obligation is lifted by the committee or the House. Secrecy does not apply to the information contained in the committee's report on a closed committee meeting. A breach of the secrecy obligation can lead to an exclusion from all meetings and more committees for a maximum of one month and can lead to an exclusion from accessing confidential documents during the session. This exclusion of the House member can be decided by the House or on the proposal of the Presidium. It has been established that the fourth rule of conduct addresses one type of integrity violation, which is the misuse of information for private gain.

The fifth rule of conduct emphasises that the House member must act in accordance with the rules of the House (Code of Conduct for Members of the House of Representatives, 2021, p. 7). The integrity of Members of Parliament is monitored by the Statute of the Kingdom of the Netherlands, the Constitution and various laws and regulations. In addition, integrity rules have been included in the Rules of Procedure of the House of Representatives, which the member of parliament must also observe. The fifth rule of conduct is described in general, as well in the explanatory note. Due to this general description, Members of Parliament will have little operational value and in many situations the fifth rule will not provide guidance (Lawton et al., 2013, pp. 98; Kaptein, 1998, pp. 859). Despite the reference to some documents, when reading the explanatory notes, a Member of Parliament will not immediately know what rules apply in the House. The positive formulation also makes it difficult to impose sanctions if the rule of conduct is breached. The fifth rule of conduct does not specifically address a type of integrity violation.

4.3 Analysis of the independent integrity advisor

2013 can be seen as the starting point for the arrival of an integrity adviser in the House of Representatives. Indeed, the GRECO (2013, pp. 19), in its fourth evaluation report, emphasised the need to provide MPs with guidance and advice on ethical issues and recommended the appointment of a source of confidential advice. After the working group made a similar recommendation, in 2014 a Confidential Advisor on Integrity was established, who could be approached by MPs if they wanted advice on an integrity issue (Parliamentary Paper 33924, 2014-2015, no. 15). However, the position of Integrity Counsellor did not last long. In 2018, the working group (2018, pp. 28) recommended changing the model of the integrity fiduciary and strengthening it in the direction of an independent integrity advisor. The independent advisor should support MPs in the explanation of the guideline and advise the MPs in writing. The Presidium took the working group's recommendation to heart, and in 2019 appointed Mrs. J.E. Biesheuvel-Vermeijden to fill the position of independent integrity advisor (Presidium, 2019, pp. 1). Theory indicated that the determination and definition of integrity was only the first step in building a sound integrity system (Maesschalck, 2009, pp. 47). The mere formulation of values and rules, the creation of structures and procedures would not have been sufficient to ensure integrity among employees. However, what would contribute to the guarantee of integrity behaviour, is the implementation of the above in the day-to-day operations of the organisation, with the help of employee guidance and coaching. Guidance and coaching will ensure that employees know what is expected of them regarding integrity and will stimulate them to act with integrity (Maesschalck, 2009, pp. 47). The appointment of an independent integrity advisor is described in theory as a formal appointment. An formal appointment established if an independent body is set up to give written advice on integrity issues (Maesschalck, 2009, pp. 50). Mrs. Biesheuvel was given the task to provide Members of Parliament with confidential, written advice on the interpretation and application of the rules of integrity. If desired, the Member of Parliament can choose to make that advice public. In addition, the independent integrity advisor must draw up an anonymous report every year (Presidium, 2019, pp. 1). In this annual report, the advisor has the opportunity to make recommendations to improve or clarify the integrity rules.

Theory also describes several risks that the independent integrity adviser, in the performance of her duties, may encounter (Maesschalck, 2009, pp. 50-51). The first risk concerned conflicting guidance from the independent integrity adviser with guidance given by other integrity actors. Because the independent integrity adviser is the only integrity actor to

give advice, it is very unlikely, unless the advice is contrary to the rules of conduct set out in the code of conduct. The second risk concerns justification of conduct of Members of Parliament by referring to previous recommendations of the independent integrity adviser. The only thing that can be ascertained from the documentation is that anonymised annual reports by the independent integrity advisor are sent to the Presidium and then made public. It is not explicitly mentioned that the advice given was dependent on the situation, so it cannot be invoked.

In order to be able to take the above-mentioned risks into account, Maesschalck (2009, pp. 51) made three recommendations. Firstly, the independent integrity adviser should only be asked for advice if others have been unable to provide satisfactory advice. Documentation analysis shows that the independent integrity advisor can always be approached with a request for advice concerning the interpretation and application of the rules in the field of integrity. Secondly, the independent integrity adviser should attach more importance to general guidelines than to advice on specific integrity situations. No documentation has been found on which to base the conclusion that the independent adviser on integrity complies with this advice. Finally, the advice of the independent integrity adviser should be in line with the advice of other bodies. As mentioned earlier, the independent integrity adviser is the only integrity adviser in the House of Representatives that issues advice, so this requirement is automatically met.

The working method of the independent integrity adviser is almost entirely the same as the one described in the theory. The first difference observed is that the independent integrity adviser is not authorised to draw up a report, which must then be handed over to the competent body (Belling and Fenne, 2015, pp. 66). Secondly, it is recommended that not one but several independent integrity advisors be appointed, which ensures that if a potential reporter lacks confidence in the independent integrity advisor, the MP can make use of an alternative (Belling and Fenne, 2015, pp. 67).

4.4 Analysis of the board of inquiry on integrity

On 1 April 2021, the 'Regulations on Supervision and Enforcement of the code of conduct for Members of the House of Representatives' came into force, resulting in the establishment of the Board of Inquiry into Integrity (Tweedekamer.nl, n.d.). The Chair of the Board is Ms S.J.E. Horstink-von Meynfeldt and the two other members of the Board are Mr P. Overeem and Mr F.M.H. van Dijk. As discussed in the theory, only the implementation of a code of conduct and its guidance are not sufficient to guarantee integrity (Maesschalck, 2009, pp.53). An

organisation should check to what extent the integrity rules are applied in practice. By appointing the Integrity Investigation Board, the House of Representatives has given substance to this requirement.

The Board has the task of dealing with complaints concerning the violation of the code of conduct by Members of Parliament (Regulations on the Monitoring and Enforcement of the Code of Conduct for Members of the House of Representatives, 2020, pp. 3). Due to the fact that anyone, whether a member of parliament or a citizen, can lodge a complaint about a breach of the code of conduct by another member of parliament, it has been established that the House of Representatives uses a passive method of monitoring. The theory then emphasises that experience has shown that a Member of Parliament who files a complaint against another Member of Parliament risks damaging both his or her own career and the image of the House of Representatives (Maesschalck, 2009, pp.53). The reporting structure should therefore be developed in such a way as to make it possible to report abuses in a way that enables the organisation to resolve these abuses without damaging the image. The organisation should protect the person reporting the abuse from retaliation.

When it is established that a Member of Parliament has violated the code of conduct, the Board has the option of proposing sanctions to the Presidium (Regulations on the Supervision and Enforcement of the code of conduct for Members of the House of Representatives, 2020, pp. 4). It has been discussed in the theory that violations of a code of conduct should be followed by sanctions (Lawton et al., 2013, pp. 108; Maesschalck, 2009, pp. 58). It is difficult to give an unambiguous answer to the question of which sanctions should follow a violation. However, the sanctions should in any case be proportionate to the violation. Also, the sanctions must correspond to the sanctions that followed after a Member of Parliament had committed a similar infringement. Members of parliament must be able to trust that when misconduct is alleged, this allegation will be thoroughly investigated and that the sanction will be appropriate to the offence. Also, disciplinary action should only follow after the accused has been given the opportunity to explain his behaviour. These sanctions the board can propose consist of an instruction, a reprimand and a suspension (Regulations on the Supervision and Enforcement of the code of conduct for Members of the House of Representatives, 2020, pp. 5). In the case of a suspension, the MP is obliged to rectify his breach of the code of conduct. In the case of a reprimand, the Presidency will write a public letter to the Member of Parliament censuring him for his actions in breach of the code of conduct. The most severe sanction, a suspension, means that the Member of Parliament will be

banned, for up to one month, from taking part in plenary sittings, committee meetings and any other activities conducted by or on behalf of the House, with the exception of voting. The Presidency then proposes to the House that the sanction recommended by the Board be imposed. If desired, this sanction will be imposed on the House member the day after the House decision.

4.5 Recommendations

After reviewing the code of conduct, the independent integrity advisor and the board of inquiry on integrity against the scientific literature, several shortcomings have emerged. The recommendations that highlight why the code of conduct and the associated systems of the House of Representatives do not meet the requirements as described in the contemporary academic literature, and by doing so gives answer to the research question of this thesis.

With regard to the code of conduct, the following recommendations have been made:

- 1) The code should include a regulatory purpose
- 2) The code should include a aspirational purpose
- 3) The code should include a definition of integrity
- 4) The code should specify what conduct affects the authority or the dignity of the House
- 5) Members of Parliament should demonstrate their commitment to ethical public service

With regard to the rules of conduct, the following recommendations have been made:

- 1) The first rule of conduct should specify the requirement to act in public interest
- 2) The third rule of conduct should specify what is meant with ‘declaration of interests that can reasonably be considered relevant’
- 3) The fourth rule of conduct should specify what can be seen as ‘use of information for private gain’

With regard to the independent integrity advisor, the following recommendation have been made:

- 1) The House of Representatives should appoint more independent integrity advisors

With regard to the board of inquiry on integrity, the following recommendation have been made:

- 1) The board should offer protection to a complainant

5 Conclusion

This final chapter will first offer a summary of this research. Subsequently, it is shown how an answer has been given to the research question. Finally, the shortcomings of this study will be mentioned and recommendations for follow-up research will be made in paragraph 5.2.

5.1 A summary of the research.

The research started with the theory, which first addressed what is meant with integrity. Despite the fact that there are many different definitions in the literature, in the Netherlands, the definition as described by Huberts (2018, pp. 20) is often used: "the quality of an act that is in accordance with relevant moral values, norms and rules". With this definition in mind, the various types of integrity violations were subsequently discussed. Next, the different types of integrity violations were discussed and it was explained why the code of conduct should deal with all these types of integrity violations. Subsequently, both the compliance approach, the integrity approach and their instruments were clarified. Following that, the code of conduct was discussed in depth. Thereafter, the requirements of the working method of an integrity advisor and the monitoring mechanism were discussed. The theory concluded with an overview of all the requirements that the code of conduct and related systems must meet in order to be considered successful. With this overview an answer was given to the first sub-question, which stated: 'What requirements must be met by the Code of Conduct and its associated systems to be seen as successful?'

The second part of the research consisted of the research design. This part first elaborated why a case study design is be used in this research. Subsequently, the criteria on which the code of conduct, and the associated systems, of the House of Representatives in the Netherlands were selected was substantiated. Next, the type of documents that were used to map out the content and working method of the code of conduct, and the associated systems were mentioned. After that, it was explained how these documents were used to answer the second sub-question, which stated: 'How the Code of Conduct and the associated systems of the Dutch House of Representatives can be characterised?'. The chapter ended with a discussion of the reliability and validity of the study.

The third part of the research consisted of empirical findings and the analysis of the code of conduct, the independent integrity advisor and the board of inquiry on integrity. First, it was described how the code of conduct came into being. Subsequently, it was evaluated whether the content of code of conduct met the requirements discussed in the theory. Next, it

was evaluated whether the working method of independent integrity advisor met the requirements discussed in the theory. After that, it was evaluated whether the board of inquiry on integrity met the requirements discussed in the theory. After these evaluations, several recommendations were made.

With the help of these recommendations, the main question of this study could be answered. The research question of this thesis was: *"To what extent do the code of conduct and the associated systems of the House of Representatives meet requirements as described in contemporary academic literature?"*

6.2 Limitations and recommendation for follow-up research.

Despite the fact that the documentation of the House of Representatives offered much insight, the code of conduct and the associated systems of the House of Representatives revealed that some elements could not be investigated because information was not available. Since the code of conduct and the associated systems were introduced only a few years ago, it is understandable that some documentation is missing. In a follow-up study, it is therefore recommended to evaluate a code of conduct, and its associated systems, which were introduced several years ago.

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