



Review and recommendations to improve the effectiveness of the Turks and Caicos Integrity Commission

December 2024

Summary

The Turks and Caicos Islands (TCI) Integrity Commission (IC) was established in 2008 to promote integrity, honesty, and good governance in public life. It was operationalised in 2009 and the 2008 Ordinance was amended a number of times in the successive years. Fourteen years after its establishment, a comprehensive review of the IC was commissioned by Her Excellency Dileeni Daniel-Selvaratnam, Governor of the TCI, and The Honourable Justice Lobban Jackson, Chair of the IC. This review aimed to address whether as far as is compatible with the duties imposed by law, the IC achieves its objectives and is relevant to the broader TCI good governance landscape.

Crest has carried out an independent review and the methods employed are detailed in a section below. Findings included in this report are based on over forty interviews carried out with a cross-section of declarants including elected officials and senior public servants, members of the public, Commissioners and IC staff; TCI documents; and responses to a call for evidence shared with the review team. This has been supplemented with an analysis of best practice based on international comparisons. Findings have only been included when they emerged as consistent themes following analysis of all sources.

Despite its important role, the IC has faced several challenges that have hindered its effectiveness, including issues with its legal framework, governance arrangements, staff recruitment, and public perception.

- The review finds that the IC requires reform. The challenges faced by the IC demonstrate that it is unable to fulfil its mandate effectively. The Commission operates without a clear consensus of its purpose, mission, or vision and it is unclear even within the IC itself, about how to balance the three objectives of education, compliance, and enforcement.
- The IC suffers from a lack of clear role definitions, particularly regarding the division of responsibilities between Commissioners, and the Executive suffer from understaffing and has a slow rate of successful and timely investigations.
- It does not sufficiently distinguish between strategic and operational responsibilities leaving it unable to focus its efforts or measure its success.
- Public trust has been compromised by perceived shortcomings in its investigative practices, and a lack of transparency more broadly.

Inadequate accountability mechanisms call into question the Commission's legitimacy. This erosion of trust undermines the very foundation of the IC's work, rendering it ineffective in its role as a guardian of integrity.

Operationally, the IC suffers from understaffing due to an inability to recruit and retain skilled personnel, leaving it unable to complete successful and timely investigations, The over-extended declaration process is impeding core compliance functions, while the lack of attention on public education initiatives leaves citizens uninformed about the Commission's role and the importance of integrity in public service. All these further diminish its credibility and trust among the public.

These systemic issues indicate that the IC, in its current form, is not fit for purpose and not well integrated with the TCI's other good governance agencies. The proposed recommendations recommend rebuilding of the Commission from the ground up.

The suggested reforms - including redefining the IC's aims and strategy according to its Constitutional primary responsibility, clarifying roles, establishing clearer and more transparent accountability processes, revising investigative thresholds, and enhancing partnerships - should be viewed as foundational elements to support the transition of the IC to enter a new phase. There is a need to recast the strategy of the Commission, from one that focuses narrowly on compliance and enforcement, to a broader focus on the promotion of public standards. Reforms should be considered in the context of the recent Constitutional reforms, to review the Integrity Commission Ordinance and ensure a whole-system approach across the good governance landscape. This rebuild requires an investment of time and resources which is necessary to redefine integrity in public service in the TCI.

The review team has confidence that a truly effective public standards anti-corruption body will emerge from these reforms - one capable of meeting the complex challenges of promoting integrity and combating corruption in today's landscape. By embracing the requirements for reform set out in this review, policymakers can demonstrate their commitment to good governance and set a new standard for anti-corruption efforts in the region. A renewed IC can restore its effectiveness and the public's trust in its mission.

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Context

Establishment of the Integrity Commission in Turks and Caicos

The establishment of the IC was part of a broad landscape to promote high standards in public life, in accordance with internationally recognised best practice. Indeed, the United Nations Convention Against Corruption in 2004 reflects that the establishment of an independent, preventative, educational anti-corruption body, which can also receive reports, is part of measures that parties can apply to 'strengthen their fight against corruption' and low standards of integrity in public life¹.

The IC was established under the Integrity Commission Ordinance 2008 and operationalised after the June 2009 amendments, following recommendations of the May 2009 Interim Report of the Commission of Inquiry. The Constitution states that "The primary responsibility of the Integrity Commission shall be to promote integrity, honesty and good faith in public life in the Islands".² The IC was created as an independent body. It was intended to combat corruption and ensure accountability among government officials, thereby ensuring public trust in the territory's institutions. It operates independently from the TCI government, it is within the Governor's portfolio of sponsor bodies and reports to the House of Assembly.

The Commission board consists of six appointed members. The main functions of the Commission board are:

- **Public education:** increase national awareness around acting with integrity and honesty and conduct training with key stakeholders.
- **Compliance:** receive and examine declarations of assets, income, interests and liabilities filed by persons in public life.
- **Enforcement:** investigate alleged acts of corruption against persons in public life as outlined in the IC Ordinance.

Persons in public life, as listed in Schedule 1, must file declarations of their assets, income, liabilities and gifts with the Commission every 2 years. Failure to file a declaration or filing a false declaration is an offence.

The Commission can investigate complaints or launch its own investigation if it suspects a person in public life has committed corruption offences or breached the Code of Conduct. It can summon witnesses and documents for investigations. In some cases, the IC has powers to arrest.

¹ [United Nations Convention Against Corruption; 2004](#)

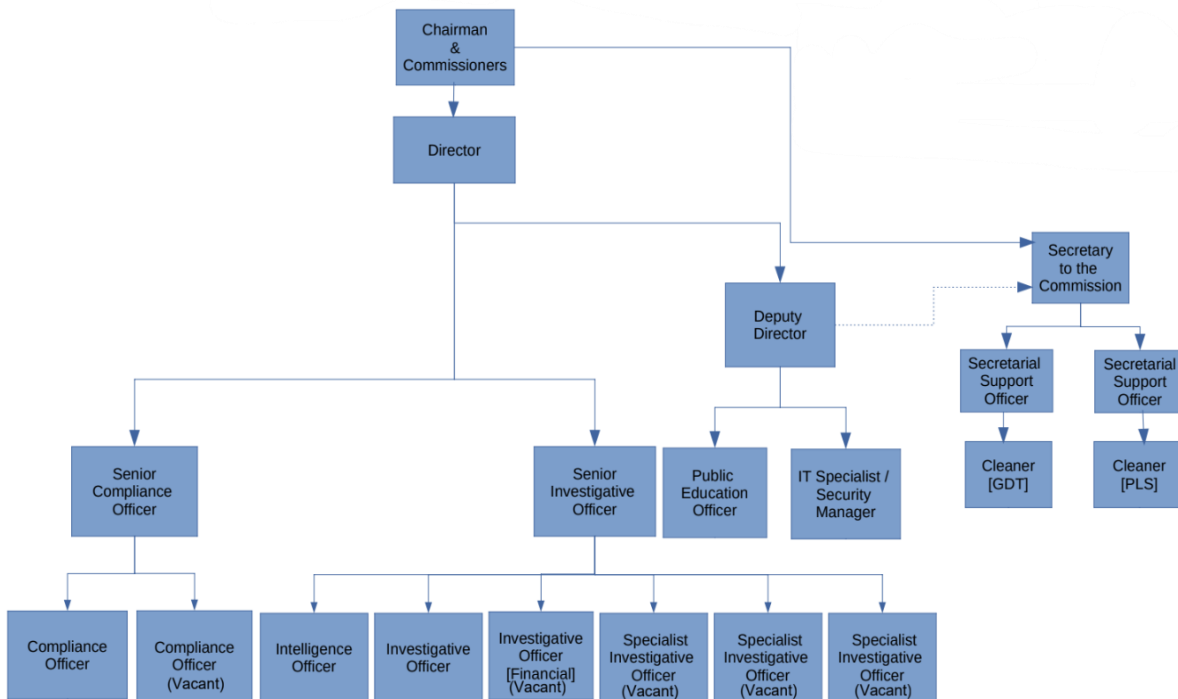
² [The Turks and Caicos Islands Constitution Order 2011](#)

Various acts of corruption by public officials are criminal offences, including bribery, abuse of office, and possession of unexplained wealth. Once matters have been referred for prosecution, offenders can be fined and imprisoned by the courts.

Members of the House of Assembly must file statements with the Commission disclosing their financial interests and avoid prohibited conflicts of interest. Failure to do so is an offence that can lead to loss of their seat.

The Ordinance provides whistleblower protections for public officials who report suspected wrongdoing.

The current situation



The establishment of the IC was a significant step towards addressing corruption in the TCI and creating a more transparent and more ethical government. The Commission continues to promote good governance practices and works to maintain public confidence in the territory's administration.

The Commission's ongoing work serves as a testament to the islands' commitment to building a society founded on principles of honesty, transparency, and accountability. However, the IC has faced several challenges:

- There is a lack of consensus around the IC's purpose, mission and vision.
- The application of the current Ordinance has led to confusion around the role of the Chair, commissioners and the executive. The executive does not have a clear mandate to pursue operational activities. The ordinance underpinning the IC, despite successive amendments, requires further revision and to be supported by operational regulations. It lacks clarity regarding the delegation of authority, hindering investigations, and fails to provide sufficient clarity regarding comprehensive accountability and transparency processes.
- Despite sufficient resources on paper, the Commission has been unable to translate this into additional capacity due to difficulties in recruiting operational staff, including challenges with recruiting from a small community, compounded by issues with the work permit system.
- The limited number of successful investigations has hindered the Commission's ability to effectively combat misconduct and potential abuse of power. This problem is compounded by a lack of formal terms of reference and processes, which has led to inconsistencies in its approach to investigations.
- From those surveyed, public trust and confidence in the IC appears to be low. Despite its efforts to promote transparency and accountability, many remain sceptical that the Commission can effectively address misconduct and potential corruption. This perception has been exacerbated by the Commission's limited operational capacity to carry out its mandate.

The IC is not currently achieving its purpose. The key issues outlined here need to be addressed if the Commission is to successfully deliver its mandate.

Methods

The review methods were selected based both on expertise derived from carrying out previous reviews and evaluations of public services as well as accepted good practice.

The following steps were undertaken:

- a **document review** to understand best practice internationally and in the region
- a **meeting** with the Chair and Governor to agree the plan and timetable for the review
- a **call for evidence** from the public and public office holders and analysis of responses
- a **desktop review** of Commission/ governance documentation
- **semi-structured interviews** were carried out with a cross-section of the following persons with different relationships to the IC: Commissioners, Commission staff, declarants including elected members and senior public officials and members of the public. These were held in person over the course of three weeks in two separate visits.
 - the interview discussion guide and questions were generated based on the key issues identified in the commissioning brief and key issues identified from the international evidence review
 - as interviews progressed, the review team followed an iterative process, whereby the understanding of findings and recommendations was tested with subsequent interviewees where relevant to the conversation
 - over 40 people engaged with the review team. Point of saturation was achieved, which meant that the review team was consistently receiving the same information from interviews by the end of the interviewing process. This process and numbers are consistent with good practice in qualitative research in social science where sample sizes where sample sizes of 20-60 people is the most frequently observed.³
- **analysis** was carried out following interviews, to identify key themes that were most salient but also frequently reflected to the review team by a range of stakeholders, representing different perspectives and supported by evidence shared
- this **report** was drafted based on the analysis. Findings presented here reflect these salient and frequently reflected key points.

³ [Sample Size for Interview in Qualitative Research in Social Sciences](#); Research in Educational Policy and Management; September 2022

- **recommendations** derived from the review teams' understanding of the findings, of international best practice in this space, expertise from previous reviews, inquiries and evaluations of public services and government arms' length bodies as well as expert advice.
- a **meeting** with the Chair and Governor was held to discuss the preliminary findings.
- an initial draft of the report has been shared with Commissioners. **Commissioner's feedback was sought and reflections have been incorporated.**

International Comparisons

This review has studied approaches to maintaining standards of integrity in public life and to tackling government corruption in several Commonwealth countries. We have identified elements which can enhance the ability of anti-corruption agencies to operate effectively. These are set out below. These were taken as context by the review team to both assess the effectiveness of the TCI IC and inform the concluding recommendations.

International Comparisons: a code of conduct for those in public life

The principles of conduct that guide members of UK public bodies are often referred to as the "Nolan Principles" or the "Seven Principles of Public Life." These principles were first outlined by Lord Nolan in the 1995 "First Report of the Committee on Standards in Public Life" in the UK.⁴ The principles set standards of ethics and integrity for public officials, who should act in the public interest and maintain the trust of the citizens they serve. These principles govern the conduct of all public officials and therefore - alongside the criminal law and any relevant organisational policies - provide the framework against which an anti-corruption agency should measure the behaviour of those individuals who are subject to its investigations.

The Statement of Governance Principles issued to the TCI government in 2013 emphasises transparency, accountability, fairness, rule of law, sustainable development, public service integrity, and financial prudence. The Statement aligns closely with the Nolan Principles.

Many other Commonwealth agencies, including the Integrity Commission (Trinidad and Tobago), The Independent Commission Against Corruption (Jamaica), The Integrity Commission (Guyana) and The Commonwealth Secretariat's Public Sector Governance Unit follow similar principles.⁵

⁴ The '[Seven Principles of Public Life](#)' are: Selflessness: Holders of public office should act solely in the public interest, not for personal gain or benefit; Integrity: Public officials should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties; Objectivity: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices based on merit; Accountability: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office; Openness: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands it; Honesty: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest; and, Leadership: Holders of public office should promote and support these principles by leadership and example.

⁵ For example: Jamaica: The "Public Bodies Management and Accountability Act" and the "Corruption Prevention Act" are based on principles similar to the Nolan Principles. The "Code of Conduct for Ministers" also outlines standards of behaviour for public officials. - Trinidad and Tobago: The "Integrity in Public Life Act" and the "Code of Conduct for Ministers and Parliamentary Secretaries" are guided by principles of transparency, accountability, and ethical conduct. - Barbados: The "Code of Conduct and Ethics for Ministers and Parliamentary Secretaries" and the "Public Service Act" emphasise principles such as integrity, objectivity, and accountability. - The Bahamas: The "Public Disclosure Act" and the "Code of Ethics for Ministers and Parliamentary Secretaries" are based on principles of transparency and integrity in public life. - Guyana: The "Integrity Commission Act" and the "Code of Conduct for Public Officials" aim to uphold standards of integrity and prevent corruption in public life.

International comparisons; setting up anti-corruption agencies for success

The United Nations Convention against Corruption (UNCAC) envisages anti-corruption agencies (ACAs) as a key player in the fight against corruption.^{6 7} When they are independent of the government and empowered to investigate allegations, they have the potential to hold even the most powerful people in society to account. As public institutions funded by taxpayers' money, ACAs must be transparent, accessible and accountable to citizens.

In the Caribbean, several Integrity Commissions work to combat corruption and promote transparency within their respective jurisdictions. Notable members of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICACB) include The Integrity Commission of Trinidad and Tobago, The Integrity Commission of Jamaica, The Integrity Commission of St. Lucia, The Integrity Commission of Dominica, The Integrity Commission of Guyana and The Integrity Commission of Grenada.

Comparison of the arrangements in these countries suggests eight “musts” for effective Integrity Commissions.

The eight “musts” are:

1. Comprehensive legal framework:

Having a strong and comprehensive legal framework is crucial for the effective functioning of anti-corruption agencies. Countries should ensure that their anti-corruption laws are robust, clearly defined, and cover all relevant aspects of corruption prevention, investigation, and prosecution.

2. Strong organisational values:

Organisations that are responsible for upholding standards in public life, such as ethics commissions, anti-corruption agencies, and public service commissions, generally adhere to a set of values that guide their work and set the culture of the organisation. We have suggested below a set of values based on our study of equivalents around the world.

⁶ [United Nations Convention Against Corruption](#); 2004

⁷ The Jakarta Principles on ACAs provide a roadmap for strengthening ACA independence and effectiveness. But in practice assessment against these standards is sporadic due in part to the lack of political will by governments to scrutinise their own oversight mechanisms.

3. Clear objectives and functions:

Anti-corruption agencies should have clearly defined objectives and functions. This helps to ensure that the agencies are focused on their core mission and can allocate their resources efficiently.

4. Balance of prevention and enforcement:

While all the agencies we studied have a role in receiving and investigating declarations of assets and liabilities, some agencies place a stronger emphasis on public education and prevention. Combating corruption effectively requires both preventive measures and enforcement action.

5. Collaboration and coordination:

In countries with multiple anti-corruption agencies, proper collaboration and coordination is essential to avoid duplication of effort, ensure efficient use of resources, and promote a more comprehensive approach to fighting corruption.

6. Operational independence:

Anti-corruption agencies should have sufficient operational independence to carry out their functions without undue influence or interference. This independence should be protected by law and supported by adequate resources and capacity.

7. Public education:

Public education and awareness-raising are critical components of an effective anti-corruption strategy. Anti-corruption agencies should prioritise public education to foster a culture of integrity and encourage public participation in the fight against corruption.

8. Monitoring and evaluation:

Regular monitoring and evaluation of the performance and impact of anti-corruption agencies are important to ensure effectiveness and accountability. Countries should establish clear performance indicators and conduct periodic assessments to identify areas for improvement and share best practice.

Turks and Caicos: Key Findings from the Review

The Review team's findings have been grouped into the following areas:

- Purpose, Vision, and Mission of the IC ;
- Internal Structure and Governance;
- Ordinance and Legal Framework;
- Independence and Accountability;
- Investigations and Enforcement;
- Compliance and Declaration Process;
- Public Education and Awareness; and,
- Capacity and capability and an understanding of context.

Purpose, Vision, and Mission of the IC

Since its establishment, the Integrity Commission (IC) has expanded its remit beyond its original mandate of addressing corruption, resulting in 'scope creep'. Initially, the IC's primary goal was focused on eradicating corruption in the wake of the 2009 Commission of Inquiry. Aligned to the constitutional provision, stakeholders expect the IC to lead in promoting public standards, including cultural change, through education, compliance, and enforcement. There is a lack of consensus, even within the IC itself, about how to balance these three pillars. Commissioners and staff diverge on whether the IC should focus on administrative compliance or investigative enforcement. This misalignment has contributed to operational inefficiencies, with resources skewed towards enforcement at the expense of education. The IC must clarify its mission to address these concerns.

It is recommended that the IC's purpose be redefined to reflect a balanced focus on its three core functions, ensuring a strategic allocation of resources across education, compliance, and enforcement. Such a redefinition will provide a shared vision that can guide the development of an agreed strategy and performance metrics.

Internal Structure and Governance

The IC suffers from a lack of clear role definitions, particularly regarding the division of responsibilities between Commissioners, and the Executive. A significant concern raised by stakeholders is the current appointment process for Commissioners, which requires two political appointees and risks compromising the IC's independence and effectiveness. The existing system of political appointments has led to questions about Commissioners' qualifications, expertise, and ability to provide independent oversight. Some interviewees expressed doubts about whether all Commissioners possess the necessary skills and experience to effectively govern an anti-corruption body. There are also concerns that the political nature of appointments may create actual or perceived conflicts of interest, potentially

undermining the IC's credibility and its ability to act impartially. This situation is particularly problematic given the IC's mandate to investigate matters that may involve politically connected individuals. Commissioners have become too involved in operational matters, leading to delays in decision-making and blurred lines of accountability with the Executive struggling to drive forward activities efficiently within this governance framework. This is compounded by the absence of formal terms of reference outlining the respective responsibilities of the Commissioners and the Executive.

It is recommended that clear, formalised boundaries be established between the operational and strategic functions of the IC. Commissioners should retain strategic oversight, while operational responsibilities should be delegated to the Executive. This will enable the IC to function more efficiently and ensure timely decision-making. Additionally, documentation should be created to formalise the roles and responsibilities of all parties, ensuring everyone is aligned with the Commission's objectives.

Ordinance and Legal Framework

The IC's founding Ordinance, while revised several times, remains inadequate in addressing key issues. Interviewees expressed concern that the Ordinance does not recognise the role and responsibilities of the Executive, contributing to governance challenges. Moreover, the Ordinance grants the IC powers, such as the ability to summon witnesses and documents, but does not specify how these powers should be exercised or who within the Commission is authorised to do so.

On enforcement, the IC Ordinance specifically preserves the disciplinary option to prosecution and requires the IC to report deficient declarations to the appropriate service commission, board, body or other authority (and the DPP). This is currently the avenue used for the recommendation of disciplinary action. The lack of graduated enforcement options forces the IC to pursue criminal investigations for all breaches, even minor ones, which is both disproportionate and inefficient.

It is recommended that the Ordinance be updated to clarify the roles of the Executive and Commissioners and to provide a framework of corrective measures. This would enable the IC to handle minor cases more efficiently and free up resources for more serious investigations. The updating of the Ordinance also provides the opportunity to align TCI with international best practice for anti-corruption practices.

Independence and Accountability

The IC is perceived to be largely independent from external influence, with most stakeholders agreeing that it operates without undue interference. However, some concerns were raised about the IC's reliance on government funding, which could, in theory, impact its operational independence. There are also significant gaps in the IC's accountability mechanisms, particularly regarding how its performance

is evaluated. Currently, the IC submits an annual report to the House of Assembly, but this process is not perceived to provide adequate oversight or scrutiny.

Stakeholders consistently expressed a desire for greater transparency and accountability from the IC. In particular, they called for clearer performance metrics and more comprehensive reporting on the IC's activities. It was suggested that the Governor should play a more active role in holding the IC to account, including ensuring that the Commission's annual report provides sufficient detail about its operations and use of public funds.

To address these concerns, it is recommended that the IC establish clear key performance indicators (KPIs) to measure its effectiveness. These KPIs should be regularly reviewed and reported publicly to enhance transparency and build trust. Clearer accountability structures should be established for the IC, including formalised processes for evaluating the IC's performance.

Investigations and Enforcement

Stakeholders expressed significant concerns about the IC's approach to investigations, with many describing it as overly aggressive and disproportionate. Interviewees reported instances where minor infractions were met with a heavy-handed response, contributing to a perception that the IC lacks proportionality in its actions. There were also concerns about inconsistencies in the IC's investigative practices, such as asking some individuals for more extensive documentation than others without clear justification. The absence of clear thresholds for launching investigations has led to the perception that the IC targets certain individuals or departments, further eroding trust in the institution.

The low rate of successful prosecutions and the lengthy nature of investigations has also contributed to a public perception that the IC is not acting on reported issues, again driving a lack of trust in the IC.

The IC's enforcement practices were also criticised for being public and damaging to reputations, with individuals often subjected to suspicion even if ultimately found to have done nothing wrong. The lack of communication following the conclusion of investigations, particularly in cases where individuals are cleared of wrongdoing, exacerbates this issue and contributes to long-lasting reputational harm.

To improve its investigative and enforcement processes, it is recommended that the IC develop clear thresholds for when investigations should be initiated. These thresholds should consider the severity of the alleged misconduct, the potential harm caused, and the public interest. Additionally, the IC should establish guidelines for proportionate responses to infractions and develop a framework for graduated sanctions. To further enhance transparency, the IC should publicly communicate the outcomes of its investigations, particularly in cases where individuals are cleared of wrongdoing.

Compliance and Declaration Process

The IC has been highly successful in achieving near-total compliance with the declaration of assets, which is one of the highest rates in the region. However, stakeholders raised concerns about the inconsistency and scope of information requested by the IC, particularly regarding the extension of the period for which bank statements must be submitted. Poor communication around these changes has led to frustration among declarants and contributed to a perception of unfair treatment. There are also concerns about the confidentiality of the information submitted, with some interviewees questioning whether the IC has adequate data protection measures in place.

The declaration process has had a chilling effect on public life, discouraging individuals from serving in public roles due to the perceived burden of compliance and concerns about confidentiality. To address these issues, it is recommended that the IC review its declaration standards to ensure they are fit for purpose, proportionate, and clearly communicated to all stakeholders. The IC should also improve its communication around how declarations are handled and secured to alleviate concerns about data breaches.

Public Education and Awareness

While public education is one of the IC's core objectives, stakeholders reported that it has been under-resourced compared to enforcement activities. The IC has launched several awareness campaigns, including the "See it, Say it" initiative, but these efforts have had limited reach and impact. There is broad consensus that more resources need to be allocated to public education, particularly in schools, businesses, and civil society organisations, to promote a culture of integrity and raise awareness of the IC's role in tackling corruption.

It is recommended that the IC significantly expand its public education efforts, including launching targeted outreach campaigns and increasing engagement with community leaders. The IC should also develop a more proactive communication strategy to address negative perceptions and build trust in its work. This will require a more balanced allocation of resources between education, compliance, and enforcement.

Capacity and capability and an understanding of context

Exacerbating some of the issues described above, staff reflected on the high vacancy rate which affected how the IC can fulfil its responsibilities across the three core objectives. While the IC's Annual Report for 2021-2022 stated a staff complement of 17 for the period 2022-2023, there were only 12 members of staff, including the Director and Deputy Director, of which only nine were available to deal with the affairs of the Commission in the TCI during the specified period. Key positions, such as investigators, compliance officers, and support staff, remain unfilled. There was also a reported lack of

skills or capability in the areas of forensic accounting for investigations but also in analytical capacity which could be used to glean insights derived from its work to help raise awareness of the threat of corruption

Finally, stakeholders described the challenges with recruiting staff who have an understanding of the operational context, i.e. lived experience of TCI. Some of this could well be attributable to the lack of trust that has been bred about the IC (some reported that working for the IC led to social isolation due the reputation of the IC). In the absence of on island recruitment, those contracted to work from off island or recruited from overseas were not viewed as having an appropriate understanding of the operational context. This has not helped with building resilience or institutional knowledge with the IC.

It is recommended that the IC should conduct a comprehensive assessment of its current and future staffing needs, with a particular focus on identifying areas where specialist skills or expertise may be required. It should also develop a comprehensive diversity and inclusion strategy that seeks to build a workforce that is representative, has the required competence and that leverages the unique skills and perspectives of individuals from a wide range of backgrounds.

Recommendations

Fourteen years have passed since the TCI's IC was established. During this time, the IC activities and the context in which it operates has evolved significantly.

The findings set out above make clear that the IC requires significant reform. The suggested reforms - including redefining the IC's strategy and activities, clarifying roles, establishing accountability, revising investigative thresholds and enhancing partnerships - should be viewed as a reconstitution of the IC's foundational components. This rebuild represents more than an investment of time and resources; it is an absolute necessity for redefining integrity to public service in the TCI.

Reforms should be considered in the context of the TCI's constitutional intent and ensure a whole-system approach across the good governance landscape. There is a need to recast the strategy of the Commission, from one that solely focuses on narrow compliance and enforcement, to a broader focus on the promotion of public standards. This is consistent with the Constitution, which states that "(2) The primary responsibility of the Integrity Commission shall be to promote integrity, honesty and good faith in public life in the Islands".⁸

Recommendations were derived from the review teams' understanding of the findings, of international best practice in this space, expertise from previous reviews, inquiries and evaluations of public services and government arms' length bodies as well as expert advice. The recommendations are split into two sections. The first focuses on establishing a common understanding of the purpose of the IC going forward and appropriate accountability mechanisms. This is vital before further reforms are possible. The second set of recommendations are intended to guide the IC and key stakeholders through key considerations which are integral in shaping the way in which the IC operates.

Ultimately, these recommendations aim to ensure the IC can strengthen its effectiveness, credibility, and impact as a key institution in promoting transparency, accountability, and integrity in the TCI.

While some of these reforms may require significant time, effort, and resources to fully implement, they represent a critical investment in the long-term success and sustainability of the organisation, and in the broader fight against corruption and malfeasance in the region. This ground-up approach is the only way to ensure the Commission can fulfil its critical role in safeguarding the integrity of public institutions and officials in the TCI.

⁸ [The Turks and Caicos Islands Constitution Order 2011](#)

Purpose and accountability

1. Purpose and aims

The Constitution states that “The primary responsibility of the Integrity Commission shall be to promote integrity, honesty and good faith in public life in the Islands”.⁹ Most recommendations in this report aim to strengthen the IC’s effective delivery of this primary responsibility.

The internal and external understanding of the Commission’s purpose and aims must be refreshed and defined in a manner according to the current challenges facing the TCI, in line with the primary responsibility stated in the Constitution (as above).

- i. The agreed purpose and aims of the IC must be actionable and feasible. There will need to be refreshed in consultation with key stakeholders - including government officials, civil society organisations and the public. The agreed purpose should be aligned to the IC’s Constitution, formalised and published. Following this process, there should be no doubt around the IC’s purpose and aims. It is recommended that the new purpose embraces the broader mission of setting, cultivating and upholding public standards.

2. Accountability

Formal reporting structures for holding the IC to account currently involve an annual report to the House of Assembly. A copy must be shared with the Governor⁸. The content and level of detail of reporting and any other accountability mechanisms must be established at the same time the Commission’s purpose is reviewed.

- i. Clear metrics and standards need to be agreed and published, which the IC will be held to account against.
- ii. The IC should then formally report to the Governor and the House of Assembly on its delivery against the agreed duties and objectives.
- iii. A clear escalation process for staff members to raise concerns about potential misconduct or impropriety by senior leaders, including the senior executive and board members in the

⁹ [The Turks and Caicos Islands Constitution Order 2011](#)

IC. This process must be well-communicated to all staff and there must be strong protections in place to prevent retaliation or reprisal.

- iv. Clear guidelines and procedures for IC staff and commissioners to recuse themselves from cases where they have a real or perceived conflict of interest. It must ensure that these guidelines are well-understood and consistently enforced, and establish a process for reviewing and addressing any breaches or violations. These guidelines should be published.

Strategy and operating procedures aligned to the new purpose

Once the purpose and aims of the IC have been agreed and accountability formalised, a rolling 3-5 year strategy should be produced by the IC, signed off by the Commissioners, shared with the Governor and laid in the House of Assembly. Alongside the strategy, a set of operating procedures and guidance should be developed to outline how the strategy will be operationalised.

The strategy and operating procedures should consider the following elements:

1. Integrity Commission activities

a) Defining the operational parameters of the IC

- i. Based on the refreshed purpose, the IC must revise the distribution of its focus across the three primary activities – education, compliance and enforcement. The Review recommends that the IC focuses primarily on promoting cultural change in public standards, working to foster a culture of integrity, transparency and accountability in public life. Intelligence gathering and declarations should remain part of their work.
- ii. Across education, compliance and enforcement, the IC must establish clear boundaries for which matters fall within their remit. These boundaries, which set the inclusion and exclusion criteria for the IC's activities, should be communicated clearly to everyone - IC staff, Commissioners, public, government officials and other persons in public life - and published on the IC's website.
- iii. For activities included within the IC's remit, policies and procedures outlining what lines of inquiry the IC can pursue, the expectations the IC holds of people in public life and the actions at the IC's disposal must be made clear. Publishing these policies and procedures is vital to ensure all key stakeholders are aware of requirements on them, what information the Commission requires and what level of detail to provide. This will enhance compliance and

reduce stress around missing requirements and/or information. It will also improve the IC's transparency.

- iv. These policies and processes must include timeframes for action, similar to a SLA. This means that anyone brought before the IC is clear on how long processes are likely to take. This avoids people being subject to IC processes indefinitely and incentivises the IC to work in a more time efficient manner.

b) Investigations and enforcement activities

- i. The IC must develop clear thresholds at which the IC will initiate investigations. These thresholds should specify the criteria for referring cases to the IC and circumstances under which cases will be investigated by the IC or, where appropriate, referred to external partners. The thresholds should include: severity of the alleged misconduct, the potential harm caused, the public interest in the case, and the availability of evidence. These should be made publicly available to improve consistency in their actions and transparency. The IC should also establish thresholds and circumstances under which it will not pursue a case referred to them. Again, this guidance should be made publicly available.
- ii. The enforcement arm of the IC should be re-focussed. Going forward, the review team recommends that the enforcement arm should begin investigations - where cases meet the criteria established by the IC - and focus on gathering intelligence. Once sufficient evidence has been collected by the IC, the case should be handed over to a specialist agency who can take it forward to charge and prosecute. Consideration should be given to adopting a model, whereby the IC conducts investigations and where cases reach a criminal threshold it is handed over a specialised enforcement unit for criminal investigation and prosecution.
- iii. The IC must develop a comprehensive framework for graduated sanctions that can be applied at all levels of public service. This framework should include a range of sanctions and corrective measures that are fair and proportionate to the severity of the misconduct and take into account factors such as the offender's rank, the frequency of the offence, and any mitigating circumstances. The IC should publish this framework and communicate it widely to ensure that all public officials understand the consequences of engaging in corrupt or unethical behaviour. This framework should pay particular attention to addressing misconduct among those in public-facing roles, such as those responsible for issuing permits and documentation. Recognise that failing to address misconduct in public office and corruption at this level can significantly undermine public trust and confidence in the integrity of government institutions. Develop targeted interventions and training programs to promote ethical behaviour and deter misconduct among these officials.

- iv. The IC must establish clear procedures for all people going before the IC or related court cases - including public servants, elected members, and appointed members - which outlines how the IC's enforcement actions will be carried out fairly and the rights of those under investigation will be protected. The IC must also establish a mechanism by which individuals can recover appropriate legal fees in cases where they are vindicated of wrongdoing. This will help to prevent the abuse of the IC's powers and maintain public confidence in the integrity of the investigative process.
- v. The IC must confirm with the public when an individual has been cleared of wrongdoing following an IC investigation - either by issuing press releases and/or publishing statements on the IC's website. By taking these steps, the IC can demonstrate its commitment to fairness, transparency, and accountability.

c) Compliance activities

- i. The declaration standards must be reviewed to ensure that they are fit for purpose, useful, necessary, and proportionate. Engage with stakeholders, including public officials and civil society organisations, to gather feedback on the current standards and identify areas for improvement. A streamlined and user-friendly declaration process should then be established that minimises unnecessary burdens on public officials while still ensuring the collection of relevant and actionable information. The review team is aware that a transition towards an online portal is currently underway. The user experience of the portal should be considered.
- ii. The IC should work closely with the team responsible for reviewing the Public Service Handbook to ensure that the guidance on best practices for public officials is consistent, proportionate, and reflects the IC's expectations. Pay particular attention to issues such as the provision of services to the government and the use of blind trusts, which can be complex and potentially controversial. Develop clear, step-by-step guidance on how to navigate these situations in an ethical and transparent manner.
- iii. The IC should publish a set of practical rules and expectations of people in public life. These rules should establish reasonable thresholds and expected standards. Provide examples and case studies to help public officials understand how to apply these rules in practice, and establish clear consequences for individuals who violate them.

d) Education activities

- i. The IC should significantly increase the resources and efforts dedicated to public education and outreach activities. A comprehensive education strategy should consider the resources required for a more intensive mix of in-person workshops, online resources, media campaigns, and targeted outreach to specific groups such as youth, business leaders, and civil society organisations.
- ii. The IC should develop clear and concise messaging about the IC's role, responsibilities, and limitations. Emphasise that the IC is not a tool for pursuing personal or political vendettas, but rather an independent body focused on promoting integrity and combating corruption in the public sector. This should function as a proactive, consistent and long term communication strategy to tackle negative perceptions of the IC and build public trust in its work. Community leaders and those with influence should be engaged to help spread positive messages about the IC and importance of integrity in public life.

e) Partnership working

- i. Where it is agreed that activities fall outside of the IC's remit or it is recognised that the IC does not have sufficient capacity or expertise to tackle an aspect of possible corruption, the IC must widen appropriate partnership working as part of a whole-system approach to good governance. Currently the IC has an MoU with the Anti-Money Laundering Committee (AMLC) to support collaboration and information sharing, and also an MoU with the FIA.
- ii. The IC should conduct a comprehensive stakeholder mapping exercise to identify the key government bodies, good governance institutions, and other partners that the IC needs to engage with in order to effectively fulfil its mandate. The IC should then use this mapping to develop a clear and prioritised engagement plan that outlines the specific objectives, strategies, and tactics for each stakeholder group.
- iii. The IC should develop a standardised memorandum of understanding (MOU) template that can be used to formalise further key partnerships and collaborations. This template should outline the specific roles, responsibilities, and expectations of each party, as well as protocols for communication, information sharing, and dispute resolution. The current MoU with the FIA should be considered as part of this process. Ensure that these MOUs are regularly reviewed and updated to reflect evolving needs and circumstances, and that there are clear mechanisms for monitoring and enforcing compliance.
- iv. The IC should continue to engage with regional and international partners, including other integrity commissions, anti-corruption agencies, multilateral organisations, and civil society

groups. These engagements should be pursued only when they are well-aligned with the IC's strategic priorities and that they provide clear benefits and value for the organisation and its stakeholders. The IC is currently a member of the Commonwealth Caribbean Association of Integrity Commissions and Anti-Corruption Bodies (CCAICACB), and currently has two persons sitting on the Executive Board.

- v. The IC should establish a clear and transparent process for receiving and responding to requests for assistance or collaboration from external partners. These processes should be well-communicated to partners and stakeholders, and that there are clear mechanisms for monitoring and reporting on the outcomes and impact of these collaborations.

2. Measuring IC performance

- i. A set of key performance indicators (KPIs) should be established that align with the IC's strategic priorities and provide a comprehensive view of the organisation's performance. KPIs should focus on the efficiency and effectiveness of investigations, the impact of education and prevention efforts, and the level of public trust and confidence in the IC. Ensure that these KPIs are regularly reviewed and updated to reflect changing circumstances and priorities.
- ii. The IC should report on their progress against these performance indicators at regular intervals - no less than once a year. A standardised reporting template - including qualitative and quantitative data - should be developed to ensure reports are consistent and progress can be tracked over time. The IC should publish these reports on their website to improve transparency.
- iii. Where performance is falling short of expectations, the IC must employ mitigation as quickly as possible. These should also be made publicly available to improve the IC's transparency and, in turn, trustworthiness.

3. Budget

- i. The IC should forecast its budget over multiple years rather than on an annual basis to maximise operational planning and capability.
- ii. The IC executive should develop a standardised process for the board to review and provide input on the IC's budget requests to the TCI government. Ensure that the board has sufficient time and information to provide meaningful input and that their feedback is incorporated into the final budget submissions.

4. Roles and responsibilities within the IC

- i. The roles and responsibility of the Commissioners and the Executive must be re-defined and fairly distributed to ensure a more efficiently run Commission. All parties within the IC should work together to agree which decisions and actions can be taken by the executive team without board approval, and which require board input or sign-off. The delegation of responsibility should focus on improving efficiency. The review team recommends that the IC executive be given the ability to run day-to-day operations of the IC. The Commissioners should retain strategic oversight and set the priorities and direction.
- ii. While maintaining its constitutional purpose, the enabling legislation or ordinance should then be further updated to reflect the agreed upon roles and responsibilities of the IC's board and executive team.
- iii. Develop operational guidelines or principles to help the executive team navigate the line between operational matters that can be handled independently and strategic issues that require board input or approval. Ensure that these guidelines are well-understood by both the board and the executive team and that there are regular opportunities for dialogue and feedback to ensure alignment and effectiveness
- iv. Where Commissioners' input is required, timelines for providing their input must be set by the executive team and followed by Commissioners. This is vital for timely and efficient decision-making.
- v. The Governor should develop clear and comprehensive job descriptions for all board positions, including the chair, that outline the specific skills, experience, and attributes required for each role. Ensure that these descriptions are aligned with the IC's strategic priorities and reflect the diverse needs and perspectives of the community it serves. Use these descriptions to guide the recruitment and selection process, and to provide clarity and consistency in the expectations and evaluation of board members.

- vi. Provide regular training and support to help the executive team navigate the unique challenges and complexities of operating in TCI. This could include briefings on key political and social issues, or mentoring and coaching from experienced leaders in the region. Encourage the executive team to build strong relationships with key stakeholders and influencers, and to seek out opportunities for ongoing learning and development.
- vii. IC staff should develop formal onboarding training for all new staff, Commissioners, Chairs and Directors to ensure everyone receives consistent messaging regarding the IC's purpose, processes and the responsibilities of all internal stakeholders. Someone in the IC staff should be given responsibility for delivering this.
- viii. The Ordinance should ensure that the appointment and removal of IC Commissioners is based on merit and their ability to meet board membership criteria - including expertise, integrity, and independence. The Governor should proceed with the process for appointing IC Commissioners, in line with the Constitution, in a manner that minimises the risk of political influence or bias. The Governor should be able to nominate candidates based on their qualifications and experience, with the Premier and Leader of the Opposition having the opportunity to provide feedback or object to specific nominees.
- ix. Limit the number of reappointments of Commissioners to a maximum once (for example three terms). This needs to be agreed as part of the review of the Commission's agreed purpose, strategy and processes. This should be included in the updated Ordinance. Term limits should be considered for Executive leadership to ensure regular turnover and fresh perspectives.

5. *Recruiting staff*

- i. The IC staff should conduct a comprehensive assessment of the IC's current and future staffing needs, with a particular focus on identifying areas where specialist skills or expertise may be required. Use this assessment to develop a targeted recruitment and retention strategy that focuses on attracting and retaining top talent in these critical areas.
- ii. The IC executive must develop a comprehensive diversity and inclusion strategy that seeks to build a workforce that is representative of the broader TCI community and that leverages the unique skills and perspectives of individuals from a wide range of backgrounds. This could include targeted outreach and recruitment efforts, the establishment of employee resource groups or affinity networks, or the implementation of mentoring and sponsorship programs to support the development and advancement of underrepresented groups. Ensure that this strategy is well-resourced and supported by senior leaders, and that

progress is regularly monitored and reported on.

- iii. The TCI Government should review the current work permit system and identify opportunities to streamline or expedite the process for IC staff. The IC must engage with key government partners, including the immigration department, to build support for these reforms and ensure smooth implementation.

6. Data security and privacy notices

- i. The IC must strengthen the policies and procedures related to the handling of IC staff declarations and other sensitive information. Ensure that all staff members are aware of their obligations regarding data security and the consequences of breaching confidentiality or mishandling data. A statement on how data security is maintained should be made public.
- ii. The IC must set clear protocols for communicating with declarants about the handling and protection of their personal information. A standardised privacy notice should be developed and secure communication channels (including encrypted emails) should be implemented. Ensure that these protocols are regularly reviewed and updated to ensure compliance with evolving data protection standards and best practices.

Annex A

Terms of reference:

1. Background

The Integrity Commission (IC) was established as an independent anti-corruption agency, by the Integrity Commission Ordinance 2008 and formally inaugurated in 2010. It is now enshrined in the TCI Constitution as one of the institutions upholding public standards and protecting good governance. Having now operated for 15 years a comprehensive review of the effectiveness of the organisation in the fulfilment of its responsibilities is required.

The Integrity Commission holds a significant role within the Constitution of the TCI upholding public standards of accountability for individuals holding public office. In line with good governance, after 15 years of operation, Her Excellency the Governor Dileeni Daniel-Selvaratnam and the Chair of the Integrity Commission Justice Lobban-Jackson have jointly commissioned a review of the effectiveness of the organisation in the fulfilment of its responsibilities.

2.Objectives

The Consultant will conduct a comprehensive review of the Integrity Commission to address whether as far as is compatible with the duties imposed by law, the Integrity Commission achieves its objectives.

Scope of Services

In Particular the Consultant will review the following:

- A. THE EFFECTIVENESS/PROPORTIONALITY OF OVERSIGHT PROVIDED BY THE INTEGRITY COMMISSION
 - i. Do those subject to oversight by the Integrity Commission clearly understand expectations of compliance with the Integrity Commission?
 - ii. Are those subject to oversight by the Integrity Commission fully aware that they, not the Integrity Commission, are responsible for ensuring their compliance with regulations, and in particular for their conduct as public offices?
 - iii. Does the Integrity Commission itself provide clear and accurate guidance, avoiding frequent repositioning of requirements?

- iv. Does the Integrity Commission seek to minimise the cost of compliance? Such costs include non-financial consequences such as the impact on the willingness of individuals to serve as public officers or inadvertently reducing the ambition, innovation, responsibility and accountability of public officers.
- v. Does the Ordinance of the Integrity Commission remain fit for purpose?

B. RESOURCES AND RESOURCE ALLOCATION

- i. Does the organisation divide its resources appropriately between its key functions?

C. ENFORCEMENT

- i. Does the Integrity Commission have the legal powers, policies and staffing required to ensure sufficient compliance with its regulations?
- ii. Does the Integrity Commission appropriately vary its approach according to the nature and extent of the risks of non-compliance, the nature of those subject to its provisions and their likely response to enforcement?

D. INDEPENDENCE

- i. Does the Integrity Commission operate with required independence from government?
- ii. Does the Integrity Commission maintain independence from those who are subject to its oversight?

E. ACCOUNTABILITY AND TRUSTWORTHINESS

- i. Is the Integrity Commission sufficiently accountable for its decisions?
- ii. Are the Integrity Commission's decision processes accessible and transparent? Does it accurately and clearly communicate the analysis that underlies its decisions?
- iii. Does the Integrity Commission appear to be trustworthy? For example, does it deliver against expectation effectively, reliably, consistently and responsively?
- iv. Does the Integrity Commission appear to operate with integrity, seeing others as equals; listening to and taking seriously their concerns, views and rights?

F. ETHICS

- i. Has the Integrity Commission reviewed its own organisational policies in respect of issues such as:
 - conflicts of interest
 - hospitality and gifts
 - employment and post-employment policies, and
 - codes of conduct - not only for staff but also for contractors, consultants, non-execs and secondees.
- ii. How effectively does the Integrity Commission tailor its engagement to enable compliance – i.e. with those who are compliant but perhaps confused compared to those who are not being compliant?