

AN ASSESSMENT OF THE CASES OF OMBUDSMAN (PCC) AS A TOOL OF ACCOUNTABILITY IN ONDO STATE, NIGERIA

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ABSTRACT

Ombudsman constitutes the ‘ears’ of the people. It is the ‘ears’ of the people because it serves as a mechanism of addressing injustice in a polity. Making use of both primary and secondary data as methodology of this paper, the paper analyzes the cases disposed and cases under investigation (cases indisposed) of the Public Complaints Commission (PCC) in Ondo state, Nigeria, from the period of 2004-2009. Using correlation co-efficient technique as the data analysis, and based on the data got from the commission, it shows that the PCC in Ondo state is not effective despite the number of cases brought to it yearly. The paper also reveals that there is no significant relationship between the cases disposed and cases indisposed within the period stated. Also, with the use of in-depth interview, it has been observed that government intervenes in the affairs of the commission to some extent; therefore not totally independence of the government control. The paper strongly recommends that the PCC in Ondo state should draw up improvement in the cases disposed and cases indisposed.

Key words: Ombudsman, accountability, commission, cases disposed and cases indisposed

INTRODUCTION

The term ‘ombudsman’ according to Morris (2008) cited by Onu (2009: 96) is Swedish in origin and means ‘representative.’ The Swedish term is said to be etymologically gender inclusive, but in English Language, the term is often modified as ‘ombudsperson’ or ‘ombuds’ office. In a state, Ombudsman constitutes the ears of the people. The institution is the “ears” of the people because it serves as a mechanism of redressing the grievances of citizens in a political system. It is one of the two methods of enforcing accountability that are showing some promises of effectiveness in African countries that accept them.

Adamolekun, (2006:6) is of the opinion that there are two variations of enforcing accountability in some of these countries. These, according to him are: Variations of French-Style control through administrative courts in Guinea and Senegal and a Permanent Commission of Enquiry in others. The Ombudsman system was introduced in Tanzania in 1965. It is noteworthy that only the Ombudsman institution has been widely adopted by a significant number of African states as an instrument for making government responsible and accountable to the governed. By the mid-1980s, Ombudsman – like institutions had been established in three other Sub-Saharan African (SSA) countries and by 2005, the number of

countries that adopt it had climbed to twenty-six and they spread across Central, Eastern, Southern, and Western Africa (Adamolekun, 2006: 6).

The Ombudsman world wide is empowered to initiate investigations on matters within its competence, in addition to cases brought to it by aggrieved citizens. The power to initiate investigations has proved very effective in curbing cases of repression and maladministration, as the experiences in the Scandinavian countries tend to suggest (Ngu, 1992: 13).

In Nigeria, the recommendation of the Udoji Public Service Review to examine the organization, structure and management of Public Services and recommend reforms where desirable brought out the establishment of Public Complaints Commission (PCC) in 1972 which the Federal Military Government accepted. The enabling decree number 31 established the Public Complaints Commission in October, 1975. The degree has been incorporated in the 1990 laws of the Federation of Nigeria as public Complaints Commission Act Cap 377 (PCC General Information), Section 273 (5) of the 1999 constitution of the Federal Republic of Nigeria.

Prior to the Fourth Republic in Nigeria, “the dominant role of the military institution on the Nigerian state has been all pervading” (Kolawole, 1998: 191), this makes the PCC in Nigeria to be seen as working in tandem with the past military rulers to deny the greater proportion of citizens’ happiness. In the current democratic setting, democracy as a western concept allows for rule of law to prevail, freedom of speech to thrive, happiness of the citizens, popular participation of the citizens, and above all acceptance of people’s fundamental human right in the Nigerian State. Despite these features of democratic rule, there are factors militating against the operations of the PCC in Nigeria to address citizens’ happiness. These are pro-long military rule, interference by government, lack of fund, bureaucratic problem, inadequate institutional capacity to deal the cases brought before it, etc.

The problems inherent in this study is that despite the fact that Ombudsman serves as institution for dealing with the cases of injustice, is the institution effective in dealing with the cases brought to it thereby making the complaints satisfied that justice has been done? (The assumption in this paper is that PCC is effective if it is able to dispose of at least 50% of all cases brought to it within a year and should aim at better performance from year to year.) Is the institution independent of executive interference in its capability of dealing with the disposed and indisposed cases? This study is saddled with the challenges of addressing these questions.

The task of this paper is to examine the ombudsman efforts as an institution that deals with injustice in Ondo State, Nigeria. The paper would particularly examine the ability of the institution to cases disposed of or otherwise from 2004 to 2009. The paper relies on the combination of both primary and secondary data as the methodology.

The paper is structured into five parts. The first part is the introduction, the second part examines conceptual clarification of accountability which is the central focus of the study, the third part deals with theoretical framework for analysis of the study, the fourth part examines the Ombudsman as a tool of accountability in Ondo State while section five deals with the data analysis, and testing of the hypotheses, and concludes study.

HYPOTHESES OF THE STUDY

H₀: That the PCC in Ondo state is not effective in disposing the cases brought before it.

H₁: That the PCC in Ondo state is effective in disposing the cases brought before it.

H₀: There is no significant relationship between the cases disposed of and not disposed of the PCC in Ondo state.

H₁: There is significant relationship between the cases disposed of and not disposed of the PCC in Ondo state.

H₀: That the PCC is not independent of the government interference in Ondo State, Nigeria.

H₁: That the PCC is independent of the government interference in Ondo State, Nigeria.

CONCEPTUAL CLARIFICATION

Accountability Explained

Scholars have looked at the concept of accountability in various forms. Obadan (1998) posited that accountability, in its simplest form, means holding public officials responsible for their actions, i.e. “those who exercise public power in a society should be answerable for the exercise of that power.” Also, accountability can be regarded as “the fundamental prerequisite for preventing the abuse of delegated power and for ensuring, instead, that power is directed towards the achievement of broadly accepted national goals with the greatest possible degree of efficiency, effectiveness, probity and prudence (Canada, 1979: 21).

Accountability, according to Gould and Kolb cited by Adamolekun (2006:55), “focuses attention upon the sanctions or procedures by which public officials may be held to account for their action.” From this definition, Adamolekun goes further to posit that accountability is a broad concept. It covers all public officials, political as well as administrative. Also, Stanley (2000) defines accountability as being held to account, scrutinized, and being required to give explanation for one’s actions. Olowu (2002: 141) defines it thus:

Accountability is the requirement that those who hold public trust account for the use of that trust to the citizens or their representatives. Public accountability underscores the superiority of the public will over private interests for those engaged in the provision and delivery of services to the general public.

Olowu (2002) pinpoints three crucial components of accountability, namely: a clear definition of responsibility, reporting mechanisms, and a system of review rewards, and sanctions. Responsibility is explained as the obligation of an individual to carry out his duties and in terms of an administrative agency being responsive to public welfare and interest (Laxmikanth, 2002). The reporting mechanisms component presupposes that accountability can be achieved through specific methods and procedures since people are not always expected to perform their duties or act in the public interest. In this case accountability implies control. Laxmikanth (2002: 194) captures it thus:

It involves devising control mechanisms to keep the administration under close watch and in check. Thus the public servants are made accountable to different agencies which exercise control over them. The purpose of control is to ensure that the public servants exercise their powers and discretion in accordance with laws, formal rules and regulations, and established procedures and conventions.

The third component-review, rewards and sanctions-completes the accountability circle. The essence of control mechanisms is to ensure compliance, hence, they can only be effective where performance is rewarded or sanctioned accordingly. The obvious implication of this is that people must be rewarded for good actions and punished for bad action (Ikeanyibe and Imhanlahimi, 2006: 121-134).

Studies such as (Grant and Keohane, 2005; Schedler, 1999) have shown that central to the understanding of the concept of accountability is the idea that to be accountable is to have to answer for one's actions and to face sanctions depending upon the answer and one's performance. In the words of Agara and Olarinmoye (2009: 17), "Accountability acts as a quality control device for the public service and so the public as citizens and consumers in the public realm can expect to receive the best service." They posited further that:

Accountability also underscores the superiority of the public will over private interests of those expected to serve and ensures that the public servants behave according to the ethics of their profession.

Robertson (1993: 3) also looks at accountability as a process by which those who exercise power, whether as governments, as elected representatives or as appointed officials, must be able to show that they have exercised their powers and discharge their duties properly. Akpan (1982:43) defines accountability as:

the acceptance of the fact that all public servants owe and hold their positions, and everything associated with these positions, as trusts for the people, who are their masters. Thus, those who are expected to render services must account to the people for their successes and failures; and those who are entrusted with the custody and disbursement of public funds must appropriately account to the people for their use.

For the purpose of this study, accountability will be seen from the perspective of responsibility to answer certain function(s) performed by public officials. According to Heywood (1997:375), he poignantly asserted that:

Accountability means answerability, that is, a duty to explain one's conduct and be open to criticism by another. Accountability requires that the duties, powers and functions of bodies be defined in such a way that the performance of subordinate one's can be effectively monitored and evaluated.

Heywood further links the concept of accountability with the concept of responsibility. He posited that:

Responsibility means accountability. This implies that the existence of a higher authority to which an individual or body is subject and by which it can be controlled.

Adetoye (2001:86) also argues in line with Heywood when he relates accountability as the individual responsibility of government official. He is of the opinion that a public administrator has a responsibility attached to his/her office.

THEORETICAL FRAMEWORK

The theoretical framework suitable for this study is the utilitarian theory. The basic premise of utilitarian theory is that human beings as a rule seek happiness; that pleasure alone is good, and that only the right action is that which produces the greatest happiness of the greatest number (Mukherjee and Ramaswamy, 2006: 259-288). The desire of the Theorists (Jeremy Bentham 1748-1892), Francis Hutcheson (1694-1746), William Parley (1743-1805) and other contemporary advocates, was the restructuring of government and legal institutions so as to maximise individual happiness. The principle of utility recognised the basic psychology trait according to Bentham (1977):

To approve or disapprove every action whatever, according to the tendency which it appears to have argument or diminish the happiness of the party whose interest is in question... not only of every action of a private individual, but every measure of government.

Bentham, in his Plan for Parliamentary Reform (1977: 485), contended that community interest would not emerge the moment the government took cognizance of the people, for they would not wish to be governed badly, nor would they desire a sacrifice of universal interest for something narrow and sectarian. He also contends that government would be more accountable and less whimsical. In his contention, the state was a contrivance created for fulfilling the needs of the individual. He was categorical that a government and a state had to be judged by their usefulness to the citizens. He insisted on a need for a watchful and interested government, which would readily and willingly act whenever and wherever necessary for the happiness of the people.

Relating the utilitarian theory to Ombudsman (PCC) as an agent of accountability, it is pertinent to note that PCC stands as an agent or institution of government that takes cognizance of human being injustice. The pleasure of the citizens will be seen in terms of the institution capable of dealing with injustice in the state. The happiness of the citizens who brought cases to the commission will be seen by the PCC right action in dealing with injustice in the state or the PCC will be fulfilling the needs of the citizens willing where and when necessary.

OMBUDSMAN (PCC) AS A TOOL OF ACCOUNTABILITY IN ONDO STATE

In this section, Ombudsman (PCC) will be looked as a tool of answering to responsibility. That is answerability to peoples' injustice in Ondo state. As Laxmikanth (2002) as rightly observed:

Responsibility is explained as the obligation of an individual to carry out duties and in terms of administrative agency being responsive to public welfare and interest.

Ombudsman, which is also known as Public Complaint Commission (PCC) was set up by the Federal Government of Nigeria to respond to citizens' injustice. Each state has one state office headed by a Commissioner. The total number of offices in Nigeria is totalled at 38. Emphasis of this study would be Ondo state, Nigeria from 2004-2009.

Research Instrument

The instrument used to gather the primary data in this research work is through a structured interview. A top officer of the PCC in Ondo state was interviewed. The secondary data relies on the use of textbooks, journals, and government publications. We had an interview with the Assistant Chief Investigation Officer of the commission. The PCC annual

publication always carried information on the cases disposed and indisposed cases annually. The PCC Annual Publication serves as an accountable instrument of the activities of the commission in a year. As Morris (2008) cited in (Onu, 2009: 96) has observed that there are two major forms of ombudsman offices. These are (i) a “classical” ombudsman and (ii) an “executive” ombudsman offices. A ‘classical’ ombudsman she notes is an independent high-level public official responsible to the parliament or legislature and appointed by constitutional or legislative provisions to monitor the administrative activities of government. An ‘executive’ ombudsman reports directly to the chief executive officer of the institution. The Nigerian PCC falls under the category of a classical ombudsman, it publishes and accounts its activities to the National Assembly yearly.

RESULTS AND DISCUSSION

Table 1: The Comparative table illustrating the number of cases received, disposed and cases indisposed/cases under investigation from 2004-2009 are shown below:

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Year	No of cases received (a)	No of cases disposed (b)	No of cases indisposed(c)	(b)-(c)
2004	119 (6.46%)	50 (5.7%)	69 (7.1%)	-19
2005	135 (7.33%)	46 (5.3%)	89 (9.1%)	-43
2006	464 (25.17%)	372 (42.9%)	92 (9.4%)	280
2007	300 (16.28%)	102 (11.8%)	198 (20.3%)	-96
2008	315 (17.09%)	65 (7.5%)	250 (25.6%)	-96
2009	510 (27.67%)	233 (26.8%)	277 (28.4%)	-44
Total	1843 (100%)	868 (100%)	975 (100%)	-18

Source: Ondo State PCC Annual Report 2004-2009

From the table 1, the total complaints of cases received by the commission between the year 2004 and 2009 is 1843. The total number of cases disposed amount to 868 while cases under investigation is 975 in number. The commission had the highest number of cases in the year 2009 with 510 cases representing 27.67%. This is followed by 464 (25.1%), 315 (17.09%), 300 (16.28%), 135 (7.33%) and 119 (6.46%) for the years 2006, 2008, 2007, 2005 and 2004.

Also, PCC in Ondo state had the highest number of cases disposed in the year 2006 with 372 cases representing 42.9%. This is followed by 233 (26.8%), 102 (11.8%), 65 (7.5%), 50 (5.7%), and 46 (5.3%) respectively for the years 2009, 2007, 2008, 2004 and 2005 respectively. In addition, the commission had the highest number of cases under investigation (disposed) in the year 2009 with 277 (28.4%) cases representing. This is followed by 250 (25.6%), 198 (20.3%), 92 (9.4%), 89 (9.1%), and 69 (7.1%) respectively.

From the table 1, during the period of 2004 to 2006, the number of cases increased. The reasons might be an increase in poverty, corruption and other social vices in the state. The number of cases increased from 2004 to 2005 by 11.9%. The cases increased from 2005 to 2006 from 135 to 464. The percentage increased from 11.9% to 49.4%. The commission had a decrease in the number of cases received from 2006 to 2007. The percentage of decrease in the number of cases within was 35.3%. In the years 2007 and 2008 there was an increment in the number of cases. The cases increased from

300 to 315. This represented 4.76% increment. Also, there was an increment in the number of cases from 2008 to 2009 from 315 to 510, which represented 38.2% increment.

The year 2006 was the time commission recorded positive when comparing the cases disposed and cases indisposed. This showed the time the PCC had been responding positively to citizens' seeking redress in Ondo state. The year 2006 yielded the positive result of 280 cases when comparing the cases disposed and cases under investigation. The years 2004, 2005, 2007, 2008 and 2009 recorded negative impacts on the cases disposed and cases under investigation. It is important to note that cases pending are usually brought forward to the subsequent year. Most cases are pending if the complaint loses interest, if he dies, if there is no follow up from the commission, complaint changes his/her address or if the cases are out of reference (PCC General Information).

Data Analysis

In analyzing the data, quantitative techniques were used. Correlation technique would be used to test the significance association of the variables identified of the study. The first research hypothesis would be tested by using correlation technique to test the relationship between the cases disposed and cases indisposed by the PCC from 2004-2009.

Hypothesis I:

H₀: The PCC in Ondo state is not effective in disposing the cases brought before it?

H₁: The PCC in Ondo state is effective in disposing the cases brought before it?

Table 2: The table illustrating the number of cases received, disposed cases under investigation from 2004-2009 are shown below:

s

Year	No of cases disposed (b)	No of cases indisposed(c)	Total No of cases (%) b + c
2004	50 (42.02%)	69 (57.98%)	119 (100%)
2005	46 (34.1%)	89 (65.9%)	135 (100%)
2006	372 (80.2%)	92 (19.8%)	464 (100%)
2007	102 (34%)	198 (66%)	300 (100%)
2008	65 (20.6%)	250 (79.4%)	315 (100%)
2009	233 (45.7%)	277 (54.3%)	510 (100%)
Total	868 (47.09%)	975 (52.91%)	1843 (100%)

Source: Ondo State PCC Annual Report 2004-2009

Based on the fact gathered from the PCC in Ondo state, it is not expected that the PCC should be able to dispose of 100% of all the cases brought to it during a particular period, it is reasonable to assume that to be worthy of the confidence placed in it by the people of Ondo state and public expenses to keep it running, it should be able to dispose at least 50% of all the cases brought to it in a period of 12 months (one year). It was only the year 2006 that PCC was able to dispose of 80.2% of the cases brought to it. During this year, PCC is effective. The years 2004, 2005, 2007 2008 and 2009 indicate the 42.02%, 34.1%, 34%, 20.6% and 45.7% respectively. These years show that the PCC in Ondo state is not

effective. A single year is not enough to say that the PCC in Ondo state is effective. Judging by the support of the people and government for the Ombudsman, what we want to test is the hypothesis that the PCC has been very effective in Ondo state. By effectiveness we mean the PCC has been able to dispose of not less than 50% of all the cases brought to it in a period of one year.

Putting all the total number the cases disposed together between 2004 to 2009, the total percentage of the cases disposed by the commission was put at 47.09% which is less than the assumption of effectiveness of the PCC in the state. The null hypothesis is that the PCC has not been effective in Ondo state. The implication of this is that we are to accept our null hypothesis and reject the alternate hypothesis that state that PCC in Ondo state is effective in dealing with the cases disposed of within a particular period stated. Looking at the table, it appears that PCC has not been effective even though people’s confidence in it has not been waned, judged by the number of increasing cases brought to it every year.

Hypothesis II:

H₀: There is no significant relationship between the cases disposed of and not disposed of?

H₁: There is significant relationship between the cases disposed of and not disposed of?

We use correlation analysis to test the significant relationship between the cases disposed and cases indisposed of.

Table 3. Hypothesis II: summary of the significant relationship between the cases disposed and the cases indisposed of by the commission from 2004-2009.

Year	Cases Disposed (X)	Cases Indisposed (Y)	X-X	Y-Y	(X-X) ²	(Y-Y) ²	(X-X) ² (Y-Y) ²
2004	50	69	-94.7	-93.5	8968.09	8742.25	8854.45
2005	46	89	-98.7	-73.5	9741.69	540.25	7254.45
2006	372	92	227.3	-70.5	51665.29	4970.25	-16024.65
2007	102	198	-42.7	53.3	1823.32	2840.89	-2275.91
2008	65	250	-79.7	87.5	6352.09	7656.25	-6973.75
2009	233	277	88.3	114.5	7796.89	13110.25	10110.35
Total	868	975			86347.34	42722.14	944.94

$$\text{Mean} = \sum fx / n$$

$$\bar{X} = 868/6 = 144.7$$

$$\bar{Y} = 975/6 = 162.5$$

$$r = \frac{\sum (X - \bar{X}) (Y - \bar{Y})}{\sqrt{\sum (X - \bar{X})^2 \sum (Y - \bar{Y})^2}}$$

$$r = \frac{944.94}{\sqrt{(86347.34)(42722.14)}}$$

$$r = \frac{944.94}{\sqrt{3688943148}}$$

$$r = \frac{944.94}{60736.6705}$$

$$r = 0.0155798$$

$$r = 0.02$$

HYPOTHESIS TESTING

H₀: There is no significant relationship between cases disposed and cases indisposed of the PCC.

H₁: H₀ is false.

Df: (n-2) = 6-2 =4

r: 0.02

CV: 0.378

Interpretation: $r < CV$, therefore accept the H₀

Conclusion: There is no significant relationship between the cases disposed and cases indisposed by the PCC.

Hypothesis 3:

H₀: That the PCC is not independent of the government interference in Ondo State, Nigeria?

H₁: That the PCC is not independent of the government interference in Ondo State, Nigeria?

To verify the null and alternate hypothesis, an in-depth interview was used. The Assistant Chief Investigation Officer was asked the question: Is the government interfere in the activities of the commission? He responded that:

The PCC is independent to some extent. The commission is only independent of government interference in its cases disposed and cases indisposed. In other things the commission is not independent of government activities. How can the commission be independent when government is paying workers' salaries, State Commissioners fire and dismiss the workers....? The Independent National Electoral Commission (INEC) is not independent let alone PCC. The commission can only be independent if the salaries of the workers are paid by the commission itself. In Ondo state for instance, the state government took over the land of the allotted to the commission. The incumbent government took over the land from the commission just because the commission did not construct anything on the land for about 20 years. Since Ondo state is the landlord, it took over the land. Therefore, one has to be specific of independent of the PCC.

The statements of the Assistant Chief Investigation Officer imply that PCC activities are not totally independent of government interference. This shows that interference of government has degree in the activities of the commission. The implication of this leads us to accept alternate hypothesis and reject the null hypothesis.

Recommendations: First, the PCC in Ondo State should draw up improvement in the cases disposed. All the machineries must be put in place. These include resources, personnel and materials must be available to achieve the objective of the commission. Two, the salaries of the commission must come from consolidated fund and the workers must be handsomely paid in order to discharge their duties without fear of favour. Three, government must give the commission free hands to operate. Government should give the commission full independent in all their activities so that the PCC in Nigeria will be respected of all the ombudsmen in the globe.

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