Misconduct Reporting and Query Management as Performance Tool in the Nigerian Public Service

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Abstract

Query remains the most effective corrective measure in the public sector for monitoring employee wrongdoing, as it aims to enhance performance and service delivery. Without a doubt, the query method has become ineffective in Nigerian public service and there is glaring lack of scholarly research in this area. This study aims to identify the reasons behind the ineffectiveness of query procedures in Nigerian public services and to propose constructive measures to address the issue. Through this research, we hope to contribute to the development of more efficient and fair processes that can enhance the overall performance of public services in Nigeria. To better understand the reasons why the power of query has diminished in the Nigerian public service, we utilized the McGregor theory as a theoretical framework and reviewed current literature on public misconduct. We found that certain factors have contributed to the decline in the use of query, including employee collusion, a weak institutional framework, a weak corporate governance mechanism, nepotism, and demonization. By identifying these factors, we can create a more constructive and effective approach to addressing the issue of public misconduct in Nigeria. This study suggests that senior officers must use the threat of harsh punishment to correct misbehaving subordinates without fear or favor by drawing on the reasoning from Douglas McGregor's Theory of X.

Keywords: Public service, Misconduct, Query system, Service delivery, Mystical forces


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Introduction:

In Nigeria, the term "public service" refers to the civil service (Ministerial Departments), statutory corporations or parastatals, judiciary, legislature, educational institutions, as well as other entities in which the Federal or state governments owned a controlling share or interest (Adebo, 2012). The civil and public services are both products of Nigerian colonial overlords who embodied public administration in Nigeria. The highest positions in public service were
held by Europeans throughout the colonial era. Concentrated on them are the executive, legislative, and judicial branches of government. The 1960 Declaration of Independence, however, sparked the creation of the Nigerian public service as a national institution for leading the country's rapid transition and assuring continuity of administration, increasing the stake of Nigerians at the helm of the public service (Onah, 2010). The Nigerian Public Service had a history of maintaining compliance and impartiality in policies and programs during the country's early years of independence. However, in the years following the restoration of democracy in 1999, there has been a decline in the service's professionalism. To ensure the continued success of the Nigerian Public Service, it is important to address the issues that have contributed to this decline and work towards implementing effective solutions that will help to restore its reputation for fairness, competence, and excellence. The discipline that the colonial administration left behind has been severely harmed. The Nigerian Civil Service Commission, which has the authority to effectively regulate and uphold discipline, has abdicated its duty (Adebayo, 1994). Those who mistakenly think that Nigeria's public service has a colonial background downplay control and discipline inside the organization (Ani, 1991). When there is a severe disruption of the relationship between the query system and wrongdoing in the public service, productivity in the Nigerian public service declines and becomes the focus of multiple investigations.

This study raises some important research questions, such as: Why do most senior public officials in the Nigerian public service ignore the practice of issuing queries to address official misconduct by their subordinates? What impact will this lack of accountability or willful disregard of their responsibility have on the performance of Nigerian public employees and their ability to deliver quality services? The remainder of the study is organized as follows: Section 2 reviews pertinent literature; Sections 3 and 4 describe research techniques, including data collection and sampling techniques; and Section 5 deals with data analysis. The results are then discussed in section 6 from the standpoint of Douglas McGregor's Theory of X. Discussion of the results is in Section 7, and conclusions and suggestions are in Section 8.
Literature Review

Public Service Misconduct

Misconduct has its eccentric peculiarities in public service delivery. First, it is a crime against public office punishable by laws, and secondly, as impediment for organizational growth. In the first scenario, by defining the crime of misconduct in a public office, Parsons (2012) stated that the elements of the offence of misconduct in a public office are when a public officer uses his public office to gain an improper financial advantage which could be in the form of bribery and corruption, theft, fraud and bribery, financial misappropriations and financial improprieties or an indictment containing allegation of dishonesty, malfeasance to such a degree as to amount to an abuse of the public’s trust on the office holder without reasonable excuse or justification. It can also be a matter of conspiracy where a public official passes confidential and restricted documents to unauthorized persons, which in the long run can impede organizational growth and pose a threat to organizational security.

Attempts by scholars to precisely document what constitutes public service misconduct have been a herculean task. Even a few attempts have failed to be consistent in all situations (Blumer, 1931; Greve, Palamer, and Pozner (2010). Reasons abound for this inability to have a generally accepted and concise definition: establishments are located in milieus saddled with numerous components, with scholars that embrace different disciplinary perspectives of study, each of which tends to have somewhat different points of view on the distinction between appropriate and inappropriate conduct (Greve et al, 2010). "Any behavior that breaches the law or corporate ethics standards" is referred to as "misconduct" (Ethics Resource Center, 2005 cited in Phongstorn, 2010). Misconduct is typically defined as employee behavior that interferes with the effectiveness and efficiency of the organization's established objectives. Incidents of misconduct have the potentials to interfere with other aspects of employee productivity and self-esteem, which makes it more difficult for the organization to achieve its objectives (GAO, 2018).

According to existing literature, a more current definition of "misconduct" includes matters involving (i) frauds and deceptions (officer fraud), (ii) willful abuses of official authority (malfeasance), and (iii) the purposeful inflicting of bodily harm, incarceration, or other injury.
onto a person (oppression). Misconduct in public office should be considered where: (a) there is no appropriate statutory offence for a piece of serious misconduct (such as a serious breach of or neglect of a public duty that is not in and of itself a criminal offence) and (b) there was serious misconduct or a deliberate failure to perform a duty owed to the public, with serious potential or actual consequences for the public; Any workplace can experience misconduct (Ibid, p.6). The Nigerian public service is one of the institutions where the staff members have varying perspectives. Truancy, dishonesty, willful destruction of property or materials, unexcused absence, falsifying of records, leaving office without authorization, deception or fraud, fighting, insubordination, embezzlement of public funds, sexual gratification, etc. are some of the behaviors that constitute misconduct in the public service (Johnson, 1996).

Misconduct can take many different forms, such as willfully refusing to perform necessary tasks or failing to do so within the stipulated timeframe; acting willfully outside of one's legal authority; purposefully seeking or receiving material benefits in exchange for performing official duties; willfully altering personnel and other records in order to further one's own or another's interests; and acting outside one's sphere of influence in order to further one's own or another's interests (Kohn, 2015). Section 3 (030301) of the Federal Republic of Nigeria’s 2007 Public Service Rule (as modified) states that "Misconduct is defined as a specific act of wrongdoing or inappropriate attitude that brings the service’s reputation into disrepute and which can be examined and proven. Additionally, it can result in dismissal or retirement (Federal Republic of Nigeria, 2008).

Section 3 (030302) continued by stating:

When once a superior officer is not satisfied with the behaviour of any subordinate under him or her, it shall be his or her responsibility to bring it to the notice of the officer in writing giving details of the unsatisfactory behaviour and to call upon him or her to submit within a specific time such written response as he or she may decide to make to exonerate himself or herself from discipline. Once the consideration of the written response is over as the officer may make in line with the specifications given, the superior officer shall decide on: (i) the officer has exonerated himself or herself in which case, he or she shall be so informed in writing and no further action shall be required, or (ii) the officer has not exonerated himself
Or herself but it is considered that he or she should not be reprimanded in which case the proper formal letter of advice shall be issued to him or her and he or she shall be mandated to notify in writing that he or she has received it, or (iii) the officer has not exonerated himself or herself and attract some reprimand, in which case Rule 030304 shall apply.

(Federal Republic of Nigeria, 2008).

Off-duty behavior typically isn't the foundation for a judgment of misconduct, and being fired for failing to achieve performance criteria is typically not seen as misconduct. Misconduct must be tied to one's performance at work (Vermont Department of Labor, 2010). In modern public organizations in Nigeria, public/civil servants display a minimal amount of discipline along with some elements of indiscipline (Johnson, 1996). The blatant lack of seriousness when they report for duty is proof of this. Even if they may have been tardy, they leave the job after a tiny amount of ineffective time, either with or without permission. Some people merely got intoxicated and went back to the office to park and wait until the office closed. Others seek permission to skip work using bogus excuses, while others abstain from their duties for unexplainable motives (Ochai, 1984).

**Conceptualizing Public Service and Query System**

In the public sector, it is the responsibility of higher officers to inform a junior who is accused to have violated the public service norms of a wrongdoing. Standard operating procedures and policy statements that govern work and the terms of service in the public sector are referred to as public service rules (PSR). PSR is intended to serve as a work manual and guide for public service professionals who work in a bureaucratic environment. The purpose of this document is to provide an operational framework, regulatory principles, a charter of the rights, privileges, and responsibilities of employees (public servants), information on the sanctions for inappropriate behavior, and guidelines for proper workplace conduct. It was known as "General Orders" during the colonial era and "Civil Service Rules" from 1974 until January 2000, when it changed its name to "Public Service Rules till date." Aside from the issues connected to PSR's obvious link to the level of rule compliance by both employers and employees in Nigeria, there are contextual, textual, and structural changes with historical impact on PSR.
Although the PSR has the advantages of making employees accountable and responsive to their assigned public duties, protecting the workplace, integrity, and dignity of labor, and promoting public trust and confidence, probity, and accountability in public service organizations, there is evidence to suggest that misconducts are widespread in Nigerian public service and that attempts to address some of these issues result in the issuance of query to the offenders. Interdiction and prosecution might come after this. According to the service rule, higher officers have the power to take disciplinary action against subordinate erring staff members. Such sanctions must adhere to PSR, 2008 regulations. The Public Service Rules have outlined the process to be followed in dealing with incompetent employees in accordance with Rule 030403. The following is a summary of the process outlined in these provisions:

i. The officer is first given a written query outlining the reasons why he will be penalized, and then he is asked to submit a written argument in opposition to the charges.

ii. In the event of termination, the officer must be provided access to the evidence used against him and, if required, may be detained.

iii. If, upon consideration of the staff's written representation, the superior officer determines that the officer should be removed and is unconvinced that the staff has not cleared him of blame, then the appropriate action will be taken.

iv. If necessary, a board of inquiry may be established to look into the officer; the officer will be invited to attend and defend himself; he will be permitted to ask witnesses questions, if any were summoned; and he will be given copies of the papers that were used against him.

v. If it is determined to remove the officer after examining the board of inquiry's report, such action must be taken.

Discipline is typically used to deal with staff members who are ill-equipped or unable to behave well, as well as in situations when management believes it is likely and appropriate to address behavioral issues. When management decides not to fire an employee, discipline can reduce misconduct and increase productivity (GAO, 2018:8). Therefore, the initial steps to look into and resolve a misbehavior in the public sector as identified by Chukwu (2002) are:
(a) A formal written request asking the officer to provide justification and evidence as to why they should not be subjected to the entire penalty associated with the alleged offense they committed.

(b) Conducting an investigation (c) Gathering all relevant information, including his authorized representation, and fully enforcing the rule of natural justice (d) Depending on the seriousness of the offense, some situations call for the creation of a board of inquiry, followed by prosecution, if necessary.

In order to attain organizational goals, query functions as a corrective action geared at ensuring that employees live up to the demands of their employments (Cascio, 1989; Dubrin, 1990; Mcfarland, 1987).

Unfortunately, the processes for investigating and dealing with wrongdoing are frequently ignored in the Nigerian public service. The fact that superior officers even avoid the initial step of a misconduct investigation, questioning, is concerning in this circumstance (Chukwu, 2002).

Theoretical Framework

Various forms of official misconduct have led to New Public Management reforms in developing countries. In Nigeria, there are accounting and administrative reforms – such as e-payment for suppliers of goods and services, adoption of international public sector accounting standards(IPSAS), Treasury Single Accounts (TSA), Integrated Personnel Payroll Information System (IPPIS), Government Integrated Financial Management Information System (GIFMIS) – aim at instilling transparency and accountability in public sector organizations. Given these reforms agenda in public administration and financial management, the objective is to entrench accountability and transparency by eliminating corruption, insider abuse, truancy, dishonesty, willful damage of property/materials, unexcused absence, falsifying of records, leaving office without permission, deception or fraud, fighting, insubordination, embezzlement of public fund, sexual gratification (Johnson, 1996).

The study leveraged on the ‘Theory of X’ espoused by Douglas McGregor (1960) which borders on workers’ (public servants) attitude towards works. Earlier works (see Wayne 1989; Greve, Palamer & Pozner, 2010) on this provide evidence that query system remains a powerful
restraining mechanism to control public servants’ laziness at work or coerce public servants that lack strong work ethics. As an attitudinal control mechanism at work in any public organization, application of principles and assumptions of McGregor’s Theory of X helps to correct improper behaviour and shoddy attitude towards their job responsibility within public service. Hence, a query serves as a coercive means or threat of punishment for any public servant that is found wanting at workplace as recommended by McGregor whilst query system is relevant in checking misconduct in public organization, the institution itself should also be reformed.

Methodology
The purpose of this research is to identify why query has lost its potency in Nigeria’s public service; and to proffer possible remedy through the interrogation of various reforms to establish how the reforms have been useful in protecting the sanctity of the civil service reforms. We used a qualitative exploration approach to analyze extant literatures on misconducts in a sample of public service organisations in Ebonyi State, Nigeria. Manual content analysis was used to conduct the analysis. This method, according to Badia et al. (2010), is a systematic and repeatable technique that enables us to examine data in a systematic manner by deciphering certain components of the misbehavior literature and compressing them into different content categories. In this manner, we underlined and color-coded each passage that discusses public wrongdoing and offers a solution. We made sure that the data was analyzed by each author in order to assess the accuracy of the material. The operationalization system was used by all authors to categorize all the data that was gathered. To eliminate subjectivity issues in the data evaluation, the results were examined and debated in the case of author disputes. Additionally, we have attempted to eliminate endogeneity issues by removing related data. The next part displays the findings of our analysis.
Results

The study identified three categories of official misconduct among public servants. This is shown in Table 1.

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<thead>
<tr>
<th>Administrative</th>
<th>Financial</th>
<th>Behavioural</th>
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<tbody>
<tr>
<td>Truancy</td>
<td>Embezzlement</td>
<td>Fighting</td>
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<tr>
<td>Unexcused absence</td>
<td>Bribery and corruption</td>
<td>Sexual gratification</td>
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<tr>
<td>Falsification of records</td>
<td>Theft and pilfer</td>
<td>Malfeasance</td>
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<tr>
<td>Insubordination</td>
<td>Financial misappropriation</td>
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Leaking official information

Dishonesty

Wilful damage of properties

Leaving office without permission

Deception

Source: Authors compilation

The three categories are administrative misconducts which have to do with misconducts bothering on public officials violating the rules of public engagements. Possible examples of this include; public officials engaging in truancy in workplaces, unexcused absence, falsification of official records for personal enrichment, insubordination, leaking official information, act of dishonesty, willful damage of properties, leaving office without permission and deception. Each of these offences, if committed by public servants, attract queries from superior officers.

There are also financial misconducts in public offices which have to do with offences bothering on embezzlement of government funds, revenues entrusted on the public office holders. Other examples of this include acts of bribery and corruption of public funds, theft and mismanagement of public resources and other financial misappropriations. Violations of public procedures in the management of public finances attract query.
Another aspect of misconduct has to do with behavioural trait as shown in Table 1. The behaviour of public office holders, to some extent, constitutes official misconduct, which is punishable under the public service rules. Examples include fighting, sexual gratifications, and malfeasance. The figure below illustrates their connectivity in three spectrums.

Figure 1 below shows why query has lost its potency in Nigeria irrespective of increasing act of misconducts.

Figure 1: Nexus between official misconduct and query ineffectiveness.

Many reasons were identified from previous literature to have accounted for this as shown in figure 1. These include:

1. **Collusion among workers**
   Collusion between employees, such as insider abuse, has the potential to raise crime and wrongdoing in the public sector. The majority of persons who conspire to cheat organizations, as stated by Carmellia 2007 and Burke 2013, resist change. Failure has a condition that is inherent in resistance to change. During this time, there has been an increase in awareness of the role of
those who oppose change, not necessarily because they are bad people or are negative but rather because they want to avoid embarrassing themselves in public and increase productivity.

There are a number of themes emerging from research that characterize misconduct (and/or change failure) through a kaleidoscope of causes, including structure and content of reform agenda, tension between organizational focus and the people focus, role of senior managers and conflict of interest, limited focus on the center, and more. While the accuracy of organizational failure statistics caused by misconduct has been questioned by scholars (Durnes 2011; Hughes 2011; Mcfillen et al 2013).

2. **Weak institution frameworks**

Corporate ethics and institutional philosophy both contribute to the prevalence of wrongdoing. While collusion, insider abuse, and other forms of public wrongdoing are encouraged by weak institutional frameworks, they are made more difficult by strong institutional frameworks, such as those seen in industrialized nations. This is particularly true in the majority of developing nations, where corruption is a major problem and encourages a variety of crimes. This is due to the fact that the organization tasked with protecting workers is at best ineffective. For instance, insufficient compensation for employees and failure to pay gratuities on time may encourage wrongdoing among those still working for the organisation.

3. **Poor corporate governance mechanism**

Since its inception, the organizational transformation model has drawn from a wide variety of traits, each of which fills in apparent gaps while concentrating on certain component sections. Differentiating change by type, where change is seen in the context of its phase, has been the subject of one series of methodologies (Dunphy et al 2007; Maimone & Sinclair 2014).

Another strategy, known as Corporate Governance (CG), looks at change in terms of how it emerged inside an organization and how it is run. A form of employee malfeasance, poor CG has an impact on corporate effectiveness and financial mismanagement (Smith & Graetz, 2011).

4. **Black Magic/Witchcraft**

The usage of evil spirits is thought to be a component of the practice of black magic, which is a type of magic used to harm victims. It fills the human person with a lot of bad energy. Black
magic is a form of art that takes advantage of people's anxieties and uses their blind faith to persuade them to find hope and allegiance in something that is utterly beyond their comprehension, (Vanithamani, 2019). Africans think that witchcraft is to blame for strange occurrences such as conflicts, deaths, violence in the home and in the community, loss of wealth, illness, and failure, (Bernard & Dickson, 2014). Bernard & Dickson continued by saying that, particularly amongst people who are older, more socially advanced, or in lower positions at work, this can be stated verbally. According to Baglari (2015), magic has been practiced and believed in since the earliest human cultures, and it still plays a significant religious and therapeutic function in many cultures today. Black magic, according to Jelena (2017), is widespread in Sub-Saharan Africa, particularly in Nigeria. According to Ranger (1980:45), witches are typically associated with women or young children in nations like Nigeria, Cameroon, Ghana, Malawi, and Uganda. The practice of these among some Nigerian public servants has limited official use of query as instrument of correction in fear of the unknown.

5. Tribalism/nepotism

Tribalism refers to actions or attitudes that are motivated by a sense of allegiance to a tribe or other social group. It can also be characterized as having a distinct cultural or ethnic identity that sets one person apart from others who belong to different groups. On the other hand, the Merriam-Webster dictionary defines tribalism as elevating one's tribe above others. Nepotism, on the other hand, is the practice of showing favoritism for family members or friends based on that relationship rather than an unbiased assessment of competence or fitness. This manifests itself in a variety of ways, such as hiring relatives in favor of more competent individuals, safeguarding the interests of family members or friends at work even when they engage in behavior that would typically be grounds for discipline or investigation, etc.

Tribalism and nepotism, which have eaten deeply into our national fabrics and feeling of cultural coexistence as a nation, have long been one of Nigerian politics' largest problems. To say that this is not a subject that needs to be discussed would be equivalent to saying that there are no gods, Godson (2020). According to Cova & Cova (2001), tribal individuals are never alone because they are a part of a sizable and informal group, which is what defines tribes as a whole. They claimed in another document that "the community of feeling or passion is the common
denominator of postmodern tribes” Cova & Cova (2002, p.598). Conflicts between management and employees arise as a result of nepotism in the workplace. This promote misconduct that may not be checked because of tribal sentiments, rendering the query system impotent.

Conclusion and Recommendations

The issuance of a query to look into and stop employee misbehavior is a procedural technique of addressing and regulating wrongdoing within the public service. One of the most common discussions in public service is the use of the query system as an accusation and amelioration of wrongdoing. Despite the paucity of research in this area, the scant studies that are now available have not fully examined the causes of the decline in the effectiveness of query in Nigerian public service. The study looked and assessed the main reasons why senior officers frequently overlook their subordinates' behavior, despite the availability of public service rule on misconduct brought against them. The study asserted that some superior officers within the public service frequently fail to question incompetent junior employees within the Nigerian Public Service due to the mystical circumstances of black magic/Witchcraft that have previously surrounded the deaths of their colleagues in the same line of work who died while in active service without any medical evidence to support the cause of their sudden death after autopsy.

According to the study's findings, this is one of the perplexing causes of Nigeria's inefficient and inadequate service delivery. This study addresses empirical dispute in the literature as a significant gap between query system and official misconduct within the public service in Nigeria by illuminating several preconditions under which failing to reduce official misconduct can demoralize other serious workers. The study's most important finding is that collusion among workers, weak institutional framework, poor corporate governance mechanism, nepotism and diabolism are factors responsible for the decline in the use of query. The study finally leveraged on the arguments of Douglas McGregor’s Theory of X, to recommend that superior officers must wield the big-stick to erring subordinates along with the threat of severe punishment without fear or favour. This study suggests that the entire Nigerian public sector needs to be completely overhauled in order to provide effective and efficient service and foster positive behavior and attitude development. Training and retraining on dealing with misconduct and the misinterpretation of the fundamental nature of the query system should be done on a
regular basis, this should be so in order to correct the erroneous mindset of subordinates who believe that query is primarily aimed at terminating their employment. The report also urges managers in the Nigerian Public Service to focus toward addressing the financial and humanitarian needs of junior personnel in order to discourage absenteeism from the workplace. Majority of junior workers are not dedicated to service delivery for several prominent reasons, including poor pay and the lack of other material necessities. For employees to be motivated in order to accomplish corporate goals and objectives, their financial and non-financial motivational demands must be well understood and addressed by managers and superiors. Last but not the least, the Federal Government of Nigeria should work to create jobs in order to reduce the high unemployment rate, which inevitably increases insecurity within the Nigerian Public Service.

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