

Mechanism of Public Services' Accountability

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Abstract: Accountability can be carried out effectively through the institutions which are constitutionally protected, structurally independent, functionally autonomous and behaviourally impartial. Whereas accountability mechanisms refer to the institutionalised processes of holding the public authorities to account. The qualitative method was used such as literature survey and documentary analysis has been carried out to understand, the meaning and nature and mechanism of public services accountability. The findings shows that traditional mechanisms of accountability include the elections, legislative scrutiny, courts and government audit. Institution of the ombudsman is a newer and specialised mechanism for holding the public services accountable. Elections and legislative scrutiny mechanisms of accountability do not make the public officials directly accountable. Process of seeking redress and holding public officials to account through courts is costly laborious and time consuming due to which need for the simple, accessible and cheaper avenue of public redress becomes inevitable. The study is to contribute towards viewing the role and mechanism of accountability in public service.

Key words: Ombudsman • Accountability • Public service • Government

INTRODUCTION

Public officials are seen as the peoples' representatives or trustees and are accountable to the public for the performance of their designated functions by Fin [1]. Public services' accountability refers to the process of calling the executive authority to account for its actions Jones [2]. Whereas institutionalised mechanism of accountability refers to the systematic dialogue between the government and the public mediated through different institutions of accountability. Such dialogue depends on the provision of the reliable information from the public agencies which are not only required to be held constantly accountable for their decisions and policies but also for the processes through which these decisions and policies are made by Mulgan [3].

The term public services' equals *Civil Services* or *Bureaucratic organizations* operating under the control of government. Key characteristics of the bureaucracy/civil service include; strict sphere of jurisdiction, specialization of work, use of generalised rules and procedures, official hierarchy, graded levels of authority, criteria of competence and rational legal authority, Weber [4].

In order to make the public authorities comprehensively accountable before the public, diverse mechanisms have been devised by the different countries in accordance with their political and administrative environment. Such mechanisms of public services' accountability include; Political accountability, legislative accountability, accountability through judicial review, audit and specialised institutions, i.e, administrative tribunals, Ombudsman, etc.

The study is to contribute towards viewing the role and mechanism of accountability in public service.

Objectives of the Study

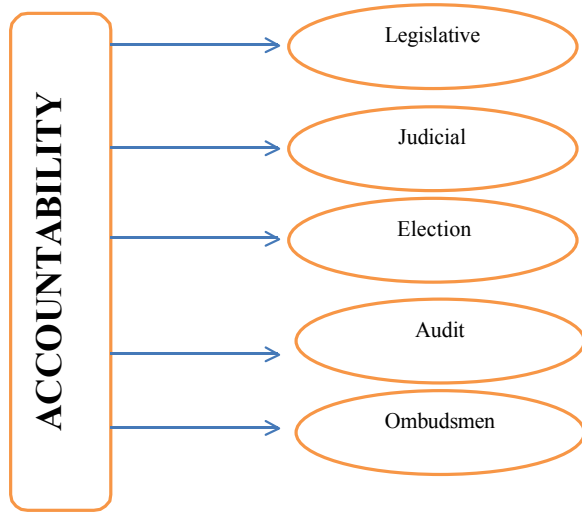
The Objective of the Study Are:

- To identify the nature and dimensions of public service accountability
- To identify the mechanism of accountability in public service

MATERIALS AND METHODS

Secondary data /documents have been analysed to address the research topic. Literature on the concept and mechanisms of accountability has been surveyed.

Theoretical Framework



Research questions have been developed from the literature. Qualitative analytical approach has been adopted to investigate the answers to the research questions.

Accountability: Theoretical Framework: Accountability mechanisms are the systematic expressions of the set processes which make the state accountable to the citizens. Citizen-state relationship can be termed as an example of the principal-agent relation by Mulgan [3] in which public officials and institutions perform their functions on behalf of the public and are expected to make decisions efficiently in the best interest of the people under the authority of the public delegated to them through state. A state of trust from the public and efficient performance by the public servants is required to be maintained through the systematic process of accountability and responsiveness.

Accountability: The term accountability has diverse meaning and connotations in different systems of governance. When it comes to define the accountability in the context of Public Services, evidently, it is linked to the processes that make the public officials and institutions explain, justify and rectify their actions and decisions taken in the capacity of the public trustees and make the officials accept the consequences of their actions, Finn [1]. Accountability refers to the process under which public officials and institutions are called by specific authority to account for their actions, Jones [2].

Dubnick *et al.* [5] defined the term accountability as the process employed to scrutinize and control the

actions of the officials and institutions in authority. Accountability is a sort of management process employed to scrutinize and rectify the actions of those holding and exercising the public authority and such a process leads to redefine the government-citizen relationship, Power [6]. Mulgan (2003) [3] emphasizes that accountability refers to any systematic process which makes powerful institutions and officials responsive to their concerned particular public. Mulgan further argues that authority is attained by these officials or institutions through delegation on the principal-agent model under which the principal should be able to impose remedy or sanction on the agent against the wrong doings identified by the accountability institution. In this model, principal stands for the people, and agent, for the public officials and institutions.

Romzek [7] terms accountability as the answerability for the performance of public officials and institutions. Romzek argues that the accountability of the public services is a process of expectation management as well. Expectation management refers to the readjustment of complainants' unrealistic expectations Gilad [8] from the public agencies or from the institution of accountability. So accountability becomes a process of creating a balance between the expectations of the people from the public servants and public servants' sense of being answerable to the public for their performance. In other words accountability process balances the level or state of trust among the public and public officials.

Nature of Public Services' Accountability: Public services accountability is multidimensional and bears key components related to the very objectives of the accountability process. Different mechanisms have evolved to approach the goals of accountability. With respect to the dimensions, accountability mechanisms can be categorized into the internal and external mechanisms. Internal mechanisms involve the official hierarchy or the internal bureaucratic control of the public agencies, i.e., accountability by the senior officials, disciplinary proceedings, internal audit and inspection, etc. Whereas external mechanisms of accountability involve the institutions external to the executive meant to make the executive authorities accountable before the public, i.e., elections, legislature, judicial review, audit and ombudsman etc. Some of these mechanisms of accountability are complex, unspecific and insufficient to focus the public agencies. For instance, elections are an accountability mechanism but they never involve the accountability of public servants at any stage except indirectly through the politicians.

Mulgan identifies, key components of the external accountability process as ; *Firstly*, there must be some institution or body external to the person or institution to whom account has to be given. *Secondly*, accountability remains a process of social interaction and its actions result in change. *Thirdly*, the person or institution authorized to call certain body or person to account has to demand answers from the persons or institution being accounted for, must be seeking rectifications of wrong doings and be capable of imposing sanctions on the subjects of accountability. *Finally*, officials or agencies undergoing the scrutiny are to be responsive to the accountability institutions and be ready to accept the sanctions or penalties imposed by the accountability institutions. So, seeking explanation, taking justification, securing remedy and imposing sanctions are the traditional components of an accountability process.

Mechanism of Accountability: Key concerns of democratic accountability include how the voters, the principals or real fountain of authority can make their elected representatives accountable for their actions?, how legislature can make the public officials answerable for their mistakes?, how general public can seek redress from the public agencies? Mulgan [3]. In order to make these different groups or levels of the public officials and representatives accountable different procedures and processes are devised which are known as the mechanisms of accountability.

Accountability mechanisms and institutions are designed to control and constrain the power of the government and its officials through the instruments of accountability which include, judicial review, rule of law, public services' code of conduct, extra governmental accountability institutions and elections Peters [9]. Public Services' reform era has stepped ahead of the traditional mechanisms Hughes [10] and has been a source of encouraging the establishment and expansion of the mechanisms of accountability which are generally non coercive, Mulgan [3] in their procedures and implementation, i.e. institution of the ombudsman and legislative committees.

Elections as Accountability Mechanism: In the democratic systems general elections are the core mechanism of accountability. Under this mechanism leaders and elected representatives of incumbent political parties resort to public to make themselves and their parties accountable to the voters for their actions and decisions to get the mandate of governing renewed.

During the election campaign, general policies and issues are discussed across the community and a process of information, discussion and up to some extent rectification is carried out.

People reward the efficient performers by voting them in and punish the poor performers by voting them out in the election process. Carrying out accountability through elections is an effective mechanism as it fulfils the need of the dissemination of information, explanation of the actions, discussions and threat of sanctions through defeat.

However, election based accountability mechanism bears certain limitations. Election based accountability process is spread over a long span of time delaying the reward or punishments till the scheduled time of elections. Public servants and institutions do not fall under the direct ambit of electoral accountability due to which electoral process cannot directly hold public officials accountable. Election campaign designed on the media marketing style Mulgan [3] remains another weakness of the electoral accountability. Expert media managers frame the election campaign on the marketing style diverting voters' attention from the genuine political discussions which results in letting politicians escape accountability. Since elections are periodic accountability, there remains a need for alternative more specific and quick form of accountability mechanism capable of holding public servants accountable to the people.

Legislative Mechanism of Accountability: In the democratic systems, all components of the executive remain accountable to and through the legislature by law and constitution. Legislative accountability mechanisms involve making the departments and agencies publish their accounts and performance reports. These reports are designed to provide information on the general and specific issues and are presented to the relevant authorities providing information on the performance.

The other important form of legislative accountability mechanism is found to be the *ministerial responsibility or accountability*, under the ministerial accountability principle, Minister in-charge of specific public agency has to be publicly accountable for the collective actions of such agency. Ministers have to appear before the parliament and cabinet to explain and justify the actions of the agency under their ministry. In other words ministry should hold the public confidence through both the houses of legislature and cabinet Woodhouse, [11]. Woodhouse further argues that along with defending and explaining the actions of their organizations ministers are

also required to rectify the actions of their subordinates. Ministerial accountability is a traditional mechanism of accountability with key limitations intrinsic to it in holding public officials accountable.

With the rise of new public management, autonomous agencies and introduction of contracting out phenomenon, a serious issue of information asymmetry has encountered the ministerial mechanism of accountability. In the modern complex regulatory governance system Minister dealwith the departments from an 'arm's length', Flinders and Smith, [12]. Due to the complexity of the departments and agencies' structures Ministers cannot gather systematic information about the performance of the subordinate offices and can no more take the direct responsibility of holding executive agencies to account through the concerned organizational hierarchy Dowding and Kang, [13]. So expanded and complex organizational structure of modern governance has eroded the effectiveness of the principle of ministerial responsibility or accountability. There remains a gap to be bridged up by a mechanism of accountability with the means to gain easy access to the information of the activities of public agencies.

Constituency representation is the other important part of legislative accountability mechanisms. Members of the legislature are the representatives of their constituencies as well. Whenever people are aggrieved by any public official or agency, they resort to their elected representative who takes the issue up on the concerned forum and seeks redress and rectification for the complainant's satisfaction. Reputation of being accessible and helpful Mulgan, [3] to the public keeps the elected representative accountable and responsive to the public. Constituency representation becomes a source of providing remedies to the grievances of many powerless citizens Karikas, [14]. Still, these components operate randomly, are not organized and cannot guarantee for the systematic accountability of public servants.

Legislative committees are composed of the opposition and back benchers of the ruling party. Such committees are assigned numerous functions including, authorizing expenditures, reviewing legislation and scrutinizing key policies and bureaucratic actions. Ministers and senior bureaucrats are summoned to appear before these committees and asked to explain and justify the administrative actions. In the US context congressional committees are a major source of strengthening the accountability mechanism through the instrument of the separation of power between executive and the legislature by Aberbach [15].

Legislative committees have the right to seek information and opinion from the public officials as well as from the interested groups and stake holders Harlow, [16] to balance and scrutinize the process of accountability. Again, parliamentary committees do not have any direct mechanism of getting the wrongs rectified, they do exert pressure on the agencies through the publication of the reports which is indirect form of accountability.

One of the major limitations of the legislative accountability remains that legislature is dominated by the majority party which, in most of the cases becomes executive itself. Ministerial responsibility phenomenon is double edged, on the one hand they reveal the information under the provision of the ministerial responsibility and at the same moment they use the pretention of secrecy to hide the information Flinders [17].

In the context of rectification legislative mechanisms are sort of inducers Mulgan [3] rather than being enforcers, so there remains a place for more effective and relevant mechanism of accountability which can make a combination of the strengths and weaknesses of the legislative mechanisms of accountability.

Discussion of political and legislative accountability, predominantly involves the accountability of politicians of the ruling parties. These mechanisms do not make the public officials directly accountable to the public.

Judicial Review as a Mechanism of Accountability:

Holding the executive to account for its actions is the constitutional role of the Judiciary, even in the countries like United Kingdom where written constitution does not exist, judicial review of executive actions is acknowledged legitimate and in most of the cases findings and decisions of the judiciary are binding on the executive. Judicial review involves the scrutiny of executive actions and policies through courts, quasi-judicial institutions and tribunals. Mulgan [3] emphasises that the judicial process makes the executive agencies explain and justify their action and decisions. Simultaneously, Judicial process empowers citizens to contest the decisions of the government as a matter of right.

A general trend of judicial activism has encouraged the people to seek the judicial solution to the executive policy issues and has increased the importance of courts and tribunals as avenues of public services accountability Aronson and Dyer [18]. Courts always act as the champions of the individual rights in a posture of shielding the citizens from the power of the state. For instance, courts do safeguard against the arbitrary

arrest *habeas corpus* and take action against any violation of the fundamental rights. Despite varied hierarchical structures of the courts in different countries, levels of decision making are clearly determined, due process is emphasised and any member of the executive can be called to account according to the lawful procedure.

Unlike most of the accountability mechanisms, courts have powers to overturn the decisions of the executive and enforce the remedy and sanctions Mulgan [3]. Courts not only scrutinize the executive's adherence to the procedures but they also examine the applicability of the laws in its truespirit. However *locus standi* or complainant's status of being aggrieved is taken in to account while admitting any petition for regular hearing.

Hence, judicial review becomes an important mechanism of accountability, involving, explanation, seeking information, imposing remedies and sanctions. Despite all these attributes judicial review mechanism of accountability does have certain limitations posing hindrances in making public services accountable through the courts.

Limitations associated with the judicial mechanism of accountability involve different factors. One of these factors remains, process of approaching the courts through solicitors and barristers which becomes quite expensive and burdensome. So judicial accountability gets a farther place for many of the citizens due to the cost of legal representation Lewis and Birkinshaw [19] in most of the public law cases.

Another concern regarding the judicial accountability is the excessively legalistic approach to government decision making Wilson [20]. Such an excessive legalism harms the quick response to the public complaints and quicker provision of individual redress. There remains a need for a process of accountability least legalistic and more flexible to deal with the issues of grievance redress in an easier, cheaper and flexible mode.

Audit as a Mechanism of Accountability: Accountability of public officials and institutions through government audit is quite traditional approach. It is a matter of common sense to give account to the institution or person who provides the finance to the individual or institution. Previously auditing was restricted to the extent of financial audit but with the passage of time; audit has adopted a dual role of carrying out financial as well as performance audit. Power [6] is of the opinion that audit contributes more than that of a mere response to the

problem of principal agent accountability. To him, audit shapes the social conception of the problem to which audit is a solution.

A comprehensive definition of audit describes audit as 'an independent examination and expression of opinion on, the financial statements of an enterprise by a qualified auditor' Power [15]. Power further argues that auditors focus more on the procedures and internal controls, *control of the control systems*' than that of the financial transactions. Another objective of the audit is the management of the expectation gap; 'an expectation gap between what public expects from the auditors; the detection of fraud and what auditors claim to be delivering' Power [6]. Despite being an important and traditional mechanism of accountability, auditing bears certain limitations which includes obscurity of the audit which does pave the way for the activation of a more clear mechanism of accountability.

Component of Accountability: Key components of effective accountability and accountability mechanism can be construed from the above discussion as: (a) Accountability institution or mechanism should be external to the executive agency and authority. (b) Accountability institution or mechanism should have legal / statutory mandate for calling the executive authorities to account. (c) Accountability mechanism or institution must be able to initiate a process of discussion and social interaction. (d) Accountability institution should be capable of requiring explanation from the public agencies, (e) Accountability mechanism should have the mandate to recommend remedy and require rectification from the public agencies. (f) Executive authorities/agencies should be ready to submit before the accountability institutions (g) Executive agencies /authorities should be ready to accept the sanctions imposed and rectify the wrongs identified by the accountability institutions. A theoretical framework, covering above mentioned conditions and components of accountability, is to be employed to evaluate and understand the role of the institution of ombudsman as a mechanism of accountability for the public services effectively.

Limitations/gaps of the traditional mechanisms of accountability can be identified as: *Firstly*, the issues of accessibility. *Secondly*, Limitations of direct accountability of Public servants. *Thirdly*, over-stretching of time frame. *Fourthly*, over-legalistic approach of the traditional institutions of accountability,

Fifthly, Financial cost of engaging solicitors and barristers. *Sixthly*, lacunas in the enforcement strategies and *Finally*, information asymmetry and procedural intricacies.

Limitation of the Study: The study is limited to the critical analysis (qualitative) of role and mechanism of accountability. Further study is recommended qualitative and quantitative as well as focusing on each mechanism of accountability separately with case studies.

DISCUSSION

Having surveyed the literature on accountability qualitatively, derivation of the concrete findings on the effectiveness of the accountability remains difficult. However based on the theoretical understanding and analysis of the limited measures of evaluation in this study, certain general findings regarding the process and mechanism of accountability are here by summarised.

Firstly, accountability is found to be the process of making the executive authorities, explain, justify and rectify their actions and non-actions. *Secondly*, different mechanisms of accountability which is legally established, statutorily protected and operates independent of the executive and legislature *finally* the role of the traditional mechanisms of public services accountability, i.e., courts, tribunals. Audit etc.

CONCLUSION

Mechanism of Public Services' Accountability', literature survey and documentary analysis has been carried out to understand, the meaning and nature of public services accountability, types characteristic and limitations of the traditional mechanisms of accountability. State-citizen relationship has been equated with the principal-agent model in which citizens stand for the public and state for agent, bound to be answerable to the principal. Accountability has been defined as the process of making the public authorities/ officials, explain, justify and rectify their actions and non-actions to the public. Accountability can be carried out effectively through the institutions which are constitutionally protected, structurally independent, functionally autonomous and behaviourally impartial. Whereas accountability mechanisms refer to the institutionalised processes of holding the public authorities to account.

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