

Basic steps to ensure the quality of public service of Ukraine

*Quality - this is when everything is done correctly,
even if no one checks
Henry Ford*

Dr. Prof. Dmytro Vasylovych Nelipa

*head of the department of public administration
of Taras Shevchenko National University of Kyiv,
Doctor of Political Sciences, associate professor,
Ukraine*

The quality of governance is important for the country's economic competitiveness and social well-being¹. Therefore, one of the most pressing issues for Ukraine at the present day is the quality of government in general, and the quality of public administration and the civil service in particular. The priority for the new Civil Service of Ukraine is to meet the needs of citizens, the protection of democratic values and creating conditions for political and economic freedom, ensuring the development of an open civil society. So the problem of creating high-quality public service system acquires special importance today.

Analysis of recent research and publications

Various aspects of administrative services and guaranteeing their quality are considered by such Ukrainian scientists as: K. Vashchenko², N. Goncharuk, L. Proko-

penko³, D. Gorelov⁴, Y. Kovbasyuk⁵, A. Lipentsev⁶, T. Pakhomova⁷, S. Seregin, V. Lola, I. Hozhilo⁸, Y. Sharov⁹. A critical

net of Ministers of Ukraine: Resolution of Verkhovna Rada of Ukraine dated from December 11, 2014 No. 26–VIII: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/26-19>.

³ N. T. Honcharuk, The Organizational and Legal Aspects of Providing Administrative Services in Ukraine: [Internet resource] / N. T. Honcharuk, L. I. Prokopenko. – Access: <http://www.kbuapa.kharkov.ua/e-book/putp/2011-1/doc/1/04.pdf>.

⁴ D. Horelov, Modern Standards of Providing Public Services to Citizens by the State Authorities / D. Horelov // Strategic priorities. – 2007. – No. 3 (4). – P. 12–16.

⁵ Encyclopedia of Public Administration: in 8 Vol. / National Academy for Public Administration under the President of Ukraine, Scientific and Editorial Board: Y. V. Kovbasyuk (Chairman) and others. – K: NADU, 2011. – Vol. 6. – 524 p.

⁶ Provision of Administrative Services: Textbook for the System of Advanced Training of State Officials and Officials of Local Governments / Compiler A. V. Lipentsev. – K.: [b. v.], 2013. – 224 p.

⁷ T. I. Pakhomova, Quality Management within State Authorities as a Necessary Component of their Effective Functioning / T. I. Pakhomova // Recent Theoretical and Methodological, Organizational and Practical Problems of Public Administration: Materials of the Scientific and Practical Conference with the International Participation. – K., 2004. – Vol. 1. – P. 92–93.

⁸ Formation of a Positive Image of State Authorities by Raising the Quality of Providing

¹ Public service and human resource management: [Internet resource]. – Access: <http://www.sigmaxweb.org/>.

² On the Program of Activity of the Cabi-

review of public service improvements are implemented by J.A. Boyne g¹⁰. Issues to assess the quality of services provided by the state are considered by Ringold and others¹¹. However, the issue of guaranteeing the quality of public services remains unresolved.

Objective of the article –is to determine further steps to ensure the quality of the civil service.

Statement of the basic material of the study

Public administration reform is a fundamental element in the process of integration into the European Union. Development of effective democratic governance requires a well-functioning system of governance, which will enhance the country's competitiveness in the global arena .

Administrative and Social Services: scientific development / authors: S. M. Serohina, V. V. Lola, I. I. Hozhylo and others; under general edition of S. M. Serohina. – K.: NADU, 2009. – 32 p.

⁹ Y. Sharov, European Standards of Public Administration: the Perspective on the Municipal Level / Y. P. Sharov, I.A. Chykarenko // Public Administration and Local Self-Government: materials of scientific papers. – D.: DRIDU NADU, 2010. – Vol. 1 (4). – P. 295–304.

¹⁰ Y. Sharov, European Standards of Public Administration: the Perspective on the Municipal Level / Y. P. Sharov, I. A. Chykarenko // Public Administration and Local Self-Government: materials of scientific papers. – D.: DRIDU NADU, 2010. – Vol. 1 (4). – P. 295–304.

¹¹ Ringold, Dena, Alaka Holla, Margaret Koziol and Santhosh Srinivasan, 2012, Citizens and Service Delivery: Assessing the Use of Social Accountability Approaches in Human Development, Washington DC: World Bank: [Internet resource]. – Access: <https://openknowledge.worldbank.org/bitstream/handle/10986/2377/657450PUB0EPI1065724B09780821389805.pdf?Sequence=1>.

The institutions that govern economic and social interactions within a country must meet a number of key criteria such as: the absence of corruption, a real approach to competition and procurement policy, an effective regulatory environment, independent and effective judicial system. In addition, the strengthening of institutional and administrative capacity of the authorities, reducing the administrative burden and improving the quality of legislation is the basis of structural change and contributes to economic growth, employment¹².

Assessing the quality of governance is important to consider the factors that affect it:

- General management (management effectiveness);
- Administrative modernization (e-government, strategic human resource management, etc.);
- The administrative burden on businesses (time and cost of opening a business, obtaining licenses, the tax burden);
- Efficiency of public investment;
- The quality and independence of the judicial system and more efficiently;
- Corruption (payments and bribes, embezzlement of public funds)¹³.

Directly or indirectly, every factor includes indicators related to the professional activity of civil servants. In particu-

¹² Quality of public administration: [Internet resource]. – Access: http://ec.europa.eu/europe2020/pdf/themes/34_quality_of_public_administration_02.pdf.

¹³ Quality of public administration: [Internet resource]. – Access: http://ec.europa.eu/europe2020/pdf/themes/34_quality_of_public_administration_02.pdf.

lar, the factor of “effective management” includes public service quality, the degree of its independence from political pressures. Factor “administrative modernization” includes an indicator as strategic and effective management of human resources, which is a prerequisite for effective professionalization of the body of civil servants.

In the society with a developed democracy the public service, as the basic institution of public administration, in practice, implements the functions of the state, ensures the rights, freedoms and civil rights by providing natural and legal persons with the quality of public services as well as services to the political leadership of the country.

The quality of the public service means a set of properties that determine the ability of public servants to meet existing and anticipated needs of the citizens.

Modern constitutional civil service in a democracy can only take place, when there is a set of conditions:

- The separation of public and private spheres;
- The separation of politics and administration;
- Individual responsibility of civil servants, overcoming the old collegial decision-making process, which requires a well-educated and experienced management;
- An adequate level of protection of labor, wage levels and stability, as well as clearly defined rights and obligations of civil servants;
- Hiring and promotion, taking into ac-

count the merit¹⁴.

Countries with high-quality public service, tend to have low levels of corruption.

In our opinion, the main factors that affect the quality of public service in Ukraine, should include the following: a model of public service, a clear distribution of posts in the political and administrative balance of security and responsibility of public servants, a flexible wage system, reception and promotion based on the results of the competition and merit. It is also clear that the quality of public service depends on the professional competence of the body of civil servants. This professional competence is largely formed and perfected through professional training of civil servants, which provides for training of masters and professional development in the field of knowledge “State management”¹⁵ (to September 2015 – in the field of knowledge “Management and Administration”)¹⁶.

Today the State Service of Ukraine has not yet become part of the professional, which was assumed in 1993 by the Law of Ukraine “On civil service” and in the

¹⁴ Principles of Public Administration: [Internet resource]. – Access: <http://www.sigmaweb.org/publications/principles-public-administration-november-2014.htm>.

¹⁵ D. V. Nelipa, The Main Factors of Guaranteeing the Quality of State Service: [Internet resource] / D. V. Nelipa. – Access: <http://visnyk.academy.gov.ua/wp-content/uploads/2015/04/10.pdf>.

¹⁶ On Approval the List of Disciplines and Specialties According which Candidates for Higher Education are Trained: Prescript of the Cabinet of Ministers of Ukraine dated from April 29, 2015 No. 266: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/266-2015-p>.

following years in a number of strategic documents of the reform. Proof of this fact is the 130 place out of 144 in the ranking of global competitiveness in 2014 in terms of the quality of public institutions, 144 out of 177 countries in 2013 on the Corruption Perceptions Index¹⁷.

The main problems of civil service of Ukraine, buyout were identified by experts of the SIGMA program in 2006 were:

- Lack of transparency and openness of government in Ukraine;
- Unclear demarcation of political and administrative spheres ;
- Insufficient level of professionalism of the public service;
- Blurring institutional responsibility, low capacity, and the basic institutions of civil service reforms;
- Insufficient statement of public officials such values as the rule of law, openness, political neutrality;
- The weakness of mechanisms for political, judicial and administrative control in public administration compared to countries of the European Union¹⁸.

The evaluation management system SIGMA program experts stated about no significant changes. Almost all of the problems today are relevant to the public administration system, relating to:

¹⁷ A New Legislative Base in the Sphere of State Service is Prepared: [Internet resource]. – Access: <http://www.center.gov.ua/presentation/materiali/item/1566>.

¹⁸ Final Document of the International Conference “Strategy of Administrative Reform: SIGMA Recommendations to the Government of Ukraine”: [Internet resource]. – Access: <http://www.center.gov.ua/presentation/proekti/sigma?layout=edit>.

- The wage system;
- Institutional responsibility of the National Agency of Ukraine on Civil Service;
- Increasing politicization of public administration in Ukraine¹⁹.

Considering this, the reform of the national civil service system, which repeatedly referred to European and domestic experts, becomes necessary. Commitments quickly to reform the civil service are set out in the following documents:

- The contract for the development of Ukraine’s State²⁰;
- The coalition agreement of parliamentary factions “European Ukraine”²¹;
- The program of activities of the Cabinet of Ministers of Ukraine²²;
- Sustainable Development Strategy “Ukraine - 2020”²³.

Upholding the new principles and foundations of public service, harmonized with the European ones, is one of the ob-

¹⁹ Ukraine Governance Assessment / SIGMA Report Update, February 2007: [Internet resource]. – Access: www.center.gov.ua/ua/198.htm.

²⁰ On Signing the Financing Agreement (Ukraine Contract for Building the State): Prescript of the Cabinet of Ministers of Ukraine dated from May 7, 2014 No. 452-r: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/452-2014-r>.

²¹ Agreement on a Coalition of Parliamentary Factions “European Ukraine” dated from November 27, 2014: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/n0001001-15>.

²² On the Program of Activity of the Cabinet of Ministers of Ukraine: Resolution of Verkhovna Rada of Ukraine dated from December 11, 2014 No. 26–VIII: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/26-19>.

²³ On the Strategy of Sustainable Development “Ukraine – 2020”: Decree of the President of Ukraine dated from January 12, 2015 No. 5/2015 [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/5/2015>.

jectives of the Action Plan for the implementation of the Association Agreement between Ukraine, on the one hand, and the European Union, the European Atomic Energy Community and its Member States, on the other hand, 2014-2017²⁴.

The policy of reforming the civil service should be directed to its professionalization, promote the optimization functions of government institutions, separation of powers and responsibilities.

High-quality public service – is compliance with the European principles of public administration. For countries that are integrating into the European Union, these principles determine the basic requirements for quality management, and suggest ways to reform public administration. Considering that public service is a key component of governance, it is necessary to consider the basic requirements and principles in the field of human resource management in the public service.

The government's ability to implement policies and provide quality services to its citizens depends on the professionalism and integrity of its employees. International standards and practices of the European Union recommends:

- Effective and efficient institutional structure with clearly defined roles and responsibilities;

²⁴ On the Implementation of the Association Agreement between Ukraine on the One Hand and the European Union, the European Atomic Energy Community and their Member States on the Other Hand in the years 2014–2017: Prescript of the Cabinet of Ministers of Ukraine dated from September 17, 2014 No. 847– r: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/847-2014-r>.

- Fair and consistent policy and strategy in the field of human resources;

- Acceptance and promotion based on merit, transparent and fair remuneration, systematic professional development of civil servants;

- Political neutrality²⁵.

In order to increase citizens' confidence in state institutions, public administration must be built in accordance with clear policies and regulations to ensure the rational, effective and efficient institutional framework. Administrative legislation that protects the public interest and the rights of citizens, should include independent oversight institutions for the effective enforcement of administrative bodies of the rule of law.

In accordance with European principles that apply to the candidate countries for accession to the European Union, identifies six key areas of public administration reform. In the “civil service and personnel management” seven principles are identified:

1) the competence of the civil service complies with clearly defined and applied in practice;

2) are installed and applied in practice, policy and legal framework of professional and stable civil service; institutionally established the ability to consistently and effectively manage human resources in the public service;

3) the selection of civil servants based on merit and equal opportunities at all stages;

²⁵ Public service and human resource management: [Internet resource]. – Access: <http://www.sigmaxweb.org/>.

that there are clear criteria for demotion and termination of civil service;

4) the absence of direct or indirect political influence on decision-making positions in civil service;

5) the system of remuneration of civil servants is based on the classification of public service system to ensure consistency, fairness and transparency;

6) guarantees the professional development of civil servants, which includes regular training, a fair assessment of performance, mobility and promotion based on objective, transparent criteria and merit;

7) measures to prevent and fight corruption and ensure discipline in the civil service are fixed at the legislative level²⁶.

The standards of good governance for public service (Good Governance Standard for Public Services) are defined by six principles:

1) focus on the goals of the organization, as well as the results for citizens and service users (a clear understanding of the objectives of the organization; the high quality of services provided to citizens, the best value for money for taxpayers' money);

2) a clear definition of the functions and roles (the governing body, the allocation of responsibilities, subordination between the executive and the public);

3) introduction of the values of good governance for the whole structure and a demonstration of their personal example;

4) awareness, transparency in decision-

making, risk management;

5) dependences from the effectiveness of the potential and opportunities of professional competence of management;

6) stakeholder involvement and responsibility to the public²⁷.

In accordance with the Contract for development of the state of Ukraine, Ukraine will have effective implementation of a comprehensive reform of the civil service and service in local government based on European principles of public administration.

These principles relate to: delimitation of civil service positions and political posts; delimitation of the public sphere and the private sphere; recruitment and promotion by taking into account personal qualities and achievements of candidates; ensuring stability of employment and guarantees against arbitrary dismissal; improving the administrative and legal framework and administrative services in the framework of activities aimed at improving the efficiency of public administration. Commitments on the reform of the public service include:

- Approval and publication of the Strategy and Action Plan to reform the civil service and service in local government (both documents should consider the need for reform of the remuneration system for civil servants and local government officials, as well as the need to ensure the general management in the public service by institu-

²⁶ Principles of Public Administration: [Internet resource]. – Access: <http://www.sigmaweb.org/publications/principles-public-administration-november-2014.htm>.

²⁷ Good Governance Standard for Public Services: [Internet resource]. – Access: http://www.cipfa.org/-/media/Files/Publications/Reports/governance_standard.pdf.

tional improvement of the specially authorized central executive body for the Public Service at the national level and its territorial bodies at local levels);

- The adoption, entry into force and effective implementation of the new Laws of Ukraine “On State Service”, “On service in bodies of local self-government” (or amendments and additions to the existing laws), bringing the laws relating to public service, service in the local self-government compliance with the provisions of the newly adopted laws. Development (or amendments and additions) relevant regulations;

- The adoption, entry into force and effective implementation of the Administrative and Procedural Code of Ukraine through the development and implementation of the Action Plan, aimed at reviewing and improving sectoral administrative procedures;

- The effective implementation of the Law of Ukraine “On Administrative Services”²⁸.

To fulfill the commitments the Cabinet of Ministers in March, 2015 adopted the Strategy of reforming the civil service and service in local government in Ukraine for the period till 2017 and approved an action plan for its implementation²⁹.

²⁸ Information on the Agreement on Financing the Contract for Ukraine on State Development between Ukrainian Government and the European Commission Acting on Behalf of the European Union and Result Indicators that are Taken into Account while Decision-Making on Providing Tranches: [Internet resource]. – Access: <http://me.kmu.gov.ua/file/link/234825/file/>.

²⁹ On Approval of the Strategy of Reforming the State Service and Service in Local Governments in Ukraine for the period till 2017 and Approval of the Action Plan for its Implementation:

Today Verkhovna Rada of Ukraine adopted in first reading the drafts of the Laws “On public service” (№ 2490 dated from 30.03.2015)³⁰ and “On service in bodies of local self-government” (№ 2489 dated from 03.30.2015)³¹.

Proposed legislation “On civil service” provides: separation of political and administrative positions; regulation of the status of civil servant; competitive selection procedures in the public service, including the posts of Senior Civil Service; ensuring equal access to public service; a combination of rewards with the evaluation work; giving priority to the career service; strengthening of personal responsibility for the performance of duties; creating the conditions for transparency of public bodies and well-paid public servants on the basis of well-founded models with minimal impact and subjectivity of service solely on the basis of personal qualities and accomplishments (merit)³².

The draft of the Law “On service in bodies of local self-government” provides for the establishment of legal preconditions for: increasing the prestige of service in local government; resolving the

prescript of the Cabinet of Ministers of Ukraine dated from March 18, 2015 No. 227–p: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/227–2015–r>.

³⁰ Draft of the Law on State Service: [Internet resource]. – Access: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=54571.

³¹ Draft of the Law on Service in Local Governments: [Internet resource]. – Access: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?Pf3511=54,569.

³² Draft of the Law on State Service: [Internet resource]. – Access: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?pf3511=54571.

status of an employee of the local government; equal access to the service in local government, solely on the basis of merit; transparent decision to serve in local government; stimulating career; depoliticization; a new model of payment, which minimizes the subjectivity of the head; the introduction of an effective mechanism to prevent corruption; increase the level of social and material protection of employees³³.

It is clear that it is the political will of Ukrainian MPs to adopt these drafts. In addition, the implementation of these laws will require the adoption of a number of legal acts, administrative feasibility and adequate funding.

Administrative and Procedural Code of Ukraine determines the jurisdiction, powers of administrative courts to hear administrative cases, the order of applying to the administrative courts and procedures of administrative proceedings³⁴. It remains an open issue as to the preparation and implementation of the Action Plan, aimed at reviewing and improving administrative procedures branch.

For the purpose of effective implementation of the Law of Ukraine “On Administrative Services” the Cabinet of Ministers of Ukraine has adopted the decision concerning the simplification of the procedure of administrative services in the

³³ Draft of the Law on Service in Local Governments: [Internet resource]. – Access: http://w1.c1.rada.gov.ua/pls/zweb2/webproc4_1?PF3511=54,569.

³⁴ Code of Administrative Procedure of Ukraine dated from July 6, 2005 No. 2747-IV: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/main/t21>.

sphere of state registration of rights to immovable property and their encumbrances, as well as with respect to deprivation of units of the State Automobile Inspection of functions to provide administrative services, the introduction of automatic commit violations of traffic rules³⁵.

The results

High-quality public service – is compliance with the European principles of governance that apply to the candidate countries for accession to the European Union.

Ukraine has begun a comprehensive reform of the civil service in accordance with the signing of the contract for the development of the state. And the Ukrainian society is already able to analyze and see the first results of the started work as well as control of the civil service reform and determine its level of quality.

To ensure the quality of public service, the following steps should be taken:

- Adoption of the new Law of Ukraine “On Civil Service”, and its subsequent effective implementation;
- Bringing the laws “On the Cabinet of Ministers of Ukraine”, “On Central Executive Bodies” and “On local state adminis-

³⁵ On Deprivation of the Units of State Traffic Police of the Functions of Providing Administrative Services, Introduction of Automatic Fixing System of Traffic Rules Violations, Providing Patrol Police with Powers of State Traffic Police Inspection on Guaranteeing Traffic Safety and Control for Keeping Traffic Rules in Localities: Prescript of the Cabinet of Ministers of Ukraine dated from October 22, 2014 No. 1113-r: [Internet resource]. – Access: <http://zakon4.rada.gov.ua/laws/show/137-2015-p>.

trations” and other laws related to the civil service, in accordance with the provisions of the newly adopted Law “On civil service”. Development (or amendments and alterations) relevant regulations;

- Improving the system of raising the level of professional competence of civil servants, and managers in particular, to provide a common framework for the effective knowledge “Management and Administration”.

tive reform of administrative law and public service.

One of the most promising and practically oriented areas for further study of the problem to ensure the quality of the civil service is the development of national standards for improving the professional competence of public servants in the field of