

ORGANISATIONAL ASSESSMENT ANTI-CORRUPTION COMMISSION

REPUBLIC OF MALDIVES
SEPTEMBER, 2014



USAID
FROM THE AMERICAN PEOPLE



Global Expertise. Local Solutions.
Sustainable Democracy.

Organizational Assessment

Anti-Corruption Commission

Republic of Maldives
September, 2014



Organizational Assessment, Anti-Corruption Commission

This report is produced by IFES expert, Linda Edgeworth, assisted by Amin Javed Faizal, who are deployed as part of the Maldives Election Support Activity (MESA), made possible by the support of the American people through the United States Agency for International Development (USAID). Any opinions expressed in this document do not necessarily represent the views of IFES or the United States Government.

© 2014 by IFES . All rights reserved

IFES
1850 K St, NW
Fifth Floor
Washington , D.C.20006
U.S.A

Notice of rights

All rights reserved. No part of this assessment can be reproduced or transmitted in any form by any means without the prior permission of the publisher

Acknowledgements

We would like to thank the Commission and its Secretariat for the support throughout the conduct of the assessment. The assessment team is grateful for having had the opportunity to meet with the members of the Commission and its Secretariat. The team greatly appreciated the generous amount of time those interviewed gave us and the condor with which they shared their information and their insights. We would like to especially thank Commission President Hassan Luthfee and Vice President Muaviz Rasheed for making it possible.

It is hoped that the findings and recommendations contained in this report will stimulate interest and serve as a springboard for further thought as the Commission continues to build on the foundation already laid.

Table of Contents

List of Acronyms	6
Executive Summary	7
Summary of Key Findings of the Structural Review	9
1. The ACC as an Independent Constitutional Body	10
1.1. Appointment of Commission Members	10
2. Legal Framework for the Work of the Commission	12
2.1. Investigative vs. Enforcement Authorities of the ACC	12
2.2 Gaps in the Legal Framework	13
2.3. Regulations of the ACC	14
3. Governance and Leadership of the ACC	15
4. Staffing, Turnover and Human Resource Practices	16
4.1. Impact of Budgetary Constraints	16
4.2. Recruiting and Retaining Qualified Investigators	17
4.3. Training for Investigative Staff	19
4.3.1. Opportunities for General Training and Professional Development	20
4.3.2. A Long-Term Strategy for Promoting Anti-Corruption Legal Culture	20
4.4. Performance Evaluations	21
4.5. Staff Timekeeping and Calculation of Payroll	22
4.6. Recommendations: Staffing, Turnover and HR Practices	23
5. Operational Capacity and Efficiency	25
5.1. The Processing of Complaints	25
6. Data Management and Ad Hoc Software	27
6.1. Reception and the Log of ACC Correspondence and Communications.....	27
7. Case Management Software	28

7.1. Development of the New Case Management System	28
7.2. Issued Yet to Be Resolved Regarding the CMS	29
7.3. Second Thoughts on the Architecture of the CMS	30
7.4 Recommendations Regarding Case Management	31
8. Improving the Prosecution Success Rate	33
8.1. Recommendations on Improving the Prosecution	35
9. The Organizational Structure	36
9.1. Overview of Functional Components of the ACC	36
9.2. Recommendations Relative to Refinement of the Organizational Structure ...	39
9.3. Sample Organization Chart Based Recommendations for Consideration	40
10. Key Recommendations	41

List of Acronyms

ACB	Anti-Corruption Board
ACC	Anti-Corruption Commission
CMS	Case Management System
CSTI	Civil Service Training Institute
IFES	International Foundation of Electoral Systems
MACA	Malaysian Anti-Corruption Academy
PG	Prosecutor General
USAID	United States Agency for International Development

Executive Summary

In response to a request received from Mr. Hassan Luthfee, President of the Anti-Corruption Commission (ACC) of the Maldives, the International Foundation for Electoral Systems (IFES) provided an external consultant accompanied by a Maldivian administrative assistant to conduct a brief structural review of the Commission. The consultant was deployed in the latter half of June 2014, and spent five days on site at the offices of the ACC. Over the course of the visit, the consultants met rigorously with the Commission, individual Commissioners as well as staff members from each of the operational and administrative Sections. In addition to the interviews, the team also gathered relevant information on which to base its findings.

The purpose of performing the structural review was to provide an assessment of the institution from a fresh and unbiased perspective. It was not the role of the consultants to evaluate or pass judgment on the competencies or performance of any individuals. Rather, the focus was on identifying strengths, weaknesses, challenges and opportunities that should be considered as strategies for improving the structural efficiency of the institution.

The assessment process included:

- A review of the institution's most current organization chart as well as lines of supervision;
- Interviews with Commission members and staff to obtain their input and benefit from their insights;
- A review of complaint handling procedures and database management;
- An assessment of the space, facilities, basic infrastructure and IT capacity;
- An examination of hiring, turnover, staff evaluation and Human Resource practices;
- An evaluation of needs and opportunities for training and professional development for the current staff;
- An analysis of external and internal factors that impact the Commission's capacity and efficiency in fulfilling its mandates; and
- An assessment of the effectiveness of its cooperation with external partners and stakeholders.

Consultants were able to meet with the full Commission, as well as with three Commissioners individually and a total of 19 staff members. Meetings were also held with local NGO Transparency Maldives and the Prosecutor General's Office. A small focus group was facilitated involving participants who had attended awareness programs conducted by the Education and Research Section. It was not possible to meet with the Secretary General because that post has been vacant for some time. Although the primary focus of the exercise was on the organizational structure itself, a few issues were raised during the interviews that illustrated some structural weaknesses and lapses in the

implementation of certain management practices. A few themes emerged in multiple contexts, lending them more weight; reference to these issues in this report is not intended to be critical. Rather, they are presented as guideposts as the Commission continues on its mission to build a stronger, more efficient institution worthy of staff loyalty, stakeholder confidence and public trust. Throughout this exercise the consultants were afforded full cooperation at every level. In each case interviewees described their roles, expressed their views about the strengths and weakness of internal processes and presented their own ideas for improving the efficiency of the work. Many of their contributions are incorporated into the findings and recommendations in this report.

Summary of Key Findings of the Organizational Assessment

- The Anti-Corruption Commission has laid a solid foundation for the fulfillment of its mandates. The Commission has established sound processes for the investigation of complaints alleging corruption, and has implemented a significant number of innovative and diverse programs to raise public awareness regarding the dangers of corruption and its prevention.
- The Commission's successes in investigating and substantiating cases involving corrupt practices are diluted by its lack of enforcement powers. The Commission must rely on the Prosecutor General's Office to carry cases forward for criminal prosecution, and can only make recommendations to relevant agencies regarding administrative remedial action.
- Only a small number of the complaints received are found to have sufficient evidence of wrongdoing to warrant submission to the Prosecutor General. New avenues of cooperation and coordination between the Commission and Prosecutor General should be explored to improve the rate of successful prosecutions.
- The Commission's capacity to expand its staff to optimum levels is constrained by budgets that continue to be subjected to reductions each year. Difficult decisions have had to be made regarding the elimination of certain posts as well as the audit unit, which served as a clearing house responsible for conducting the preliminary review of complaints received.
- The work of the Commission has been handicapped by the absence of an integrated Case Management System (CMS). To date, the tracking of cases under investigation has been managed using Microsoft Excel spreadsheets. The new CMS that will be launched shortly will greatly improve the efficiency of investigations process, although a few shortcomings in the system's architecture will warrant additional attention.
- The Commission continues to experience a high rate of turnover, especially among investigative staff where education, experience and training are essential. The Commission should realign its hiring criteria to attract better-qualified candidates, investigate and remedy conditions that may be leading to job dissatisfaction, and explore incentives to stimulate longer retention.
- As a means of engendering staff loyalty and morale, the Commission's consistent and timely adherence to reasonable regulations related to staff appraisals and promotions should be prioritized. In addition, the Commission should act on the Auditor General's recommendation to simplify the onerous timekeeping procedures used to calculate payroll.

1. The ACC as an Independent Constitutional Body

The ACC is not the first institution established in the Maldives to combat corruption. The Anti-Corruption Board (ACB) was initially established in April of 1991. Its members were appointed directly by the President. The ACB's mandate focused on combating corruption within state institutions and on the part of government employees, mainly in instances involving bribery and abuses of power. Its role was clarified in the Prevention and Prohibition of Corruption Act 2/2000. Cases investigated by the ACB were submitted to the President, who had the ultimate authority to decide on their disposition. Public trust in anti-corruption efforts eroded in the midst of allegations that a number of high-level cases were halted, hindered or forgotten.

Broad-sweeping reforms in the Maldives were encompassed in the new Constitution ratified on 7 August 2008. The Constitution along with a series of new laws formalized the foundation for such reforms as the separation of executive, legislative and judicial powers, legalization of political parties, freedom of expression, assembly and association, and participation in elections. Under the new Constitution, a number of neutral and independent commissions were also created as constitutional bodies – including, among others, the Human Rights Commission, the Civil Service Commission, the Anti-Corruption Commission and the Election Commission. The ACB was dissolved under the Anti-Corruption Act of 2008 (hereinafter the ACC Act) and the ACC was installed in its place. Under the 2008 Constitutional framework, the ACC is accountable to the People's Majlis rather than the President. To ensure its independence, the Commission is not subordinated to any executive bodies; however, the courts may determine the legality or constitutionality of its actions.¹

1.1. Appointment of Commission Members

Under the Constitution, the Commission is to be composed of “at least five members” including its President of the Commission², appointed by the country's President from among those nominees submitted to and approved by a majority of the People's Majlis.³ The Chairman is selected from among the appointed members. A quorum is established as long as a majority of members are present, while decisions simply require the votes of a majority of those members who are “present and voting.”⁴

1 ACC Act, Section 43

2 Although the Constitution refers to the leader of the Commission as “Chairman” in daily use, the title “President” is used. Likewise, his/her deputy is identified as “Vice President.”

3 Constitution of Maldives, 2008, Article 200 (a) and (b)

4 Ibid. Article 205

Commission members each serve a term of five years and upon approval by the People’s Majlis, a member’s appointment can be renewed for an additional term of not more than five years.⁵ In each case, potential candidates for membership on the Commission apply for consideration.

⁵ Ibid. Article 203

2. Legal Framework for the Work of the Commission

Under the Constitution, the ACC is charged with responsibility for:

- Inquiring into and investigating all complaints, allegations information or suspicion of corruption;
- Recommending further inquiries and investigations by other investigatory bodies, and recommending prosecution of alleged offences to the Prosecutor General (PG), where warranted;
- Carrying out research on the prevention of corruption and submitting recommendations for improvement to relevant authorities regarding actions to be taken; and,
- Promoting the values of honesty and integrity in the operations of the State, and promoting public awareness of the dangers of corruption and its prevention.
- The work of the ACC is guided not only by the 2008 Constitution but also by the ACC Act and the Prevention and Prohibition of Corruption Act 2/2000, which remains in effect today.⁶

2.1. Investigative vs. Enforcement Authorities of the ACC

Under the legal framework, the ACC is granted broad investigative powers. They include, for example, powers to summon and question individuals and to collect and seize documents relevant to any case it is pursuing. It can also issue directive orders, such as preventing a person of interest from leaving the country. However, the Commission does not have any enforcement authority. The Commission must rely on the PG to carry its cases forward for criminal prosecution. But it is the PG that ultimately determines whether to prosecute a case and establishes its level of priority among other pending cases. The ACC may issue recommendations to state authorities regarding the imposition of administrative sanctions against persons who have committed violations, or other administrative remedial action that should be taken.

Until recently, a question was left open as to whether the ACC had the authority to halt a bid solicitation or a contract award if the ACC's investigation substantiated that a corruption violation had indeed occurred in the procurement process. That question was closed once and for all by the Supreme Court on 16 September 2013. In 2011, the ACC demanded the termination of a state

⁶ Ibid. 202

contract between Department of Immigration and Emigration and Nexbis Ltd., Australia, requiring them to terminate their Concession Agreement. The ACC's action was challenged in three tiers of the court system and ultimately advanced to the Supreme Court. In its decision, the Court ruled that "charges of corruption, in accordance with the general principles of criminal law as applicable in the Maldives, are of personal liability that falls on the individual committing the crime."⁷ Further, it ruled that aside from investigating cases and advancing them for prosecution, in administrative law matters the ACC can only recommend remedial action. Moreover, the Commission cannot terminate contracts made by the State. By implication, it also means that the ACC cannot halt a tender process while it is still underway even when it has been substantiated that it has been tainted by procedural violations or corruption.

Another curb to the Commission's authority is that it can no longer apply directly to the courts for court orders or subpoenas. Rather, they must submit their requests to the PG who in turn applies to the courts.

2.2. Gaps in the Legal Framework

The Maldives still lacks a complete legal framework to fully support anti-corruption efforts. Missing, for example, are:

- A Whistle Blower Protection Act
- A Witness Protection Act
- A Criminal Procedure Code
- An Extradition and Mutual Legal Assistance Act

An important step in the establishment of a more comprehensive legal framework was the recent enactment of a Freedom of Information Act.

2.3. Regulations of the ACC

The Commission has a great deal of autonomy in developing its own regulations covering the manner in which certain procedures and functions are to be carried out. They can also revise them at will.⁸ Their regulations cover a variety of procedures, including those that relate to employment, performance evaluations and promotions, as well as administrative and financial functions.

The ACC has adopted comprehensive regulations regarding the procedures involved in the actual investigation of cases. They cover a number of critical topics including:

- The mechanisms and deadlines for the submission of complaints;

⁷ <http://suoodanwar.com/supreme-court-restricts-powers-of-the-anti-corruption-commission/>

⁸ ACC Act, Section 36

- The acquisition, issuance and disclosure of records and information;
- Guarantees regarding the right to legal counsel;
- Guidelines for the use and issuance of audio and video materials;
- Rules for the summoning of persons being investigated and their conduct;
- Custody, detentions and restrictions on travel of persons being investigated, summoned or questioned;
- Rules to be followed during the questioning of accused persons and witnesses, including the treatment of minors and disabled persons;
- Procedures for deciding cases and their disposition.

3. Governance and Leadership of the ACC

The ACC is led by a five-member Commission headed by the President and Vice President, who were elected by the members themselves. Likewise, they can be removed from their posts by a vote of no confidence by the members. Removal of a member from the Commission requires a vote of no confidence by the Majlis.

All decisions made by the Commission are made collectively. Except for the President, all other members are assigned a portfolio, with each taking responsibility as the key liaison for one of the four Sections into which the organization is divided. Their assignments are based on their previous career experience or by their expressed areas of interest.

Day-to-day operations are led by a Secretary General, although the post was vacant at the time of the assessment visit. In the interim, the Vice President of the Commission has been filling that role.

One of the concerns that emerged during the interview process was that sometimes the lack of autonomy vested in the Secretary General and Section Heads to carry out their functions independently within the scope of their responsibilities can cause delays, extra work and inefficiency. A few examples came to light. Reportedly every payment voucher must be individually approved by the Commission, in spite of the fact that a report is submitted to them listing all those that are to be paid. The process is seen as burdensome and inefficient. Likewise all hiring, staff evaluations and promotions must be approved individually by the Commission. It was proposed that appointing a Human Resource Panel to make recommendations about these issues would be more efficient. Specific approval by the Commission of all public awareness materials, even those that are repeating most of the same information as previously published, has caused inadvertent delays. Those who commented acknowledged that the tendency of the Commission to intervene in day-to-day administrative operations is based on cultural tradition but questioned whether it should be necessary to seek Commission approval on every technical matter. Some staff members speculated that this level of micromanagement may reflect a lack of confidence in the staff.

With regard to communications within the ACC, a concern was raised that meetings of all Sections Heads are infrequent. It was noted that while there used to be a routine for holding such meetings on a regular basis, the practice has been abandoned. Meetings within Sections, on the other hand, are held regularly. In terms of internal communications, it was noted that there remain a few employees who have no access to email. There appear to be no budgetary or security reasons why they should be excluded from the email network that all other employees have access to. Hopefully this situation can be rectified in the near future.

4. Staffing, Turnover and Human Resource Practices

The ACC faces two major challenges related to the recruitment and retention of the qualified staff needed to carry out its mandate.

- Budget constraints limit the possibility to acquire an adequate level of staffing to manage the growing number of cases to be investigated; limit optimal public education possibilities; and create some gaps in staff levels needed to manage the administrative functions, especially in the areas of budget and human resources.
- Recruiting experienced professionals and retaining a well-trained team of investigators continues to be a concern. Training opportunities are limited and turnover tends to be high.

4.1. Impact of Budgetary Constraints

The ACC's budget proposal is decided by the Ministry of Finance and Treasury and ultimately approved by the Parliament. As with any agency or institution supported by public funds, the ACC's budget is influenced by economic circumstances within the country, general revenues available to support the operations of national government as a whole, as well as by the political environment shaping legislative priorities. There are no statutory provisions to ensuring or formally guaranteeing fiscal stability for the Commission, or establishing objective indicators to determine budgetary changes over time. Rather the ACC must submit its proposed budget to the Ministry of Finance and Treasury, where it must be agreed to before being submitted to the Majlis as part of the state budget. The Ministry definitely has some say in the allocation of funds to the ACC, and the Majlis has full discretion in passing the budget with or without modifications to any agency's allocation.⁹

In recent years the ACC has found that its proposed budgets have been decreased. In 2011, the ACC received an approved budget that represented only 61% of the amount requested. Likewise, in 2012 the ACC received 63% of the requested amount. That same year the Ministry of Finance and Treasury reduced the budget that had been approved by an additional 15% in response to a decline in the nation's economy.¹⁰ For 2013, the operating budget was reduced again.

⁹ Constitution, Articles 70 (b)(4) and 96 (b)

¹⁰ ACC, Annual Report 2012

Limitations in funding have certainly curtailed thoughts of establishing divisions or offices throughout the country in spite of the fact that many of the complaints received relate specifically to allegations of corrupt practices involving Island and Atoll Councils and public development projects outside of Malé. In 2013 funds for planned trips to Atolls to conduct public awareness programs were cut completely.

Ultimately, a limited budget impacts the level of staffing for all functional components including the Members Bureau, the Operations and Investigative Section, Education and Research Section, and Administrative and Budget Section. Budgetary limitations may have influenced decisions in recent years to eliminate certain units altogether. At one time the ACC had a separate Audit Department, for example. The Audit Department served as a clearing house that performed a preliminary review of cases received to determine whether they contained sufficient grounds or information to warrant the initiation of a full investigation. Additionally, the Audit Department's review sorted out cases in which complainants failed to identify any actual violation or alluded to allegations falling under the jurisdictions of other agencies or commissions. Currently the members of the Commission expend a great deal of their time taking on this task directly.

The budget constraints may also have influenced the Commission's decisions to do without certain posts, including Directors positions that would normally be expected in an institution of the ACC's staff size and scope of work. Ultimately, the limited number of investigators that can be hired impacts the number of cases that can be investigated. It also means that the growing workload places additional burdens on staff in all Sections.

One area where the ACC seems to have been successful in requesting additional funding is for the upgrade of its facilities. Its offices are in a substandard building, although there has been some talk of eventually moving the ACC to a new 14-story building planned for construction in the not-too-distant future. In the meantime, their current offices are being renovated to provide modernized working spaces. When completed, the office will provide a much more comfortable and professional working environment.

4.2. Recruiting and Retaining Qualified Investigators

One of the major challenges facing the ACC relates to maintaining a core of well-trained, qualified and experienced investigators. First, there is a lack of potential candidates with practical experience in the area of criminal justice in Maldives. Of the 47 Operations/Investigations staff currently employed, approximately 60% were recruited from the ranks of fresh law school graduates. As such, many newly-recruited investigators tend to see their work with the ACC as a stepping stone to their longer term career objectives. Based on dates of hire noted in the most recent staffing chart provided to the consultants at the time of their visit, 17 of the 47 staff members in the Operations/Investigations Section (36%) had been employed for six months or less.

Based on a sample Investigation Officer job description provided to the consultants for review, the educational or professional requirements were not listed in the posts for recruitment purposes provided. Presumably, a Degree Certification in an appropriate field of study such as law is required. Consideration should be given to re-evaluating and expanding experience and educational requirements to differentiate the minimum requirements from those that are “desired,” or that will be given preferential or additional “scoring value” in the rating of candidates, for example. Such “preferred” educational specialties or experience could include prior training or work in the fields of investigations, forensics, auditing, trial law, or prior work as a police officer or prosecutor.

Retention of investigative staff that has achieved a professional level of experience while working with the ACC is a challenge that is not easily addressed. Finding the appropriate incentives will likely be limited by budget considerations or by civil service rules or provisions of the Employment Act. In addition, an offer of special incentives for this level of staff may leave other staff members feeling disadvantaged or unfairly denied such opportunities. Nonetheless, it will be important for the ACC to explore what options might be available to them.

- The first step could include the conduct of an anonymous survey of the staff members themselves to ascertain what internal conditions might be causing job dissatisfaction or otherwise motivating people to resign in favor of other opportunities. Such a survey could be used to learn about the kinds of incentives that would be of most interest to them. Flex-hours, access to training opportunities, or a reduction in the amount of overtime required are examples of the kinds of incentives that could emerge. The point is that if the survey results illuminate some common themes, it might be possible to address working conditions or human resources practices accordingly.
- If salary levels are the main factors driving staff retention, it might be necessary to compare what is being offered at the Commission with those for similar employment in the broader public and private sectors to bring them into closer alignment.
- There might be a way to change the contracting process for professional level staff to offer a re-signing bonus contingent on good performance evaluations.
- Another type of incentive program that might be worth considering is payment for tuition or other expenses for advanced education, training or certification programs in a relevant field in exchange for the employee’s commitment to stay with the ACC for a certain number of years, commensurate with the investment made by the ACC in their continuing professional development.

4.3. Training for Investigative Staff

The ACC continues to try to advance the professional development of its investigators. However, opportunities are somewhat limited. There are no ongoing training sessions in place per se. Approximately twice a year selected ACC staff members attend training sessions presented by the Maldives Police Service's Institute for Security and Law Enforcement Studies. The Commission has tried to secure regional training opportunities such as those available through the Central Bureau of Investigations in India. They have been able to take advantage of some training classes offered by the Malaysia Anti-Corruption Academy (MACA), but participation can be expensive especially when travel costs are taken into account. Another obstacle is that not all sessions offered by MACA are offered in English. In the future, consideration should be given to investigating the feasibility of engaging services for simultaneous interpretation, if there are specific classes that would be of particular value and interest. Often Ministries of Foreign Affairs or international schools have equipment and portable booths that could be provided. While such an arrangement would solve one of the constraints, it would add to the costs of participation if a commercial company offering this service were used. In the longer term, the Commission is engaged in discussions with the Academy to have two of their consultants travel to the Maldives to conduct a two week training course on site. This step would allow more people to participate. They are targeting August 2015 for the conduct of this course.¹¹

The ACC has developed a strategy to ensure that new investigators can get additional on-the-job training for investigative work before taking on fuller responsibilities. First, each new employee must successfully complete a three month probationary period. During this period, newly-recruited employees may not handle any case work individually. Their performance is evaluated monthly and it is only after successful completion of their probationary period that they are offered permanent contracts. Second, investigators work in teams of three to four. New recruits serve as assistant investigators on the teams until they are ready to fully engage in investigative work themselves. According to information provided over the course of the assessment, provisions are made for some training on the technical side in investigative strategies employed by the ACC and in financial regulations. Most of what is learned, however, is acquired through on-the-job experience under the guidance of senior investigators and team leaders.

¹¹ Arrangements for customized international training programs to be conducted in the Maldives could be very effective. In preparation for the transfer of the conduct of elections from international supervision back to the hands of national and local authorities of Bosnia and Herzegovina after the war, the OSCE negotiated with the University of Essex in England to design a certification program on democracy and elections management for local staff. Initially, a team of English-speaking Bosnian staff members were sent to Essex for the certification training. To broaden the opportunities for non-English speaking Bosnians to participate, instructors travelled from Essex to Sarajevo to conduct the same program. Ultimately, nearly 30 people took the certification course. Most of them were hired at the supervisory level when the Election Commission took over administration of elections independent of international supervision.

4.3.1. Opportunities for General Training and Professional Development

Costs associated with participation programs geared to ongoing professional development can be prohibitive given budgetary constraints. However, there are opportunities that do not involve large expenditures that should be pursued. In particular, the Civil Service Training Institute (CSTI) routinely offers a broad selection of classes in topics that would benefit staff in all Sections, such as writing performance evaluations, supervisory skills, report writing, team building, basic administrative skills and computer skills. More importantly they offer a full range of course that would benefit the staff of the Operations Section as well staff of the Administration and Budget Section. They include, for example, courses on the Financial Act and Regulations, and Budget and Procurement. These topics would certainly be relevant for Investigators given the fact that the vast majority of the cases they pursue allege corruption related to procurement and violations of the finance rules. The CSTI also offers courses on Presentation Skills and Delivery of High Impact Presentations that might fortify the skills already demonstrated by the Education and Research Section.

Securing arrangements for participation in their training programs should be relatively easy since the ACC already has a relationship with the CSTI. The Education and Research Section has provided anti-corruption awareness training for civil servants at the Institute. An option that should be investigated is whether the CSTI has the capacity to look for outside training opportunities as well as qualified partners who might be able to accommodate the ACC in providing specialized training. Additionally, the ACC should continue to pursue opportunities to receive international support for advancing its professional development objectives. The IFES-organized and USAID-funded Fraud Investigation Training program in which it participated is a prime example.

4.3.2. A Long-Term Strategy for Promoting Anti-Corruption Legal Culture

As the ACC looks forward, and as it develops its Strategic Plan for the next five years, it may want to investigate the feasibility of working with the Maldives National University to develop a new course on Anti-Corruption Law to be added to the curriculum for 4th year law students. As part of the curriculum, the ACC could provide students with internships for which they could receive academic credit. Such a venture would serve two purposes:

- It would raise awareness of and promote anti-corruption efforts as part of legal culture for new law school graduates.
- The internship part of the program for students taking the Anti-Corruption Law course could involve their assisting in the preliminary review of complaints to determine whether there was sufficient cause, grounds and information to warrant further investigation.¹²

¹² In the Republic of Georgia the Election Commission worked to put such a program was put in place. In its case agreements were negotiated with several Universities and Technical Schools to develop the program. Ultimately The Law Clinic was established to offer classes specializing in election law through the Caucasus Law School. The program also involved internships for students who worked within the Election Commission in the areas of election dispute resolution and manning hotlines.

4.4. Performance Evaluations

One third (33%) of the staff members interviewed raised the subject of what they viewed as inconsistent practices relative to performance evaluations. Many of those who discussed this important topic noted that the ACC regulations related to performance evaluations are not adhered to.¹³ The regulations on this subject include several key provisions. They provide, for example, that:

- performance appraisals are to be conducted for each employee at least once in every fiscal year;¹⁴
- the mechanisms and criteria for evaluating employees shall be established and approved by the Commission and brought to the attention of all employees;¹⁵ and,
- following each individual performance appraisal, the employee shall be made aware of the results¹⁶

The regulations also provide for an appeals process should the employee be dissatisfied with his or her appraisal. Under such circumstances, the employee is entitled to appeal to the Secretary General for reconsideration. The SG in turn is to bring any such concerns to the attention of the members of the Commission.

In practice, it appears that performance appraisals for staff members are not performed each fiscal year. According to the input provided through the interview process, there is a perception that there are no HR mechanisms in place whereby Commission members are advised of anniversary dates of contracted staff. Likewise, it is generally perceived that no formal process is routinely enforced to ensure that a supervisor discusses the results of a performance evaluation with the employee. A follow-up conversation about the appraisal is integral to the effectiveness of the evaluation process. Not only does it provide an opportunity for supervisors to commend an employee on his or her good performance; it also allows the employee to learn about areas where there is need for improvement and what means might be offered to assist them in achieving the improvements required. Just as importantly, if an employee is not formally notified about an appraisal that has been completed and its content, there is no way for that person to take advantage of his or her right to appeal for reconsideration if it contains negative information.

The performance appraisal is also the mechanism by which an employee's eligibility to receive a promotion or step-grade increase is measured. Eligibility for consideration for such promotions or step-grade increases is achieved once the employee has been employed for at least two years. According to

13 Regulations of the Anti-Corruption Commission, Chapter 9, Article 72 – Performance Appraisals, (a) – (g).

14 Ibid. Article 72 (c)

15 Ibid. Article 72 (d)

16 Ibid. Article 72 (e)

the regulations priority for advancement, incremental salary increases and training opportunities are to be given to those employees who have excelled in their performance evaluations. Concerns were raised, however, that there are no uniform criteria by which supervisors are to evaluate their staff. It was also noted that middle managers have not received any training in conducting performance evaluations. These deficiencies make the process very subjective, sometimes to the detriment of individual staff members.

Another concern is that the Commission members make all decisions regarding promotions and incremental pay increases, and too often the employee is never informed as to why they have been bypassed. One interviewee expressed frustration that there have been instances where a new employee may receive an incremental increase while long standing employees can go for years without any such promotions, without an explanation. A number of interviewees indicated that in their own cases, they had not received any performance appraisals during their tenure or had not been made aware that an appraisal of their performance had been completed. At least two staff members interviewed indicated that they had never received any notice that an appraisal had been completed, but had received notice that they were receiving an increase.

These administrative gaps in the performance appraisal process and lapses in adherence to the ACC's regulations warrant attention in the near future. It was suggested in at least one interview that they may have contributed to some of the staff turnover. At the very least, it may be fair to say that they appear to have a negative effect on staff morale.

4.5. Staff Timekeeping and Calculation of Payroll

The ACC maintains a very strict payroll system centering on an exact eight-hour work day that each employee is expected to fulfill. Payroll calculations can be factored down to minute value. In addition, tardiness, or absence for a doctor's appointment or a meeting with a child's teacher, can only be made up in the same working day. Such arrangements can be very difficult for all employees, but disproportionately for female employees with family obligations.

For a time, pay would not only be reduced for tardiness or absence, but the employee was also fined for not putting in a full eight-hour day. Among a small group of staff members assembled for one of the meetings, participants reflected that during this period employees who arrived late were also subjected to a "naming and shaming" policy. In 2011, the Auditor General determined that the imposition of a fine in addition to the loss of pay posed a double penalty and as such, was in violation of the Employment Act. Based on that determination, the fines were curtailed.

Calculating payroll involves a triple layer of electronic and manual data entry timekeeping mechanisms for determining the actual number of hours and minutes in a pay period for which each staff member will be paid. First, every employee has his or her fingerprint scanned on a touch pad upon their entry or exit from the office. This scanning mechanism does not just serve the purposes of security; the time of entry or exit provides the basis for establishing the number of hours and minutes the employee is in or out of the office. However, a simple calculation of these hours does not take into account when people may be conducting legitimate business during their time away. Therefore, each

employee is also required to log in or out through the customized internal HR management software that has been installed. Reportedly, this program bridges the gap. It is apparently the mechanism by which an employee's absence can be clarified as to whether it involves official work-related business, or personal business such as a doctor's appointment. Even times of departure and times of return for lunch breaks must be recorded in this system.

These two layers of documentation are still not sufficient for the preparation of payroll. These electronically documented hours and minutes must then be entered manually into an Excel spreadsheet for each employee so that the employee's pay can be calculated for the hours and minutes actually worked within the pay period. It is estimated that these calculations take three full weeks of one staff member's time to complete.

When the ACC was audited by the Auditor General's Office, the method for calculating payroll was reviewed. The Auditor General had attempted to replicate the calculations based on the ACC's system and was not able to come to the same results. The Auditor General did not go so far as to demand that the system be changed but did recommend that the procedure be simplified. So far, no action has been taken on the Auditor General's recommendation.

The complexity of the timekeeping process has several drawbacks that should lead to the Commission's reconsideration as to whether its benefits outweigh its costs. Not only is the current system labor intensive and over-burdensome in terms of man-hours devoted to this one function. Just as importantly, it is costly in terms of the demoralizing affect it has on employees. The negative impact of the payroll system on general morale was reflected in 27% of the staff interviews conducted. To some of those who commented, it has become a symbol of what is perceived as a lack of trust the Commission has in its staff. As far as could be determined, the ACC may be the only institution in the Maldives using such a complex system suggesting that it should be possible to borrow an equally effective but less onerous system from another government agency or institution.

4.6. Recommendations: Staffing, Turnover and HR Practices

- In order to broaden the base of potential candidates with relevant education and experience, consideration should be given to expanding job requirements to differentiate minimum requirements and those that are "desired" or eligible for additional "scoring value" for rating purposes. Such "preferred" requirements could include, for example, education or experience in financial auditing, forensics, or investigations, or prior work as a police officer or prosecutor.
- In the interests of reducing turnover, consideration should be given to conducting an anonymous survey of staff for the purposes of ascertaining what internal conditions may be prompting job dissatisfaction, assessing whether salary levels are commensurate with those in the marketplace, or what types of incentive programs might stimulate longer retention of staff.
- The ACC should continue to emphasize professional development, pursue international training opportunities and capitalize on low-cost training programs available through Civil Service Training Institute. The ACC should also continue its efforts to arrange for instructors from the Malaysia Anti-Corruption Academy to conduct a two-week training course in the Maldives in August of 2015.

- Performance appraisals should be completed for every employee on a predictable schedule as dictated by ACC regulation and under uniform criteria for rating employee performance and awarding promotions and incremental pay increases. The content and results of each appraisal should be covered in an interview between the supervisor and the employee.
- The current timekeeping procedure is onerous and overly burdensome to administer. The ACC should simplify the process.

5. Operational Capacity and Efficiency

An assessment of this sort must take into account factors that affect an organization's operational capacity and efficiency. In general, the ACC has been quite successful in addressing its constitutional mandates by developing routines and practices that ensure comprehensive and exhaustive treatment of all complaints received. In addition, it has delivered innovative and diverse programs designed to promote public awareness of the dangers of corruption and its prevention.

5.1. The Processing of Complaints

Every complaint must be reviewed as mandated by law, regardless of by whom it was submitted or whether it was submitted anonymously. The Members Bureau is responsible for tracking the complaints that are received and gathering all relevant information that is immediately available about each case. A packet is prepared and delivered to the President of the Commission for his review and for review by each Commissioner. They decide the disposition of each case received as to whether it must be rejected, submitted for further investigation or referred to a different agency.

Those cases found to be containing sufficient information on which to initiate an investigation are assigned to an investigative team. There are currently 10 teams, each made up of three to four investigators. Depending on the nature of the case, one of the team members will be made the case leader. Each team may have a caseload of as many as 100 new and ongoing cases at a time. Over the course of the investigation there must be at least three staff members present when witnesses or suspects are being interviewed. Teams are free to conduct their investigations without influence from the Commission members or any other official within the Commission or from any other agency. Their work is supported by the Operations Administrative Unit. Once the investigative work has been completed, the case is once again prepared for review by the Commission. The package is accompanied by a checklist that must be completed before the case is sent back to the Commission for a decision.

The Commission as a whole makes the final decision as to whether the case should be closed on the basis that the investigation turned up no sufficient evidence to prove that a violation had occurred or that corrupt behavior had taken place. The Commission may also determine that a violation has occurred and formalize a recommendation for remedial action to the appropriate agency. Finally, the Commission may decide that there is sufficient evidence and documentation to warrant submission to the Prosecutor General. At any time during its review it can also return a case to the investigative team for additional research.

This multi-layered system has been successful in assuring that each case is awarded the attention and treatment it deserves. There are sufficient checks and balances to ensure that cases under investigation are handled thoroughly and competently.

To facilitate the investigative process, the ACC has developed positive relationships with several agencies. The Commission has succeeded in solidifying Memoranda of Understanding (MoU) with a number of agencies that can provide information about companies as well as agencies and individuals. These sources are very helpful in making sure that investigators can locate and make contact with persons key to the investigation and expand their list of potential sources of information. Currently the ACC has MoUs with the Police, the Department of National Registration, and Maldives Inland Revenue Authority. One of the challenges in finding individuals that are subject to the investigation is that too often those who reside on islands are not actually there. One of the options that might be explored is negotiating with the Election Commission to gain access to the list of re-registered voters who request to vote at locations that are different from their registered addresses.¹⁷ In the future, the ACC hopes to enter into MoUs with Customs and other Agencies that maintain relevant databases

¹⁷ In many jurisdictions, there is reluctance to make voter lists available for any purposes other than voting. However, registration is a passive process in Maldives and people are automatically added to the voter register. Nonetheless, caution should be exercised by the Election Commission and the Anti-Corruption Commission before any final decision is made to allow access to the list of re-registered voters so as not to inhibit their voting rights.

6. Data Management and Ad Hoc Software

6.1. Reception and the Log of ACC Correspondence and Communications

Reception is subordinated to the Operations/Administrative Unit. One of the most critical tasks assigned to Reception staff is the maintenance of the log of all incoming and outgoing correspondence and communications of the ACC. It is also the first point of data entry relative to incoming complaints, regardless of the method by which they are received. Their entry into the log at reception occurs before they are submitted to the Members' Bureau for initial processing.

The paper flow can be somewhat circuitous when it comes to tracking and logging the receipt of complaints that are submitted by phone or email. Complaints received over the phone, for example, are directed to the Senior Assistant who takes the call, interviews the complainant and takes notes to document the content of the call. The report of the call is then given to Reception, where the information is entered into the log. Emailed complaints are received by the Members' Bureau. They must also be added to the log maintained at Reception before processing can begin. Once they have been logged in at Reception, they are returned to the Members' Bureau where the cases are prepared for preliminary review by the Commission.

The process by which the log is maintained is an important example of a task that has suffered from inefficiency simply because of the inadequacy of the software being used. The entire log is maintained in a table in Microsoft Word. The table is in date order, and each record is assigned a sequential number. The main problem is that unless one knows the date on which the communication was received or the sequential number that was assigned to it, there is no efficient way to find the details entered into the record, especially in instances where a number of complaints involving related issues, persons, companies or public tenders have been received over time. Commissioners and investigative teams have relied on the capabilities and recall of long-standing employees to be able to search and find cases or correspondence that may have been received days, weeks or months before.

7. Case Management Software

The ACC has been handicapped by the absence of an integrated case management system. A lot of its databases, including those used to track information on complaints and investigations, have been maintained in Excel spreadsheets. Much of the information on individual cases has required a duplication of data entry by each of the different Sections involved in the various stages of their processing. In that regard, the current case management process has also required the assignment of three different reference numbers to each case. The first is assigned by Reception when it is entered into the daily traffic log. Another unique number is assigned by the Members' Bureau when the file on the case is prepared for the Commission's preliminary review; a third unique number is then given to a case when it is assigned to a team for full investigation.

7.1. Development of the New Case Management System

One of the major goals of the Commission has been to follow through on the development of a customized Case Management System (CMS). Discussion about the development of a centralized CMS began two years ago, and involved meetings and discussions to gather input from Section Heads as to what such a system should be designed to do. Time for the assessment consultants' on-site visit was too short to confirm additional details. However, it did not appear that investigators and operations staff were formally part of the consultation phase, in spite of the fact that to a large degree they will be the front-end users. None of the investigators interviewed, for example, had participated in such discussions.

In 2013, a consultant was hired through the Axis Company, which reportedly has provided software support to other government agencies. The consultant responsible for designing the software has been on site for more than a year. The system envisioned by the Commission is intended to accommodate four fundamental requirements.

- The CMS is to be in the Dhivehi language.
- The CMS must be supported by the network and accessed by multiple users.
- The CMS has to be able to compile all types of data including documents, photos, audio recordings and videos that may be relevant to a case.
- The CMS should be designed so that reports can be customized before they are generated.

At the time of the assessment visit, the new CMS was very close to being launched. The estimated target date for installation was sometime in August 2014. However, it was not clear as to whether the software had already been installed in "test" mode. This phase of development is often used when introducing a new system as a means of allowing staff to participate in evaluating it before it is made fully operational. This strategy is beneficial on two fronts.

- Front-end users involved in testing can help to identify gaps, insufficiencies and impediments that may make the system hard or inconvenient to use.
- Engaging groups of front end users in testing the software promotes buy-in among staff thereby facilitating a smoother transition to a new system.

7.2. Issued Yet to Be Resolved Regarding the CMS

Whenever new software of this magnitude is being designed, consideration must be given not only to the accommodation of immediate objectives. Careful thought has to be given to its potential impact on staffing requirements and the potential need to realign the assignment of certain duties. It is also important to consider secondary objectives and potential enhancements or add-ons to be incorporated over time. During the five days of the assessment's on-site visit, there was insufficient time to do a thorough analysis of the paper flow and how it will be managed through the new CMS. Nor was there time to confirm the accuracy of certain understandings arrived at on the basis of input acquired during the interviews. Nonetheless, a few observations were noted that the ACC and its staff may want to review further.

- Based on input received during the assessment visit, present plans called for the developer to remain present for only one month after the software is installed. This may prove to be too short a time to ensure that it is operating properly, that appropriate instructional materials are prepared for its use, that a core of proficient trainers are fully prepared to teach staff members how to use the system, and that any glitches can be rectified before the consultant's departure. Ideally, the contract for the development of such a comprehensive new system should include terms for ensuring that these important tasks are completed. The contract should also include terms for continued maintenance by the contractor for an extended period of time after the program's initial installation. Should no such terms be articulated in the existing contract, consideration should be given to extending the existing contract to address them if possible even if the consultant does not remain on site. Another option would be entering a new contract to cover terms for ongoing support, maintenance, de-bugging and software modification. In addition, the ACC should check to see if their access and/or ownership of the source code is assured.
- Another issue that warrants serious consideration is whether and if ongoing case files will be migrated to the new CMS, or whether its use will only be initiated for new cases. The subject was raised briefly during some of the interviews, but it was never made clear as to whether a final decision had been made on this point. The issues involved are very important because of the length of time cases remain active. It is never ideal to have two separate systems actively operational at the same time, with some cases continuing to be tracked under the old system and some cases being tracked in the new system. Transfer of active cases into the CMS could be extremely time-consuming and labor intensive, especially if the fields of data are inconsistently labeled and data entry rules for various fields are incompatible. It is also likely that the migrated files do not have entries for all the fields of information provided for in the new software. If it is decided that existing records are to be imported, it might be

beneficial to contract Axis or another suitable company to prepare and facilitate the transfer. If it is decided not to accomplish a full migration, it would nonetheless be helpful to at least transfer certain key data on all active cases so that they are at least referenced in the new CMS. Such key data might include for example, their location, office/institution/company involved, type of allegation or complaint, team number assigned to the case, and their status.

- One of the areas that may need a separate analysis is who will be responsible for the baseline data entry, and how and by whom data will be added to case files as action is taken relative to the disposition of cases, and as investigations get underway. The main objectives in re-assessing the practicalities involved should be to ensure orderly and efficient paper flow and data input, to reduce redundancy of data entry experienced under the current system, and to ensure timely scanning and uploading of documents, videos, audio recordings and photographs. Several interviewees alluded to difficulties in the timely and consistent scanning and uploading of case-related documents and materials under the current system. Once the CMS is in place, the ACC may find that additional staff is needed to divert some of the clerical work from the investigators so they can better attend to investigations and reporting.
- On a related issue, the Commission will need to make some critical decisions regarding exactly who will have direct access to the system and for what purposes. For example, will Reception have access to the system? It might prove practical given their responsibility for logging all incoming and outgoing correspondence and communications, including those related to complaints.
- It is not clear if and how related cases will be merged into one master case file to reduce the potential for a duplication of efforts if they remain in separate case files. Construct of this feature may need further consideration.

7.3. Second Thoughts on the Architecture of the CMS

A cursory review of the outline of the CMS's system requirements, data fields and reports that will be available on individual cases and in list format reveals that a great deal of thought has gone into ensuring that the information stored will be comprehensive and retrievable. Consideration may be warranted to enhance the software to accommodate additional information that may not yet have been incorporated. What follow are a few examples:

- Fields are present for entering the name of the "accused office/institution/company."¹⁸ However, fields for their contact information such as address, phone number, or names of principals are not evident in the outline of the software's architecture given to the assessment team.¹⁹
- Given that an estimated 85% to 90% of the complaints relate to procurement processes, and often involve government development projects, consideration should be given to incorporating fields for the agency letting the tender, the project name and the number assigned to the solicitation. Including this information would be useful in offering another means of linking related cases together.

18 System/software Outline, 4 (i)

19 It is possible that the data entry field for the office/institution/company is intended to be a narrative field, but this would not be consistent with other subject areas where contact information fields are identified separately.

- While there are fields for recording when cases are sent to the Prosecutor or another organization for scrutiny, no fields were immediately apparent for recording instances when they are returned to the ACC for additional work. Fields are present for recording court actions and verdicts; however, no such fields appear to be available to record remedial actions taken by other agencies or institutions based on the ACC's recommendations.

In its current state, the new CMS is envisioned as a data collection, retrieval and report generating program. In its next generation, prospects for incorporating internally automated functional capacity should be explored:

- For example, the CMS currently relies on an individual selecting whether a case is new, or related to an ongoing case. This provides little improvement over the current system. With proper programming, the system itself should be able to link cases based on internal comparisons of pre-defined criteria. For example, the entry of a government development project name or tender number that duplicates the same entries in another case should flag the cases as potentially related. Likewise, entries related to the same accused persons, island or Atoll councils, government institutions or companies already identified in another complaint could trigger such a flag.
- At some point, the CMS program could be enhanced in such a way so as to assist the Commission in swiftly identifying complaints that potentially fail to identify any actual case of corruption, allude to violations falling under the jurisdiction of another commission or agency, or fail to provide sufficient information on which to pursue further investigation.

The first step in devising some internal processes should include an analysis of the common omissions that most frequently cause a case to be rejected. Through a comprehensive analysis by a working group assigned to the project might be able to identify omissions or insufficiencies in the information provided in a complaint that can be considered "fatal" flaws. The software can then be enhanced to include certain fields to help make those flaws immediately evident.

Based on the findings of analysis of rejected cases, for example, certain fields left blank might generate a warning or flag to draw attention to a potentially fatal flaw. Certain questions might be devised so that a "no" answer, for example, would also trigger such a warning or flag. Instances or cases in which potentially fatal flaws are noted could be provided in a list format as well as in the case file. While such warnings would not eliminate the need for Commission review, they could at least help focus the Commission on cases most likely to be subject to rejection.

7.4 Recommendations Regarding Case Management

- The traffic log of incoming and outgoing documents and correspondence should be transferred from Microsoft Word to some other more suitable software that allows data to be sorted, improving the efficiency of record retrieval and assisting in the identification of complaints that may be related to one another.
- Prior to the full installation and use of the new CMS, a core of staff members should be selected to participate in its testing.
- Extension of the contract with the Axis Company should be considered to ensure that the ACC has access to a longer period for the maintenance and debugging of the CMS, and for

technical and training support beyond the one month currently envisioned for the consultant to remain on board.

- A decision should be made as to whether and how data from ongoing cases should be imported into the CMS, or whether they will be maintained in the Excel databases to which they have already been added.
- A separate analysis should be performed to determine how work flow, paper flow and staffing assignments might be affected once the CMS is installed and fully operational.
- Decisions should also be made as to who will have access to the CMS, and in particular whether Reception staff will be among them.
- The architecture of the CMS should be reviewed to determine if additional fields of information should be added. Additionally, an assessment should be undertaken as to how its functional capacity can be expanded to automatically flag potentially related cases, cases in which certain fields of information are duplicated, or cases that may be “fatally flawed.”

8. Improving the Prosecution Success Rate

All complaints alleging corruption must be investigated. However, during the 2012/2013 cycle, 57% of the cases for which an investigation was concluded were found to be “non-corruption cases” primarily due to a lack of evidence.²⁰ Only about 10% of all complaints subjected to a thorough investigation were found to have sufficient verifiable evidence to be advanced to the PG for prosecution. The investigations of most of the other cases led to conclusions that, indeed, violations had occurred but that an administrative remedy should be imposed in lieu of criminal prosecution.

One of the ACC’s priorities should be to address the reasons why so many complaints received have to be rejected. The cause may be that complainants do not understand how to file a complaint and what kinds of information has to be provided to make it viable for investigation or that the complaint form itself may not be sufficiently self-explanatory in the level of detail that should be provided. If that is the case, the instructions should include some guiding remarks as to the kinds of violations that can be addressed by the ACC and other types of violations that should be addressed to other agencies. Ideally, a user-friendly campaign should be developed by the Education and Research Section focusing on this crucial part of the process. The subject should also be covered more thoroughly in the public awareness classes and during interviews in mass media. An ideal time to re-emphasize the complaint submission process with a multi-media campaign would be during the many events planned and carried out for International Anti-Corruption Day in December.

Once a case has been passed on to the PG, the ACC has little control over its disposition. Frequently, the PG will ask for additional information or send a case back to the ACC for further investigation. Ultimately, it is the PG who determines whether to prosecute a case or not. It is also the PG who determines a case’s level of priority among other pending cases being handled at any given time. Some cases may linger in limbo for a lengthy period of time. The rate of successful prosecutions is very low. In the last three years, only one ACC corruption case prosecuted has resulted in a conviction.

In addition to reducing the number of non-actionable complaints received, the ACC should also pursue avenues for developing a closer working relationship with the PG. Both agencies acknowledge that in general their relationship is cooperative. However, both agencies have ideas as to why the successful prosecution rate is so low. On the part of the ACC, there is concern that the PG is not always equipped to deal with cases that are so heavily dependent on evidence which is contained in boxes of documents. In addition, the ACC is concerned that “paper” violations are not considered a high enough priority and that sometimes the PG does not appreciate the magnitude of the public interest involved.

²⁰ Fast Facts 2013, Anti Corruption Commission, Maldives

On the PG's side, they acknowledged that there is some truth to the challenges involved in their review of all the financial records and documents provided. On the other hand, they indicated that there were other challenges that also deserve attention:

- There is concern that the important evidence is not always provided in an order that allows them to be recognized or absorbed quickly. Often the crucial documents are co-mingled with lots of superfluous documents that add nothing to the viability of the case's prosecution.
- Sometimes they note that a witness or person of interest has been called before the ACC but not advised as to the reason. That can mean that the testimony they provide might not be useable in court, especially if they have not been advised of their rights to have legal counsel.
- Often when they are asked by the ACC to apply for a court order or subpoena the request does not include a statement of justification as to why the order is needed.
- The PG suggested that if ACC investigators attend the court hearings, this would help the prosecution; however, according to PG office, the investigators do not attend the hearings despite invitations. On the other hand, among those investigators that were interviewed, none had heard about the invitations to attend court hearings.

The most important fact is that both the ACC and the PG are on the same side and want successful prosecutions. A concerted effort to work more closely together from the beginning of the investigation process may offer a solution. The ACC could benefit from taking advantage of the services the PG has to offer. In particular, on critical cases, the PG is willing to assign a duty officer to work with an investigation team from the start. Moreover, they are willing to accommodate a liaison officer assigned by the ACC to be stationed at the premises of the PG Office. The liaison officer does not necessarily have to be at the station all the time, but can work there as necessary. The liaison officer would facilitate regular communication and coordination between the duty officer and the ACC investigation team.

PG already has this arrangement in place with the Police. The duty officer could help guide the team the kinds of evidence that will be the most useful, where gaps in the investigation exist from a prosecutor's perspective and where pitfalls might exist that would limit the likelihood of a successful prosecution. From the ACC's perspective, this association could be very beneficial in helping the duty officer understand the case, the implications of the evidence being gathered, and how the case is being pieced together. Most importantly, investigators would benefit from the advice being given, and working together would promote some buy-in by the PG's duty officer since they have been part of the process from the beginning. The PG also informed the assessment team that they are willing to provide ACC investigators certain level of access to the PG's CMS, where a similar arrangement is currently being made with the police. This would be an opportunity for the ACC as they could regularly check the status of the cases sent to PG for prosecution and follow-up as necessary.

8.1. Recommendations on Improving the Prosecution Success Rate

- To reduce the number of complaints that must be rejected for lack of sufficient detail or evidence, the Education and Research Section should devise a public awareness campaign to explain the level of detail that is required, and the types of violations that fall under the jurisdiction of the ACC.
- To improve the rate of successful prosecutions, the ACC should pursue all avenues available to them to build a closer working relationship with the PG. In particular, the ACC should take advantage of opportunities to have a prosecuting duty officer assigned to work with an investigative team from the beginning of its investigation of a case. The ACC should also consider stationing a liaison officer at the PG office and use the opportunity to have the access to PG's CMS. In addition, the ACC should try to follow-up on the cases sent to PGs office for prosecution.

9. The Organizational Structure

The institutional center of the Anti-Corruption Commission is in Malē. Due to budget constraints, the ACC has no full-time presence in other parts of the country. A good portion of its budget is expended on travel for its investigative teams, who must visit the various islands and Atolls during the investigations of cases under their care.

9.1. Overview of Functional Components of the ACC

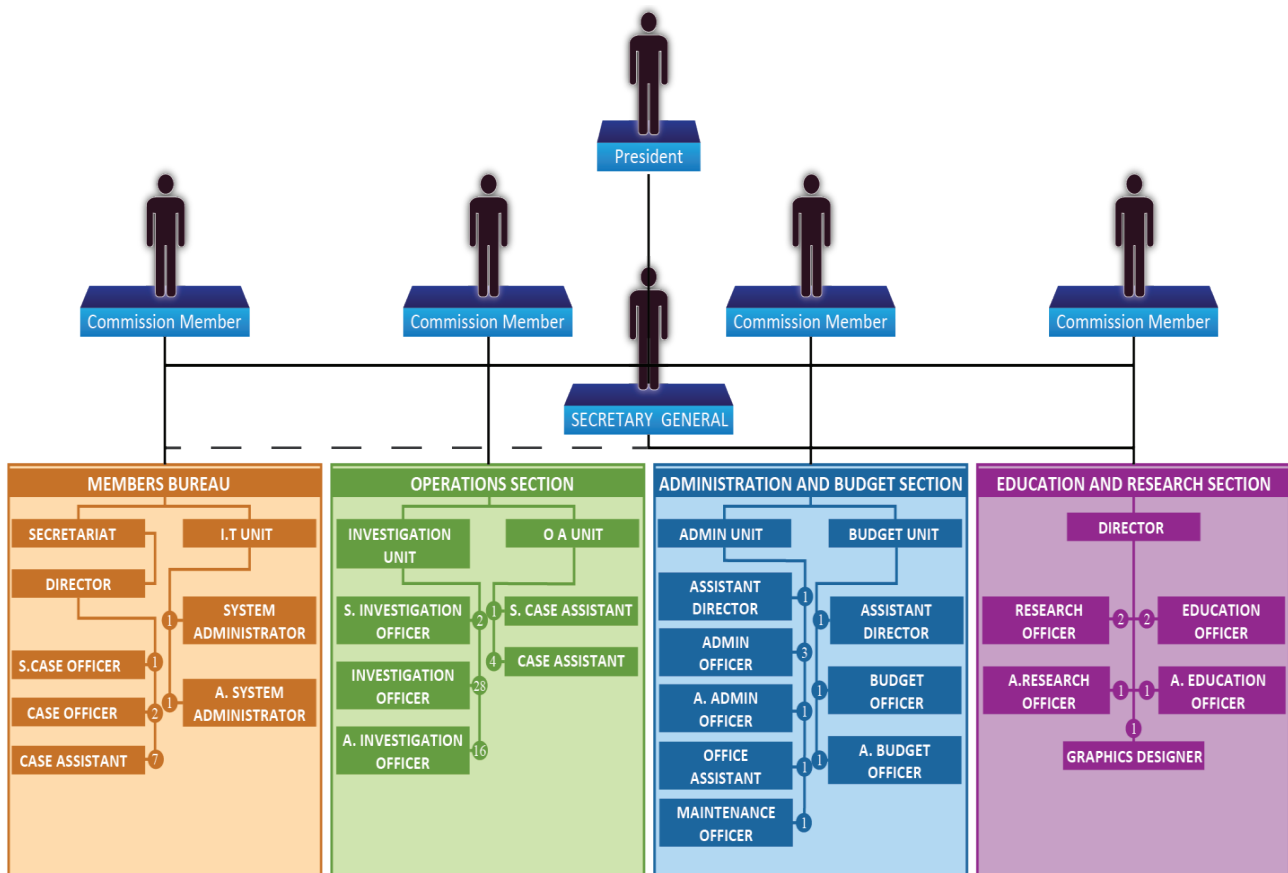
The ACC is divided into four Sections, each of which has two sub-units of activities for which they are responsible:

- The Members Bureau is currently comprised of the Commissions Secretariat, and the IT Unit. The Members Bureau has two primary functions. First, it provides administrative support to the Commission, maintains its schedule and minutes of its formal meetings, and distributes its decisions to other relevant Sections. Second, it gathers all the available information related to complaints received by the Commission, and prepares the packets for preliminary review by the Commission.
- Prior to the development of the CMS, the IT Section was primarily responsible for the managing and maintaining the ACC's equipment, databases, HR system and its website. The IT Section has worked with the consultant on the development of the CMS, and once it is fully installed will presumably be responsible for its maintenance and security.
- The Operations Section is comprised of the Investigations Unit – which is responsible for the investigation of cases brought before the Commission – and its Administrative Operations Unit. The Operations Unit provides administrative and clerical support to the Investigations Unit for ongoing cases and assists in compiling and preserving all documents related to them. The Unit's staff also performs background checks, disseminates information about cases to the media and news outlets, and prepares the cases for presentation to the PG.
- The Administration Section is comprised of the Administration Unit and the Budget Unit. The Administration Unit is responsible for human resource functions and calculation of payroll, and provides administrative support to all other Sections. The Budget Unit prepares and manages the budget, issues payments and maintains documentation related to all goods and services procured by the ACC. It also prepares relevant financial statements when necessary.
- The Education and Research Section is responsible for promoting public awareness on corruption and organizes workshops and seminars on anti-corruption for government agencies, state-owned companies, universities and other institutions as well as for Atoll and local governments. The Research staff analyzes anti-corruption laws, regulations and best

practices, researches and pursues training opportunities abroad, and conducts surveys and analyses to present in relevant reports.

As the illustration on the following page demonstrates, the most notable feature of the ACC's most current organization chart is that it divides the institution into two separate components in terms of the lines of supervision:

- The Members Bureau and the Operations Section report directly to the Commission. The Secretary General has only a peripheral relationship to them, with direct lines of communication primarily in relation to general administrative support issues. The SG has no involvement or supervisory role in the investigation of cases.
- In contrast, the Administration and Budget Section and the Education and Research Section report directly to the Secretary General.



There is no single solution to developing a sound organization chart. For any organization there can be a myriad of options that can work. Nonetheless, some will serve the functional efficiency of the organization and satisfy its unique needs better than others.

The existing Organization Chart is certainly satisfactory and makes sense in the current context. It accommodates budgetary constraints by streamlining the functional divisions within the institution. It also is designed to capitalize on the experience, skill sets and targets of interest of the current Commission Members.

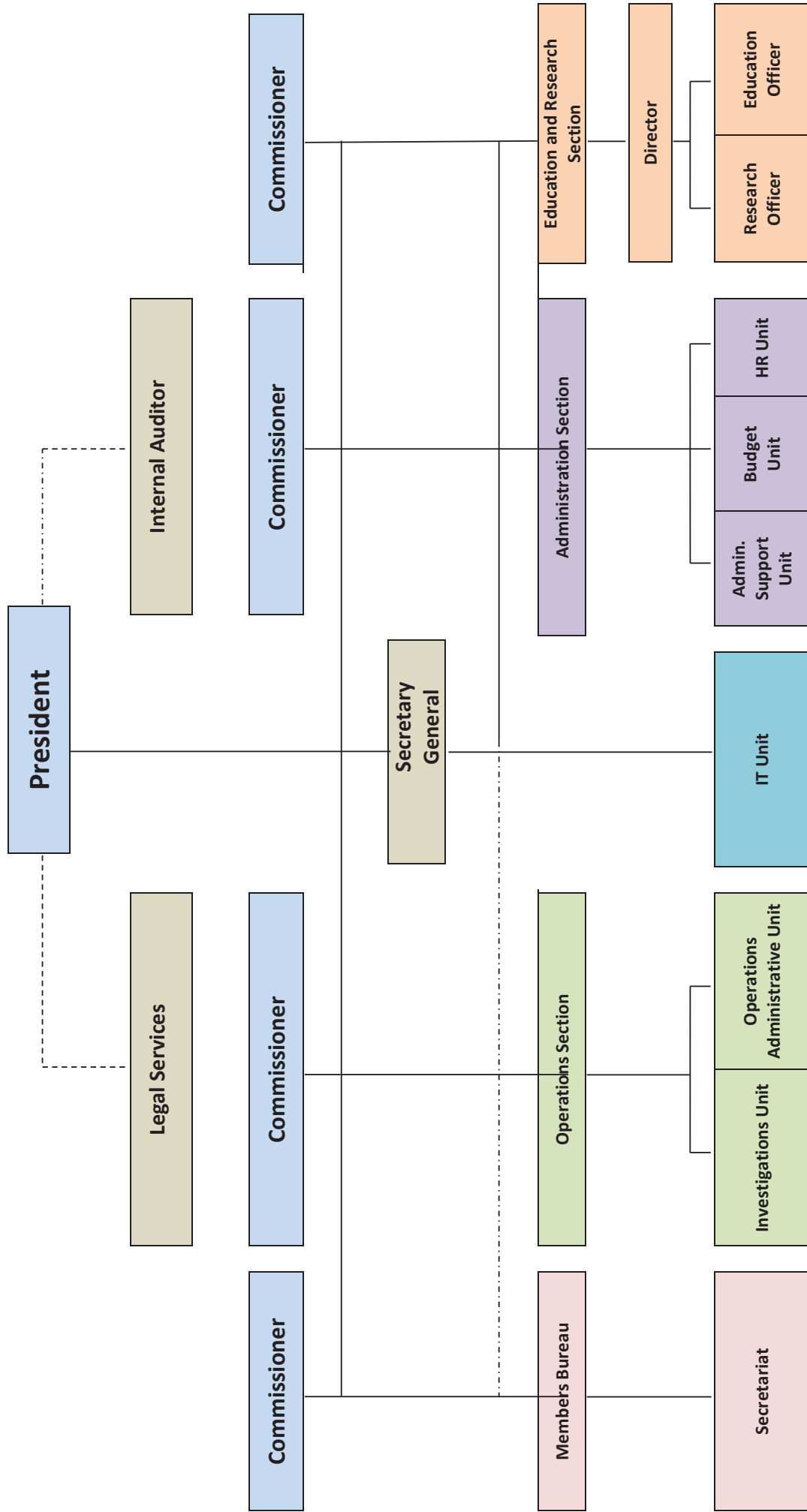
9.2. Recommendations Relative to Refinement of the Organizational Structure

On the basis of the assessment, no major overhaul of the Organization Chart is being recommended. Nor are any recommendations being made regarding the reinstatement of Director posts. Nonetheless, attention is drawn to other posts that are notably absent given the ACC's size and scope of work. In addition, a few minor changes are offered for consideration in the organization chart itself:

- It is common in other countries for institutions such as the ACC to have a dedicated legal support unit or legal counsel. It is a sensible approach in that it ensures those responsible for leading the institution have access to formal legal opinions and sound legal advice on which to base their policy and procedural decisions. In addition, such officials assist in preparing for the defense of the organization's leadership in the event their decisions are challenged in court. Reportedly, the Vice President serves as the most senior legal expert in the ACC. While the Investigative Unit has a large contingent of law school graduates, their work is more narrowly focused.
- Given the nature of the ACC's mandate and the level of public and media scrutiny it commands, consideration should be given to adding an Internal Auditor to the Staff. An Auditor would not only be able to monitor for compliance with Ministry of Finance and ACC regulations and keep the President advised of any lapses. The Auditor could also offer assistance to investigative teams in the same way that the IT Systems Administrator supports their work in cases involving IT functions.
- It is recommended that Human Resources be classified as a separate Unit, rather than subsumed under Administration. This recommendation is offered for consideration as a direct result of the on-site assessment. In particular, there is a lot of work that should be done to see that the regulations on performance evaluations are consistently enforced, and that the calculation of payroll is simplified. With five Commissioners and 80 staff members to be served and the high rate of turnover, a dedicated Human Resources Unit may have merit.
- Consideration should be given to establishing IT as a separate Section. The magnitude of its work will escalate once the CMS is fully operational. In addition, IT serves all Sections, not just the Members' Bureau. It is also recommended that the IT Section be expanded to include a program developer and a database management specialist to accommodate the integrated Case Management System.
- Ultimately, the ACC should advocate for an additional staff member in the Budget Unit, and for Human Resources.

The illustration on the following page demonstrates what a potential organization chart would look like if some of these recommendations are adopted.

9.3. Sample Organization Chart Based on Recommendations



10. Key Recommendations

- i. In order to broaden the base of potential candidates with relevant education and experience, consideration should be given to expanding job requirements to differentiate minimum requirements and those that are “desired” or eligible for additional “scoring value” for rating purposes. Such “preferred” requirements could include, for example, education or experience in financial auditing, forensics, or investigations, or prior work as a police officer or prosecutor.
- ii. In the interests of reducing turnover, consideration should be given to conducting an anonymous survey of staff for the purposes of ascertaining what internal conditions may be prompting job dissatisfaction, assessing whether salary levels are commensurate with those in the marketplace, or what types of incentive programs might stimulate longer retention of staff.
- iii. The ACC should continue to emphasize professional development, pursue international training opportunities and capitalize on low-cost training programs available through Civil Service Training Institute. The ACC should also continue its efforts to arrange for instructors from the Malaysia Anti-Corruption Academy to conduct a two-week training course in the Maldives in August of 2015.
- iv. Performance appraisals should be completed for every employee on a predictable schedule as dictated by ACC regulation and under uniform criteria for rating employee performance and awarding promotions and incremental pay increases. The content and results of each appraisal should be covered in an interview between the supervisor and the employee.
- v. The current timekeeping procedure is onerous and overly burdensome to administer. The ACC should simplify the process.
- vi. The traffic log of incoming and outgoing documents and correspondence should be transferred from Microsoft Word to some other more suitable software that allows data to be sorted, improving the efficiency of record retrieval and assisting in the identification of complaints that may be related to one another.
- vii. Prior to the full installation and use of the new CMS, a core of staff members should be selected to participate in its testing.
- viii. Extension of the contract with the Axis Company should be considered to ensure that the ACC has access to a longer period for the maintenance and debugging of the CMS, and for technical and training support beyond the one month currently envisioned for the consultant to remain on board.
- ix. A decision should be made as to whether and how data from ongoing cases should be imported into the CMS, or whether they will be maintained in the Excel databases to which they have already been added.
- x. A separate analysis should be performed to determine how work flow, paper flow and staffing assignments might be affected once the CMS is installed and fully operational.
- xi. Decisions should also be made as to who will have access to the CMS, and in particular whether Reception staff will be among them.
- xii. The architecture of the CMS should be reviewed to determine if additional fields of information should be added. Additionally, an assessment should be undertaken as to how its functional

capacity can be expanded to automatically flag potentially related cases, cases in which certain fields of information are duplicated, or cases that may be “fatally flawed.”

- xiii. To reduce the number of complaints that must be rejected for lack of sufficient detail or evidence, the Education and Research Section should devise a public awareness campaign to explain the level of detail that is required, and the types of violations that fall under the jurisdiction of the ACC.
- xiv. To improve the rate of successful prosecutions, the ACC should pursue all avenues available to them to build a closer working relationship with the PG. In particular, the ACC should take advantage of opportunities to have a prosecuting duty officer assigned to work with an investigative team from the beginning of its investigation of a case. The ACC should also consider stationing a liaison officer at the PG office and use the opportunity to have the access to PG’s CMS. In addition, the ACC should try to follow-up on the cases sent to PGs office for prosecution.
- xv. ACC should consider revising the organizational structure recommended as follows;
 - It is common in other countries for institutions such as the ACC to have a dedicated legal support unit or legal counsel. It is a sensible approach in that it ensures those responsible for leading the institution have access to formal legal opinions and sound legal advice on which to base their policy and procedural decisions. In addition, such officials assist in preparing for the defense of the organization’s leadership in the event their decisions are challenged in court. Reportedly, the Vice President serves as the most senior legal expert in the ACC. While the Investigative Unit has a large contingent of law school graduates, their work is more narrowly focused.
 - Given the nature of the ACC’s mandate and the level of public and media scrutiny it commands, consideration should be given to adding an Internal Auditor to the Staff. An Auditor would not only be able to monitor for compliance with Ministry of Finance and ACC regulations and keep the President advised of any lapses. The Auditor could also offer assistance to investigative teams in the same way that the IT Systems Administrator supports their work in cases involving IT functions.
 - It is recommended that Human Resources be classified as a separate Unit, rather than subsumed under Administration. This recommendation is offered for consideration as a direct result of the on-site assessment. In particular, there is a lot of work that should be done to see that the regulations on performance evaluations are consistently enforced, and that the calculation of payroll is simplified. With five Commissioners and 80 staff members to be served and the high rate of turnover, a dedicated Human Resources Unit may have merit.
 - Consideration should be given to establishing IT as a separate Section. The magnitude of its work will escalate once the CMS is fully operational. In addition, IT serves all Sections, not just the Members’ Bureau. It is also recommended that the IT Section be expanded to include a program developer and a database management specialist to accommodate the integrated Case Management System.
 - Ultimately, the ACC should advocate for an additional staff member in the Budget Unit, and for Human Resources.



Global Expertise. Local Solutions.
Sustainable Democracy.

IFES1850 K Street NW, 5th Floor | Washington, D.C. 20006|www.IFES.org