

(GARUDA)

NOTIFICATION OF THE OFFICE OF THE COUNCIL OF STATE

RE: RULE, STANDARD AND GUIDELINE ON COMPLAINT HANDLING IN CASE OF
CORRUPTION AND MALFEASANCE BY OFFICIALS OF THE OFFICE OF THE COUNCIL OF
STATE

Subject to the National Strategy on Anti-corruption of Government Agency and the Ministerial Regulation on Organisation of the Office of the Council of State under the Office of the Prime Minister, B.E. 2556 (2014), Rule 7 which provides for setting up an Anti-corruption Operation Centre within the Office of the Council of State in order to mainly perform the duties of integrating and steering the plans for anti-corruption, and promoting and protecting the virtues within the Office of the Council of State;

In order for the prevention and suppression of corruption of the Office of the Council of State to be in accordance with the powers and duties of the Anti-corruption Operation Centre prescribed in the Ministerial Regulation on Organisation of the Office of the Council of State and the National Strategy on Anti-corruption of Government Agency, the Office of the Council of the State therefore stipulates rule, standard and guideline on complaint handling in case of corruption and malfeasance by the officials thereof, as follows:

Article 1. This Notification is called “Notification of the Office of the Council of State Re: Rule, Standard and Guidance on Complaint Handling in Case of Corruption and Malfeasance by Officials of the Office of the Council of State”.

Article 2. In this Notification:

“Official” means a government official, a permanent worker and a government employee attached to the Office of the Council of State.

“Corruption” means a seeking of benefit illegally for oneself or others.

“Malfeasance” means a performance of duty by, an omission to perform any act within the position or duty of, or an exercise of power within the position or duty of an official which constitutes a breach of law, regulation, rule or order, the intent of which is to regulate the receipt, collection, or spending of money or property belonging to the State, whether or not such performance or omission to perform constitutes corruption, and shall also include a negligent conduct within the duty thereof.

“Complaint” means a complaint of corruption, wrongful performance of or omission to perform the duty by an official attached to the agency, and an accusation that an official performs his or her official duty without accountability to the people, morality, virtue, or due regard to public interests of the country and the principle of good governance as prescribed by the law, rule and code of practice of relevant government agency.

“Respond” means a transfer of the matter to a relevant agency, an examination and bringing of a complaint into fact inquiry process, a giving of warning notice, prosecution, or other acts in accordance with the rule and legal provision, along with a notification of the result or progress of the proceeding to the complainant within the period of fifteen days. In the case where a complaint does not identify the name and address or reachable telephone number or email address of the complainant, the respond of such complaint shall be deemed to come to an end upon a bringing of such complaint into fact inquiry process, a giving of warning notice, prosecution, or other acts in accordance with the rule and legal provision.

Article 3. Criterion and detail for making a complaint:

3.1 Criterion for making a complaint:

3.1.1 A complaint to be made must be a matter which causes grievance or damage to the complainant, as a result of the following conducts by an official of the Office of the Council of State:

- (1) commission of the corruption in the course of official duty;
- (2) commission of the offence against the duty of official service;
- (3) omission to perform the duty prescribed by law;
- (4) an unreasonable delay in the performance of duty;
- (5) an act which is *ultra vires*, illegal, or contrary to the law.

3.1.2 A complaint to be made must be a fact with supporting ground, and must not be a scandal which causes damage to a person without manifest circumstantial evidence or identifiable witness.

3.2 A complaint shall be made in polite language, and shall specify the details as follows:

3.2.1 name and address of the complainant;

3.2.2 name of relevant agency or official which gives rise to the cause of complaint;

3.2.3 all acts which give rise to the cause of complaint, together with the facts and circumstances thereof as appropriate (or clear notification of the mean for finding clues to corruption by an official for the purpose of conducting investigation and inquiry);

3.2.4 request of the complainant;

3.2.5 signature of the complainant;
 3.2.6 date, month and year of complaint;
 3.2.7 documentary evidence, physical evidence and witness (if any).

3.3 In the case where a complaint is made in the form of anonymous letter, such complaint shall be accepted for consideration only where it specifies manifest circumstantial evidence and identifiable witness.

3.4 Complaints which may not be accepted for consideration are:

- 3.4.1 a complaint not made in writing;
- 3.4.2 a complaint identifying insufficient witness or evidence;
- 3.4.3 a complaint not containing the items under Article 3.2.

3.5 A complaint can be submitted through the following channels:

3.5.1 submission of complaint or making complaint by himself directly to the Office of the Council of State, No. 1, Phra Atit Road, Phra Nakhon District, Bangkok 10200;

3.5.2 making a complaint through the website of the Office of the Council of State: www.krisdika.go.th (Complaint Handling Centre);

3.5.3 making a complaint through Damrongdhama Centre, Ministry of Interior:

- By post: PO. 1, NPO. Ministry of Interior, Bangkok 10206;
- Email: moi0219@moi.go.th;
- Damrongdhama Centre Hotline: 1567 (24 hours);
- Fax: (02) 222 6838;

3.5.4 making a complaint through Public Service Centre, Office of the Prime Minister:

- Government House Hotline: 1111 (24 hours);
- By post: PO. 1111, PO. Government House, Bangkok 10302;
- Website: www.1111.go.th;
- Submission of complaint in person.

Article 4. Consideration and operation processes:

4.1 The Anti-corruption Operation Centre shall be the main agency in the receipt of complaints.

4.2 When a complaint is received, the Director of Anti-corruption Operation Centre shall gather the information of complaint to be submitted to his or her superior officials respectively. In case of anonymous letters, only complaints having the characters prescribed in this Notification shall be considered.

4.3 In the case where the Secretary-General deems it expedient to appoint a fact inquiry committee or to entrust a person with fact inquiry, the Anti-corruption Operation Centre shall proceed in accordance with that order.

4.4 The appointed fact inquiry committee shall have the duty to gather relevant facts and inquire into the facts to consider whether and to what extent the complaint contains elements of truth, and shall complete its undertakings without delay, including its submission of opinion to the Secretary-General on whether or not the corruption and malfeasance exist and constitute a disciplinary offence. In the case where there is no supporting ground for accusation, the committee shall submit its opinion to the Secretary-General accordingly and the matter shall come to an end.

4.5 The inquiry of fact shall be conducted in secret but opportunity shall be given equitably to the accused official to prove the facts.

4.6 The fact inquiry committee shall report the result of its finding to the Secretary-General within thirty days from the date of its appointment. Where there is a justifiable and unavoidable necessity, the committee may submit a request to the Secretary-General for an extension of proceeding period, which shall be done not more than two times, and the extended period shall not exceed fifteen days each.

4.7 When any preliminary stage proceeding is undertaken, the Anti-corruption Operation Centre shall notify the complainant of the result thereof, except where the complainant does not provide any contact information for contacting back.

4.8 In the case where the matter of complaint is beyond the consideration power of the Office of the Council of State, the following actions shall be taken:

4.8.1 transferring the complaint to an agency directly concerned where the complaint specifies the name of such agency, and it shall be deemed thereupon that the respond to such complaint has come to an end;

4.8.2 returning the complaint to the complainant where the complainant does not specify an agency directly concerned along with the explanation of reason thereof to the complainant for acknowledgement, and it shall be deemed thereupon that the respond to such complaint has come to an end.

Given on the 7th Day of August B.E. 2556

(Signature)

(Mr. Atchaphon Jarujinda)

Secretary-General of the Office of the Council of State

Procedure for Complaint Handling of the Office of the Council of State

