

Guidelines on proper conduct

13. Leniency

When mistakes have been made, public authorities should show leniency and flexibility in remedying them. They should not deny reasonable claims for compensation and should not burden citizens with unnecessary and complicated procedures and demands for proof.

- ▶ Authorities should be prepared to admit their mistakes and to offer appropriate apologies. They should treat compensation claims in a generous and flexible way, searching for ways to reach fitting solutions. They should also do this when a measure taken in the general public interest has had a disproportionately negative impact on a particular citizen. The National Ombudsman has issued Dutch-language advice on apologies and guidelines on compensation.

14. Promptness

Actions by public authorities should be as prompt and effective as possible.

- ▶ Statutory time-limits should be regarded as final deadlines and authorities should strive to operate well within them. When it is likely to take longer to reach a decision, the authority should notify the citizen in advance. Where there are no statutory time-limits, authorities should seek to complete processes within a reasonably short time.

15. De-escalation

In all its contacts with individual citizens, public authorities should seek to prevent or halt escalation. Communication skills and a solution focused attitude are essential in this respect.

- ▶ Citizens are human beings and display normal human behaviour. An authority's response to citizen behaviour can strongly influence the probability of escalation. Authorities can be expected to act professionally and to do their utmost to prevent escalation and to calm the situation if it occurs. If the citizen is unreasonable or has an obstinately uncooperative attitude, the authority should escalate the situation only as far as necessary.

D. Fair and reliable

16. Integrity

Public authorities should act with integrity and use their powers only for the purposes for which they were conferred.

- ▶ Citizens are entitled to expect authorities to perform their duties conscientiously. Authorities and their employees can be expected to refrain from abusing their positions or powers, and from wasting time and resources.

17. Trustworthiness

Public authorities should act within the framework of the law. They should be honest and fair-minded. They should do what they say and should comply with judgments of the courts.

- ▶ Authorities should keep their promises and meet their commitments. When they have created justifiable expectations in the minds of particular citizens, they should honour those expectations. Authorities should comply with court judgments promptly and in full.

18. Impartiality

Public authorities should be impartial in their attitude and unprejudiced in their actions.

- ▶ Authorities should seek to foster public confidence in their impartiality. They should therefore avoid any suggestion of partiality in their actions.

19. Reasonableness

Before taking any decision, public authorities should weigh up the various interests involved. The outcome of this process must not be unreasonable.

- ▶ In all their actions, authorities should assemble the relevant facts and examine all the circumstances. The assembled facts should be related to the interests involved, and a careful balance should be struck between the latter.

20. Careful preparation

Public authorities should assemble all the information necessary to take a well-considered decision.

- ▶ This means that authorities should engage in active information gathering and should subject the resulting information to critical scrutiny by giving citizens the right to respond.

21. Effective organisation

Public authorities should ensure that their organisational and administrative systems promote the standard of their services to the public. They should work meticulously and avoid mistakes. Any errors that occur should be corrected as quickly as possible.

- ▶ Authorities should design their administrative systems (whether digital or manual) in such a way as to guarantee the continuity of a high standard of service to the public. This also applies to the way their systems relate to each other. For example, authorities should file in-coming documents carefully and process in-coming information in an effective way. Information provided by authorities should be accurate and clear. This implies good record-keeping and, where appropriate, active information gathering. Authorities should correct inaccurate information and eliminate unnecessary information from all their systems.

22. Professionalism

Public authorities should ensure that their employees work in accordance with relevant professional standards. Citizens are entitled to expect government employees to be expert in their particular fields.

- ▶ Civil servants should act in accordance with the professional standards and guidelines relevant to their work. Their attitude should at all times be appropriate and well-informed.



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In the performance of their duties, administrative authorities should deal with citizens and their interests in the right way. This means that they should take individual citizens seriously and show respect. They should not operate like impersonal bureaucratic machines. Nor should they ignore the human aspects of cases. If needed, they should seek direct personal contact and try to prevent or resolve problems through good communication. Although citizens are dependent on the cooperation or decisions of administrative authorities in many aspects of their lives, the two parties should deal with each other on an equal footing. Authorities can achieve this by maximizing the involvement of citizens in decision-making processes and by acting on a basis of trust. That way, authorities can operate effectively and make citizenship a meaningful reality. At the same time it is also important that citizens adopt a constructive attitude. The standards of proper conduct established by the National Ombudsman of the Netherlands help administrative authorities to deal with citizens and their interests in the right way.

Essentially, proper government action is:

- A. Open and clear
- B. Respectful
- C. Caring and solution focused
- D. Fair and reliable

A. Open and clear

1. Transparent

Actions of public authorities should be open and foreseeable so that it is clear to citizens why government is taking a particular action.

- ▶ *Transparency requires openness on the part of public authorities. They should ensure that citizens are informed about decision-making procedures and can understand how and why particular decisions have been taken. They should ensure that their actions are open to critical scrutiny.*

2. Provide adequate information

Public authorities should ensure that citizens receive the information they need. The information should be clear, correct and complete. Public authorities should provide it proactively, not just when citizens ask for it.

- ▶ *Authorities have a duty to provide citizens with complete information about actions and decisions that may affect their individual interests. It should not be left to citizens to ask for such information. Authorities should adopt a service-oriented attitude in this respect and be proactive in providing relevant information at the appropriate time.*

3. Listen to citizens

Public authorities should listen actively to individual citizens, so that they feel that they are heard.

- ▶ *Authorities should turn a listening ear to individual citizens. They should hear what citizens have to say, and also what they do not say. This means that authorities should take individual citizens seriously and be genuinely interested in their priorities.*

4. Adequate reasons

Public authorities should supply clear statements of the reasons for their actions and decisions. Such statements should explain the statutory basis for the action or decision, the facts taken into consideration and the way individual citizens' interests have been taken into account. Citizens should be able to understand the statements.

- ▶ *Authorities should always supply adequate reasons for their decisions and actions. They must not act arbitrarily or simply on the basis of administrative convenience. An adequate statement of reasons should always include three elements: the statutory basis, the facts and interests, and a clear explanation of the authority's reasoning. The reasons should be specific to the individual case and should be comprehensible to the recipient.*

B. Respectful

5. Respect for fundamental rights

Public authorities should respect the fundamental rights of citizens. Some of these fundamental rights guarantee protection against government action. For example:

- ▶ the right to physical integrity
- ▶ the right to privacy
- ▶ the right to respect for private and family life
- ▶ the right to personal liberty
- ▶ the right to freedom from discrimination

By contrast, other fundamental rights guarantee that public administration will take certain action. For example:

- ▶ the right to education
- ▶ the right to health

- ▶ *Fundamental rights are established both in the Dutch Constitution and in conventions like the European Convention on Human Rights (ECHR) and the Charter of fundamental rights of the European Union. Citizens are entitled to expect government to respect them. If the Constitution or Convention provides for statutory exceptions to a fundamental right, authorities should be careful to comply with the criteria and rules for such exceptions. Dutch examples include provisions in the Police Act (Politiewet), the Code of Criminal Procedure (Wetboek van Strafvordering), the Personal Data Protection Act (Wet bescherming persoonsgegevens) and the Act on Entry into Dwellings (Algemene wet op het binnentreden).*

6. Promotion of active public participation

Public authorities should maximise public involvement in their operations.

- ▶ *Authorities should strive to give citizens an active role in their operations and in the development and implementation of their policies. If citizens have a role to play in the decision-making process, authorities should publicise this at an early stage, stating what role citizens can play and what arrangements have been made for this. They should also issue retrospective information on the use made of citizens' contributions to the decision-making process. The National Ombudsman has issued Dutch-language guidelines on this subject.*

7. Courtesy

Public authorities should be respectful, courteous and helpful towards citizens.

- ▶ *Public servants should show consideration towards citizens and be as helpful as possible. They should behave respectfully, taking due account of the views and circumstances of the individual citizen.*

8. Fair play

Public authorities should give citizens the chance to exhaust all the procedural avenues open to them and should ensure fair play in this respect.

- ▶ *Authorities should adopt an open-minded attitude, giving citizens the opportunity to state and defend their own view, provide evidence and refute opposing views (i.e. hearing both sides). Public authorities should also lay their own cards on the table and be pro-active in informing citizens of the procedural avenues open to them.*

9. Proportionality

In pursuing its aims, public authorities should avoid measures that have an unnecessary impact on citizens' lives or that are disproportionate to the aims concerned.

- ▶ *Authorities should always consider whether their aims can be achieved by less onerous means. They should avoid taking measures that have a disproportionately negative impact on particular citizens.*

10. Special care

When people are in government custody and therefore reliant on public authorities for their physical care, the authorities should provide that care.

- ▶ *Authorities have a duty to take good care of individuals deprived of their physical freedom or autonomy. They have a responsibility to provide adequate medical services and other care for such individuals. This applies, for example, to detainees and to young people placed in secure institutions.*

C. Caring and solution focused

11. Individualised approach

Public authorities should be prepared to waive general policies or rules in cases where their enforcement would have unintended or undesirable consequences.

- ▶ *Authorities should operate on the basis of statute but should never ignore the specific circumstances in which citizens find themselves. Even in their routine administrative practice, they should always seek tailor made solutions and measures fitting the specific circumstances of the individual citizen.*

12. Cooperation

Public authorities should cooperate spontaneously with other governmental and non-governmental bodies in the interests of the citizen and should not send citizens from pillar to post.

- ▶ *Administrative authorities should not hide behind their official organisational task, but should always be ready to work hand in hand with other bodies. Public authorities should offer citizens a single contact point for each query or problem.*