



ROYAL NORWEGIAN MINISTRY OF
LOCAL GOVERNMENT AND MODERNISATION

Guidelines

About the Relationship between Political Leadership and the Civil Service

Seven Duties for the Civil Service





Foreword

In the ministries, politics and public administration meet. The ministries are professional secretariats for the political leadership, not political secretariats. The ministries perform and safeguard administrative tasks and values. On the one hand, the civil service shall safeguard considerations of professionalism and continuity over time, and on the other hand assist the currently sitting Government in developing and implementing policies.

In Norway, there is a long-standing tradition of politicians and civil service working together well and respecting each other's roles. Therefore, we have not created new rules or tightened the existing rules.

The regulations in this area are currently spread across many documents, and they can therefore appear to be overly complex and not very accessible. These guidelines should remedy this.

The purpose of these guidelines is to raise awareness about the relationship between politics and the civil service in light of changes in the tasks and trends in society. One example of this is the fact that the scope of the tasks related to the role of a secretariat for the political leadership has increased in recent decades, while the relative scope of traditional administrative tasks has been reduced. Another example is the increased and continuous attention of various media.

The guidelines are in Section 4 formulated as seven duties for the civil service. The civil service is defined in this context as employees in the central administration. The target group for the guidelines is first and foremost the civil service in the ministries, but they may also be useful for the political leadership. In addition, they may also be of interest to managers and employees in the subordinated agencies.

The aim of the guidelines is to make it easier for both the civil service and politicians to be able to handle the administrative ethical dilemmas that may arise in practical daily life. This can support a good relationship of mutual trust between politicians and the civil service, and between public administration and the citizens.

These guidelines do not necessarily provide answers to specific challenges/dilemmas that the civil service and politicians may experience or be faced with.

The aim is to describe what considerations must be taken into account when the civil service and politicians need to deal with such challenges. These guidelines may help one to find good solutions if a dilemma arises.

In addition to the guidelines, a collection of specific dilemmas regarding the relationship between the political leadership and civil service has been prepared. It is recommended that ministries use the collection of dilemmas in their ongoing competence development and supplement it with examples from their own ministerial area.

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In our guidelines, we use the term civil service for both those who are appointed as civil servants by the King in Council and for those who are employed by the ministries.

Additional orientation in the English version: In order of a better understanding of the scope of the Norwegian Ministerial system, we have some places in the text specified that some civil servant posts are appointed by the King (also mentioned "senior civil servants").



1 Core public administration values

Employees in public administration work on behalf of the community. The work of public administration is based on four core public administration values¹: *Democracy, the rule of law, professional integrity and efficiency*. A brief description of the four core public administration values and their importance to the consideration of matters in the public administration follows below.

1.1 Democracy

The citizens practice democracy through exercising their voting rights in the Storting, county council and municipal elections. Between the elections, citizens can contribute and exert influence through public hearings, among other things. The citizens can also keep an eye on public administration by public administration itself exhibiting transparency and providing information about its activities, or by the citizens, organisations and the media exercising their right of access to information. The civil service shall safeguard the citizens' right of influence, participation and access to information with respect to the work of the public administration.

The Government's policies shall be implemented by the civil service within the framework established by the Storting's legislative enactments and budget resolutions. The Government has constitutional and parliamentary responsibility for what takes place in the public administration. The civil service shall act loyally toward the Government's policies within the framework established by legal norms. The civil service shall be able at any given time to serve the changing political leadership from various political parties.

¹ The four core public administration values are non-statutory and have evolved over time, cf. also Max Weber's model for a responsible bureaucracy (Hanssen et al., 2018, page 138 ff.) This is also mentioned in Report no. 19 (2008-2009) to the Storting, An Administration for Democracy and Community, Section 3.4 The core values, pages 30–32.

1.2 The rule of law

The rule of law considerations are fundamental in public administration. Individual citizens shall be protected from encroachment and arbitrariness on the part of the authorities. Citizens shall be able to predict their legal status and defend their interests. The rule of law entails requirements regarding how individual matters are dealt with. Decisions must be made by impartial individuals, and private parties shall be given the opportunity to defend their interests in relation to opposing parties, whoever makes decisions, etc. Administrative procedures shall be fair. If the administrative procedures are unfair, the decision may be deemed invalid. The primary aim of this core public administration value is to strengthen and safeguard the standing of individuals in relation to the authorities.

Elements designed to safeguard the rule of law include:

Legality: Intervention by the authorities in relation to individuals must be based on the law.

Thoroughness: Matters shall be considered as thoroughly as necessary.

Equality: Identical instances shall be treated equally.

Contradiction: Individuals shall be allowed to give their view and present the factual circumstances of the matter before a decision is made.

Proportionality: Decisions by the public administration should not be more intrusive than necessary.

Objectivity: No biased considerations shall be taken into account. Assessments shall be objective, impartial and neutral.

Verifiability: The administrative procedures must be verifiable, cf. the principle of written administrative procedures in the Public Administration Act.

Judicial review: The legality of decisions by and the conduct otherwise of the public administration may be reviewed by independent courts.

1.3 Professional integrity

The civil service must make use of expert knowledge and professional judgement in performing administrative work. Professional independence and objectivity are necessary in order to ensure good decisions and the citizens' trust in public administration. This is also necessary so that politicians from different parties can have trust in public administration, both those who are in power and those in opposition.

Reference is made to a more in-depth discussion of professionalism and professional integrity in Section 4.4 and in the Storting report no. 19 (2008-2009)².

1.4 Efficiency

The public administration safeguards and uses the resources of the community. Therefore, the resources shall be used as efficiently as possible. The definition of resources includes money, the competence of employees, machinery, buildings, etc.

The civil service shall facilitate the efficient use of resources and perform its work as efficiently as possible. Within the framework of the overall responsibility and leadership of the cabinet minister, the civil service shall provide for good governance and leadership. Efficiency entails both cost effectiveness (doing things right), effectiveness (doing the right things) and prioritisation effectiveness (prioritising between different aims, purposes, or policy areas, which may be in conflict with each other) so that the greatest degree of overall goal achievement can be attained.

² St.meld. nr. 19 (2008-2009) Ei forvaltning for demokrati og fellesskap, kap. 3.4.3 Fagleg integritet.

2 Duties for the ministries and the organisation of political leadership and the civil service

2.1 What is a ministry?

The ministries are the foremost institutions for the formulation and implementation of the Government's policies. At the same time, the ministries are the highest public administration authority after the King in Council. The ministries have two main roles:

- They shall provide professional input as to how the Government's policies can best be formulated and implemented
- They shall ensure the implementation of the Government's (and the Storting's) adopted policies, often through external agencies, such as directorates

The ministries shall serve any government, regardless of its party-political colour. In consideration of democracy and the rule of law, it is a prerequisite that ministries do not become party-political secretariats. Only in this way can every government trust that they have a loyal and professionally competent civil service at their disposal.

2.2 Main duties for the ministries

The duty of the ministries is to be a professional secretariat for the political leadership, which includes helping to prepare budget and legislative proposals for submission to the Storting.

Other important ministerial duties include:

- Implementation of sectoral policy in relation to municipalities, the business sector, organisations and citizens within the given political and legal frameworks
- Management and follow-up of subordinate agencies (agency management) and state-owned companies (corporate governance)
- Provision of information on the Government's policies and decisions by the ministries
- Exercise of authority, primarily through individual decisions, appeals processing or issuance of regulations

2.3 Interaction between politics and the civil service

The prime minister, cabinet ministers and state secretaries are appointed by the King and are senior civil servants. However, they do not have an ordinary employment relationship and employment protection, such as the administrative civil service has.

In the Instructions for the Government (hereinafter the Government Instructions) of 1909, the cabinet ministers are assigned a duty of supervision in relation to the civil service in Section 3:

As heads of the ministries, it is incumbent on the cabinet ministers, each for their own ministry, to ensure and be responsible for any matter received by the ministry being considered properly and submitted for a decision; that the interests of the State and any citizen are carefully safeguarded; that public accounts are prepared, audited and adopted at the proper time; that the ministries' civil and public servants are instructed to strictly observe their duties with respect to their service and correspondingly in relation to the general public.

The relationship to the state secretaries is regulated in Article 14 of The Constitution of the Kingdom of Norway:

The King may appoint state secretaries to assist members of the Council of State with their duties outside the Council of State. Each individual state secretary shall act on behalf of the member of the Council of State to whom he or she is attached, to the extent determined by that member.

The democratic aspect that arises from the Constitution and the parliamentary system of government is that the cabinet ministers, as long as they have the confidence of the Storting, have a legitimate right to use the public administration to implement their policies. Pursuant to Article 82 of Norway's Constitution, the Government has a duty of disclosure to the Storting:

The Government shall disclose any information that is necessary for consideration of the matters it submits to the Storting. No member of the Council of State may submit incorrect or misleading information to the Storting or its bodies.

Pursuant to the Constitution of Norway, the cabinet ministers have a duty to seek resignation if the Storting so resolves. At the same time, the public administration has a duty to ensure that it is able to serve and can gain the trust of any new government from day one.

2.4 Prime minister, cabinet ministers and the political staff

The prime minister heads the Government, and the cabinet ministers have a duty of disclosure to the prime minister, cf. Section 1 (1) of the Government Instructions:

In the Council of State, which consists of as many members as may be determined at any given time, the prime minister is the chairperson and can as such request any information from any of the Government's ministries as he or she sees fit, regarding any matter that belongs under the ministry in question.

The cabinet minister is the highest authority in the ministry and is also referred to as the head of the ministry. A distinction must be made between the cabinet minister as a party politician and the cabinet minister as head of the ministry and a member of the Government. It is in the role of head of the ministry and a member of the Government that the cabinet minister (and other political leadership) is entitled to the loyalty of the employees. The boundary between the political and the bureaucratic decision-making system thus "goes straight through the cabinet minister, who has a double function as a bureaucrat and a politician" (Official Norwegian Report (NOU) 1993: 15 Administrative Ethics).

In addition to being the head of a ministry and a sector, the cabinet minister is also a member of the Government Collegium. The civil service shall follow up decisions by the King in Council, conclusions from government conferences and decisions by their own cabinet minister. Formally, decisions are made by the King in Council and by the individual cabinet minister. If a matter has been considered at a government conference, the cabinet minister will in reality be bound by the Government's conclusions.

The cabinet minister and state secretary are the two highest functions in the line hierarchy of a ministry. They may, by virtue of their roles as the head and deputy head of the ministry (within their given powers), instruct the civil service. The King in Council may do the same.

In the role as party politicians and as private individuals, they may not instruct the civil service.

Statssekretæren er den nest øverste i departementet og utgjør sammen med statsråden den politiske ledelsen.

The area of work and authority for the state secretary is described in greater detail in the Regulations for the Ministries' Organisation and Administrative Procedures (hereinafter referred to as the Ministerial Regulations):

Section 3 Area of work and authority for the state secretaries.

The state secretary reports directly to the head of the ministry and shall be responsible for assisting him or her with the ministry's leadership.

The state secretary acts on behalf of the head of the ministry to the extent so directed.

The state secretary shall resign no later than the head of the ministry.

The political adviser is a central civil servant, i.e. not a senior civil servant, and he or she is employed by the Office of the Prime Minister. The individual in question "shall resign no later than the head of the ministry", i.e. the cabinet minister, cf. Section 5, second paragraph of the Ministerial Regulations.

The political adviser is part of the political staff but is not considered part of the political line hierarchy. This individual is in principle directly under the cabinet minister and may in principle not instruct the civil service. The cabinet minister may, however, grant such authority in a limited area (Political Leadership Handbook, Section 2.4).

2.5 Civil service

Article 22, first paragraph of The Constitution of the Kingdom of Norway requires that there be a civil service and also mentions individual groups of senior civil servants. Senior civil servants are appointed by the King in Council. The Civil Servants Act Sections 27 and 28 gives senior civil servants in the ministries strong protection against dismissal. They shall be able to voice objective objections and opposing views, without risking their position due to this.

Only a few of the employees in the ministries are senior civil servants (appointed by the King). The others are referred to as civil servants.

The highest administrative senior civil servant in the ministry is the secretary general.

In the Ministerial Regulations (Royal Decree of 23 January 1983), the secretary general has been given instructions that read as follows:

Section 4 Area of work and authority for the secretary general.

The secretary general is the ministry's highest ranking permanent civil servant.

The main duty of the secretary general is to relieve and be an adviser to the cabinet minister for work with the leadership and coordination of the ministry's work. He or she shall ensure that the work of the ministry is performed as rationally as possible. He or she shall also keep the head of the ministry apprised of the work of the ministry and immediately report matters of particular importance.

The head of the ministry can give the secretary general the authority to make decisions in certain matters or matters of a particular nature. However, important matters shall always be submitted to the head of the ministry.

This description of duties for the office of the secretary general is not intended to be exhaustive in accordance with the comments on the Ministerial Regulations.

2.6 Subordinate agencies and independent public enterprises

Under the ministries, we have other central administration entities at the central, regional and local levels. They have different designations, but often the collective term agencies is used. There is a big difference between agencies, both in terms of size, organisational and geographical divisions, and the powers, roles and tasks that they have. The agencies in the central administration are referred to as directorates, inspectorates, ombudsmen, centres of competence, etc.

Based on the principle of ministerial rule, the external public administration may in principle be instructed in all matters within the scope of the current regulations, but in recent years many agencies have been given various forms of administrative and/or professional independence. Regardless of whether the external public administration is instructed by politicians or not, they shall base their advice on a professionally independent basis with regard to input on the formulation of policy. The ministries must see to it that the agencies can fulfil this role well, and agency management is therefore one of the most important ministerial duties.

In addition, many ministries own independent public enterprises that are organised in different ways. They may, for example, be limited companies, state-owned enterprises or companies established by special legislation. The form of management here is referred to as corporate governance, and it is regulated through the legislation that applies to the individual enterprises.

3 Relationship between politicians and the civil service – and development characteristics in public administration

3.1 Relationship between politicians and the civil service

Sometimes there may be confusion associated with the different expectations placed on the civil service. The requirements for the civil service to be loyal on the one hand and neutral and professionally independent on the other hand are in principle requirements that may contradict each other. The civil service's duty of loyalty applies both to their own cabinet minister and the Government as a collegium. See further details of the duty of loyalty under Section 4.3.

The tension between the various requirements placed on the civil service are built into the system. For the civil service, this is about being able to handle a potential role conflict along two dimensions. Firstly, the civil service shall be a loyal and constructive teammate for the cabinet minister, while at the same time maintaining party-political neutrality. The civil service shall both contribute to and promote the policies of the Government, but it shall also in principle be able to potentially serve any government. Secondly, there are expectations that the civil service shall present its assessments based on its best professional judgement, regardless of what would be politically desirable for the cabinet minister.

It is important to have a good relationship of trust between the political leadership and the civil service. Therefore, the civil service must in practical daily life, and in the dialogue with the political leadership, be open about the various dilemmas and discuss the balance between the various demands. In addition, it is important that both politicians and the civil service clarify and respect each other's roles and tasks.

The civil service shall act loyally and follow up the intentions and decisions of the cabinet minister to the best of their judgement. This applies both to preparation of the Government's and the cabinet minister's political matters and initiatives, and to the implementation of adopted policy.

Both proposals from the civil service and political decisions must be lawful, i.e. they must be within the limits of the prevailing laws and regulations nationally and internationally. Professional advice from the civil service must at the same time be relevant, i.e. they must also lie within the political scope of action.

In the ministries, there will be a scope of action that enables the political leadership to weigh various solutions and dilemmas against each other. A high level of professional competence and high level of professional integrity enables the civil service to account for the scope of action that exists within the regulations.

It is conceivable that situations may arise where there is a contradiction between professional advice provided by the civil service and what the politicians want to decide. When the civil service has given its professional assessment and recommended a solution based on this, but the politicians choose another solution, the democratic rules of play imply that the politicians have the last word.

The professional integrity of the civil service is expressed by its competence and provision of advice based on what is professionally justifiable, regardless of the sitting political leadership. This is important in order to maintain trust in public administration.

Employees of a ministry, regardless of their role and position, may occasionally be assigned tasks that require closer cooperation with the political leadership, such as being project managers for politically initiated programmes/projects. For some positions, close contact with the political leadership is more permanent. This applies, for example, to the secretary generals, director generals and certain communication staff. Employees in the aforementioned positions will therefore find themselves in various dilemma situations more often than other employees.

3.2 Development characteristics in public administration

In recent decades, there are several development characteristics that have marked and are marking the ministries. Some characteristics are new, and some reinforce the characteristics that Statskonsult/Agency for Public Management and eGovernment (Difi) have documented.

Several matters have been delegated by the ministries to subordinate agencies, and to the municipalities and county authorities. The number of professionally independent administrative agencies has increased.

Many matters have become more complex than before, because they involve multiple cross-sectoral issues. This means that several ministries and subordinate agencies must coordinate.

The diversity among the media has become greater, and fewer newspapers have links to the political parties. The scope of the non-editor-controlled media has increased. There has been increasing use of social media, both among politicians and in public administration. The medialisation of society with a 24-hour media cycle has also led to matters progressing more rapidly and shorter deadlines.

There is also a greater degree of oversight of the public administration. The Storting has expanded its control function through the Scrutiny and Constitutional Affairs Committee. There has been increased control activity from formal supervisory authorities, such as the Office of the Auditor General, the Parliamentary Ombudsman and various inspectorates, as well as from the media and the citizens. Some of this is due to a greater degree of rights establishment through formal rules, though, for example, Norway becoming a party to several international agreements. Over the past decades, the opportunities for access to information, joint consultation and participation in society have also increased.

Political initiatives are taken and policy development takes place largely in places other than the ministries, for example, in independent think tanks, through lobbyists, in organisational life, etc. In addition, the Storting's use of request

resolutions has increased. However, the number of requests from the Storting to the Government changes over time, often depending on whether we have a majority or minority Government.

The traditional role of the civil service as a knowledge base has been challenged, due to both medialisation and because information has become more accessible than ever before. More people are participating in public debates, particularly on social media, and information is easier to share than ever. Both politicians and the civil service now have additional sources of information to deal with.

Public administration and the exercise of authority are still a fundamental part of the ministries' work. Administrative tasks that are still carried out by the ministries include, for example, grant administration, processing of complaints, agency management and corporate governance, formulation of documents for the Government and the Storting, internal administration and tasks related to the implementation of resolutions in relation to the citizens, municipalities and the business sector. As a result of the change in the composition of tasks in the ministries, tasks related to the role of a professional secretariat for the political leadership (often referred to as policy formulation, policy dissemination and tactical/strategic advice) have become more extensive, relatively speaking.

These development characteristics can challenge the role and capacity of the public administration, both as an investigative/preparatory body and as an executive body. This also affects the relationship between the political leadership and civil service. Therefore, there will be a need for continuous awareness and discussion of the relationship between loyalty, political neutrality and professional integrity in the ministries.

4 Seven duties for the civil service

The seven key duties for the civil service are described below. The duties are based on and should support the four core public administration values: democracy, the rule of law, professional integrity and efficiency.

The main theme of the guidelines is the relationship between the political leadership and the civil service in the ministries. However, this theme is also relevant for the relationship between managers and employees internally in the civil service.

The Government and the cabinet ministers have a democratic right to use the civil service to develop, communicate and implement their policies. This gives the Government great opportunities for gaining political influence over societal development, but use of the civil service also has its limitations. The civil service shall serve the politicians, but not themselves act as party-politicians. This is because the civil service shall be a resource for the sitting Government at any given time.

Some key points will be mentioned under more than one duty due to pedagogical considerations.

The duties cannot be read and managed separately. In order to make good decisions, it is important that all seven duties are seen in context and weighed against each other in the situation at hand. It is also stressed that the bullet lists are not exhaustive.

4.1 Legality

The civil service shall act within the limits of the laws. This is fundamental in a state governed by law. For the civil service, the duty of legality applies both to when advice is given and measures are suggested to the politicians, and also to when political decisions are implemented.

If the politically desired measures violate the prevailing rules or do not have sufficient legal authority, the civil service must propose amending or revoking the prevailing laws or propose new laws.

Intervention by the authorities in relation to an individual citizen must have legal authority from an act laid down by the Storting (principle of legality). This is an

overarching rule of law that follows from Article 113 of The Constitution of the Kingdom of Norway.

In some cases, the law may be unclear or ambiguous and allow room for interpretation. In such cases, it is important that the civil service, also in relation to the cabinet minister if he or she is to make a decision, accounts for this uncertainty and the available legal scope of action. In addition, what interpretations of the regulations have been made shall be made known, including the factors and facts to which importance has been attached as the basis for the conclusion.

This duty entails, for example, that the civil service:

- must ensure that any draft legislation that the Government submits to the Storting does not contradict The Constitution of the Kingdom of Norway
- must ensure that the draft legislation that is submitted to the Storting does not contradict Norway's international obligations
- must ensure that the decisions made by the ministry are in accordance with the prevailing law
- must not give advice entailing that the ministry or cabinet minister makes decisions that contradict the prevailing law
- proposes new statutory and regulatory provisions when necessary to implement the desired resolutions or measures
- must give clear notice if the cabinet minister or other superiors give orders that are in contrary to the prevailing law

4.2 Truth

The duty of truth means that the civil service does not itself provide or spread incorrect information, or contribute to this happening. The same applies to information that cannot be said to be incorrect, but that may be misleading in a given context, for example, when important information is not included in the statement of case. Finally, the civil service must not fail to provide information of significant importance to a matter.

The civil service has first and foremost a duty of truth in relation to the cabinet minister. In addition, the civil service has a duty to help ensure that the ministry or cabinet minister does not spread false or misleading information to others.

The Government has a duty of disclosure to the Storting pursuant to Article 82 of The Constitution of the Kingdom of Norway. The provision entails that the Government shall disclose any information that is necessary for consideration of the matters it submits, and that no member of the Council of State must submit incorrect or misleading information to the Storting or its bodies. Compliance with the duty of disclosure is essential so that the Storting can rely on the information it receives from the Government, in connection, for example, with legislative and budget proposals.

The duty of truth does not mean that all factual information shall be included, for example, in a response that the cabinet minister shall give to the Storting. However, the duty means that one must not fail to disclose information that is of decisive importance to the matter, so that the response becomes misleading.

The duty of truth does not entail an obligation to answer questions either, for example, from the press or to reveal internal deliberations and plans, for example, about a planned financial measure. The duty of truth does not entail either that one should or may violate the duty of confidentiality.

This duty entails, for example, that the civil service:

- must not contribute to the Government or cabinet minister conveying information to the Storting that is incorrect or misleading, or suppressing information that is of material importance to the Storting. This duty applies both to documents to the Storting and all other communication with the Storting
- must not themselves communicate, or contribute to that the Government, cabinet minister or ministry communicate information that is incorrect or misleading. This duty also applies, among other things, to the ministry's website, documents for which the ministry is responsible for issuing and other information from the ministry
- not give incorrect or unbalanced presentations of the facts to promote a particular political view, for example, through the choice and design of diagrams, graphs, figures or the like
- shall give clear notice if the cabinet minister or another senior official instructs the civil service in a manner that is not in accordance with the duty of truth
- shall present all the relevant facts in a matter and be open about uncertain factual information, uncertain calculations and unclear law
- shall be open to different viewpoints and alternative proposals

4.3 Loyalty

The civil service is the Government's and cabinet minister's most important resource for developing and implementing their policies. The duty of loyalty entails that the civil service has a duty to the cabinet minister to carry out its work in accordance with the work instructions given by the leadership.

The civil service shall follow up decisions by the King in Council, conclusions from government conferences and decisions from their own cabinet minister. Formally, decisions are made by the King in Council and by the individual cabinet minister. If a matter has been considered at a government conference, the cabinet minister will in reality be bound by the Government's conclusions.

One aspect of the duty of loyalty to the cabinet minister is that the civil service should assist the cabinet minister in fulfilling his or her duties to the Storting. The civil service's contact with the Storting takes place through the cabinet minister.

The sitting Government must be confident that the dialogue with the civil service remains between those two. The duty of loyalty remains therefore in effect even after employees have concluded their employment in the ministries.

The duty of loyalty entails that the civil service, as a professional and independent resource for any government, shall be loyal to both former governments and the current Government.

This duty entails, for example, that the civil service:

- shall be loyal, but not servile
- shall contribute to the implementation of the policy of the cabinet minister and the Government, even if this policy contradicts the morals, opinions and perceptions of the individual employee. Nonetheless, there is still a limit for what may not be legal. The civil service shall not violate the regulations.
- shall contribute advice to the political leadership with regard to both communication and the planning and implementation of the Government's

and the cabinet minister's political projects. This implies that the civil service must know about the Government's political platform

- shall make considerations visible and not coordinate so that important considerations are eliminated before political clarification
- does not make decisions that are obviously political, but ensures that such matters are presented to the political leadership as soon as possible for a decision
- shall not pursue unnecessary replays in situations where the political leadership has chosen an alternative other than the professionally recommended alternative from the civil service
- shall quickly brief new cabinet ministers and others in the political leadership about their areas of responsibility, important matters, regulations and the roles and tasks of the civil service. This applies in particular to general regulations, for example, the Public Administration Act, Freedom of Information Act, Archives Act and the Instructions for the Preparation of Central Government Measures (Instructions for Official Studies)
- shall respect the laws and resolutions of the Storting, and give notice if the political leadership decides on anything that is in contravention of these

4.4 Professionalism and professional independence

This duty entails that the civil service shall rely on professional standards and criteria, methods and knowledge within the various fields that are relevant to various matters. The civil service shall be open about any professional disagreements. Professionalism also entails ensuring that alternative solutions are researched and presented, and that both the positive and negative impacts of measures are researched. The requirements in the Instructions for Official Studies apply even if it has already been decided at the political level to implement measures, including specific measures, cf. the Guide to the Instructions for Official Studies and Reports.

Professionalism entails having a good understanding of how the Norwegian public administration is organised, governed and managed, and knowledge about the organisations and the specific sector for which the cabinet minister is responsible. This implies having knowledge of both how the sector is organised, how it is regulated and what instruments are the most prominent in the sector and their effects.

Professional independence means that the civil service does not take party-political considerations into account when it collects facts, makes professional assessments and exercises discretion or advises politicians. Nonetheless, the civil service's assistance to the political leadership must be politically relevant. The civil service shall assist the cabinet minister in deciding, presenting and implementing the Government's policies, and show in this connection what scope of action the politicians have for making decisions. The political leadership is entitled to choose if, when and possibly how they will act.

This duty entails, for example, that the civil service:

- shall base their administrative procedures, decisions and communication on professional criteria in their advices to the political leadership
- shall present alternatives, possibly also subsidiary solutions and compromise proposals, and make their effects on the public administration and other parts of society visible
- shall make the necessary professional objections to all types of matters as early as possible in a process, including matters where there may be professional doubt
- shall make the effects of a solution that is desired by the cabinet minister visible if the civil service has important objections to this solution
- shall present all the relevant facts in a comprehensive manner
- shall not contribute to political arguments acquiring a false professional veneer, or that political standpoints are presented as the best or the only professionally acceptable solutions, if there are several solutions that are professionally acceptable
- regardless of how they work, they have a duty and right to present their professional view in such a way that it can be made known to the cabinet minister, cf. Section 2 of the Ministerial Regulations
- shall safeguard the management of subordinate agencies in such a way that the agencies can fulfil their professionally independent role in the best possible way
- shall conduct an ongoing dialogue with the relevant specialist environments outside of the ministry regarding the development of professional issues in the field

4.5 Party-political neutrality and objectivity

The civil service shall be able to serve the sitting cabinet minister and the Government as a collegium at any given time. An important hallmark of the neutrality of the civil service is that it can serve any government regardless of the party. An important part of this is the fact that the civil service interprets and practices the seven duties for the civil service discussed in these guidelines in the same manner, regardless of what parties are in the Government.

The duties for the civil service are to follow the regulations, ensure equal treatment, prevent unfair discrimination and arbitrary decisions, be a guarantor of thoroughness and professionalism in their assessments and be efficient, cf. the core public administration values. This contributes to the necessary continuity when new politicians come to power.

The civil service shall work for the cabinet minister as the head of the ministry and not as a party politician. This means that the civil service shall not prepare campaign materials or otherwise contribute to party-political activities. When the cabinet minister is travelling or on an assignment that has a directly party-political aspect, boundaries must be defined that balance the fact that the civil service shall not contribute directly to party and election campaign activities, but at the same time ensure that the cabinet ministers are given assistance in maintaining ongoing contact with the ministry, handling issues related to the cabinet minister's portfolio, dissemination of the Government's policies, arranging travel when there are several items on the program, etc.

The civil service may draft memorandums and draft articles and commentary at the request of the cabinet minister regardless of the context in which the cabinet minister will use them. It is a prerequisite that the matter lie within the ministry's area of responsibility, and that the civil service's contribution satisfies the requirements of professionalism and objectivity. The political leadership itself must formulate any party-political argumentation.

The civil service shall also be objective. This means that the individual employee's personal interests, opinions, morals, dislikes and sympathies shall not form the basis of assessments and advice.

This duty entails, for example, that the civil service:

- shall not let their own political attitudes influence their professional advice and assistance to the political leadership
- shall understand whether the cabinet minister is performing the role of the head of the ministry/member of the Government or the role as a party politician
- shall assist the cabinet minister in implementing the Government's policies, but not assist the cabinet minister in purely party-political activities
- shall not contribute to the preparation and implementation of election campaigns related to the cabinet minister's role as a party politician
- can research the consequences of specific individual proposals from other parties, but not make an assessment of the other parties' programme
- shall not prepare nor communicate party politics themselves, for example, through negative characteristics of political parties, the opposition or former governments
- can help write the professional elements of draft commentary within the cabinet minister's area of responsibility, regardless of the context in which the commentary is to be presented

4.6 Transparency

This duty concerns internal transparency in the public administration. For external transparency, reference is made in general to Article 100, sixth paragraph of The Constitution of the Kingdom of Norway, which states that the central government authorities are required to facilitate open and enlightened public discourse. Reference is also made to the Freedom of Information Act, the Public Administration Act, the Central Government Communication Policy, the Ethical Guidelines for the Public Service, and the Agency for Public Management and eGovernment's (Difi's) Guide for the Use of Social Media in Public Administration.

Trust between the civil service and the political leadership requires a high degree of transparency internally within the public administration. The political leadership and the civil service have a mutual duty to brief and report if they obtain information that may be of importance to the matters for which the ministry is responsible.

This duty entails, for example, that the civil service:

- shall contribute actively to create a good and open culture between the civil service and the political leadership based on mutual trust in each other's roles and tasks
- shall be open about the arguments to which importance has been attached and which discretionary considerations have been made as a basis for the decisions made
- shall be open to the political leadership about all aspects of a matter and the effects of the professional recommendations that are given
- must evaluate the information available and brief their superiors if they understand that it may be of importance to the administrative procedures
- must ensure that important information is documented, archived and journalled correctly
- shall be open about errors that need to be corrected, for example, in information or responses given to the general public or the Storting
- shall be open about possible conflict of interests and ensure that such conflicts are handled in a good and efficient manner

4.7 Good public governance and management

The civil service shall facilitate the efficient use of resources and perform its work as efficiently as possible. This implies a duty of good public governance and management within the powers granted by the cabinet minister. Efficiency is about:

- cost-effectiveness, i.e. doing things right,
- effectiveness, i.e. doing the right things and
- prioritisation effectiveness, i.e. prioritising between different goals, purposes or policy areas

so that the highest possible degree of overall goal achievement is ensured.

The civil service shall ensure that the ministry is organised at any given time so that it can efficiently perform its duties and also ensure that there are at least two persons involved in matters that involve making decisions (the principle of two-step administrative procedures, cf. Section 12 of the Ministerial Regulations).

The civil service shall use the ministry's instruments in the most efficient manner and suggest the most effective instruments, and also present alternatives and the consequences of the proposals and alternatives to the politicians.

The civil service shall ensure that the activities internally within the ministry take place as efficiently as possible. It shall facilitate the subordinate agencies being able to organise and work as efficiently as possible, and ensure that they can fulfil their professional and independent role as efficiently as possible. The civil service shall also ensure good coordination with other ministries and the municipal sector.

This duty entails that the civil service:

- shall ensure that recruitment processes are good and efficient and that the best qualified candidates are employed
- shall facilitate good competence development for the employees
- shall brief each other if they receive information that they realise is of importance to their work – this applies in relation to superiors, subordinates and colleagues, as well as colleagues in other ministries
- shall organise their work as efficiently as possible
- shall make sure that matters and processes are documented as required and distribute the resources so that political goals can be achieved with the least use of resources
- shall take the initiative to coordinate with other ministries and the municipal sector when this is necessary and appropriate, so that the solution of tasks is coordinated and coherent
- shall contribute to innovation and change
- shall ensure that the ministry's resources are not used for party-political work or private tasks
- shall delegate tasks to the right level, both internally within the central government and to the municipal sector
- shall safeguard the principle of two-step administrative procedures in matters that involve decisions, cf. Section 12 of the Ministerial Regulations
- shall brief superiors of errors and omissions so that they can be corrected, and not persist or be repeated
- shall not cover up errors and omissions but facilitate learning from them
- shall present cases of doubt and dilemmas to an immediate leader, cf. line management principle, and follows the instructions given, unless they are illegal - in which case the civil service must give clear notice and not follow the instructions

5 How to use the guidelines

All civil servants in the ministries have an independent responsibility to familiarise themselves with and use these guidelines. Management at all levels has a special responsibility to make sure that they are put to practical use.

These guidelines do not provide answers to specific dilemmas that the individual employees may encounter, but they provide guidance as to which factors importance should be attached when solving dilemmas that arise in their daily work.

A collection of dilemmas concerning the relationship between the political leadership and civil service has been prepared for use together with these guidelines. This has been published as a separate document. We recommend that the collection of dilemmas be used actively. We also recommend that the ministries themselves prepare their own dilemmas, based on their own tasks and areas of responsibility, not to mention the responsibilities and tasks of their subordinate agencies and the relationship between the ministry and the agency.

We also recommend that the guidelines be used actively and on a regular basis, both internally within the civil service and in communication and cooperation with the political leadership and in the agency management dialogue.

We recommend that the guidelines and the collection of dilemmas be used in groups, where different views and reflections can be discussed and deliberated. We also recommend that each individual employee brief their superiors on errors, omissions and dilemmas that they encounter, especially because then one can learn more easily from them.

This document contains general guidelines, and each ministry may consider supplementing them with their own guidelines.

List of laws, guidelines, publications, etc.

Laws and regulations – available in English

The Constitution of the Kingdom of Norway (LOV-1814-05-17).

<https://lovdata.no/dokument/NLE/lov/1814-05-17>

[in Norwegian: *Kongeriket Noregs grunnlov*:

<https://lovdata.no/dokument/NL/lov/1814-05-17-nn>]

Guidance notes on the instructions for official studies. Instructions for the preparation of central government measures (official studies). Norwegian Government Agency for Financial Management, 2018.

[in Norwegian: *Instruks om utredning av statlige tiltak (utredningsinstruksen) (FOR-2016-02-19-184) and Veileder til utredningsinstruksen*]

https://dfo.no/filer/Fagomr%C3%A5der/Utredningsinstruksen/Guidance_Notes_on_the_Instructions_for_Official_Studies.pdf

Laws and regulations – in Norwegian only

Lov om ansvar for handlinger som påtales ved Riksrett (ansvarlighetsloven) (LOV-1932-02-05-1)

[*Act relating to punishment for offences indicted before the Court of Impeachment (Impeachable Offences Act)*]

<https://lovdata.no/dokument/NL/lov/1932-02-05-1?q=ansvarlighetslov>

Lov om statens ansatte mv. (statsansatteloven) (LOV-1983-03-04-3)

[*Act relating to civil servants etc. (Civil Servants Act)*]

<https://lovdata.no/dokument/NL/lov/2017-06-16-67?q=statsansatte>

Instruks for Regjeringen (LOV-1909-03-23)

[*Instructions for the Government (Government Instructions)*]

<https://lovdata.no/dokument/NL/lov/1909-03-23>

Reglement for departementenes organisasjon og saksbehandling
[Regulations for the Ministries' Organisation and Administrative Procedures (Ministerial Regulations), last laid down by Royal Decree of 30 November 1984, Ministry of Consumer Affairs and Government Administration, 1984, P-0583]
https://www.regjeringen.no/no/dokumenter/reglement_for_departementenes_organisasi/id107345/

Etiske retningslinjer for statstjenesten
[Ethical Guidelines for the Public Service, Ministry of Local Government and Modernisation, revised in June 2017 and updated in October 2017]
<https://www.regjeringen.no/no/dokumenter/etiske-retningslinjer-for-statstjenesten/id88164/>

Håndbok for politisk ledelse
[Political Leadership Handbook. Office of the Prime Minister (the electronic version is updated continuously)]
<https://www.regjeringen.no/no/dokumenter/handbok-for-politisk-ledelse2/id2478689/>

White papers and reports – in Norwegian only

NOU 1993: 15 Forvaltningsetikk
[Official Norwegian Report (NOU) 1993: 15 Administrative Ethics]
<https://www.regjeringen.no/no/dokumenter/nou-1993-15/id467783/>

St.meld. nr. 19 (2008-2009) Ei forvaltning for demokrati og fellesskap
[Report no. 19 (2008-2009) to the Storting, An Administration for Democracy and Community]
<https://www.regjeringen.no/no/dokumenter/stmeld-nr-19-2008-2009-id552811/>

St.meld. nr. 11 (2000-2001) Om forholdet mellom embetsverket, departementenes politiske ledelse og andre samfunnsaktører
[Report no. 11 (2000-2001) to the Storting, About the Relationship between the Civil Service, Political Leadership of the Ministries and other Societal Actors]
<https://www.regjeringen.no/no/dokumenter/stmeld-nr-11-2000-2001-id133961/>

Reports from the Agency for Public Management and eGovernment (Difi) – in Norwegian only

Framtidens departement. Departementenes muligheter og utfordringer, Statskonsult, Notat 2000:4

[Ministry of the Future. Opportunities and Challenges for the Ministries, Statskonsult, Memorandum 2000:4]

<https://www.difi.no/sites/difino/files/n2000-04.pdf>

Ja vel, statsråd, Statskonsult rapport 2007: 27

[Yes, Minister?, Statskonsult Report 2007: 27]

<https://www.difi.no/sites/difino/files/2007-27.pdf>

Hva skjer i departementene, Difi, Rapport 2011: 11 (ISSN 1890-6583)

[What is going on in the Ministries, Difi, Report 2011: 11]

https://www.difi.no/sites/difino/files/difi-rapport_2011_11-hva_skjer_i_departementene_om_utfordringer_og_utvikling_0.pdf

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Hanssen, Gro Sandkjær mfl. (2018). Politikk og demokrati: En innføring i stats- og kommunalkunnskap. Oslo: Gyldendal akademisk.

[Hanssen, Gro Sandkjær et al. (2018). Politics and Democracy: An Introduction to Knowledge of Central and Local Government]

Kaarbø, Agnar (2018). Political Leadership. Reports from Ministerial Offices. Oslo: Cappelen Damm.

[Kaarbø, Agnar (2018). Politisk lederskap. Beretninger fra statsrådskontorene]

The guidelines and the associated collection of dilemmas have been inspired by:

- Kodex VII - seven key duties. For civil servants in central government-, Ministry of Finance, Denmark, September 2015 [English version available]
- Kodex VII - cases. Cases til syv centrale pligter [Kodeks VII - cases related to the seven key duties], Ministry of Finance, Denmark, September 2015 (Collection of Dilemmas) [in Danish only]

Both publications can be downloaded from
<https://modst.dk/om-os/publikationer/?query=kodex>



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