CONCEPT

Administrative Law and Administrative Investigations: Decisions, Discipline and Integrity

4 – 8 October 2027
Paris - Right Bank business hotel



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Introduction:

Administrative law failures in government bodies rarely begin in court: they begin with a decision signed without competence, an investigation that skipped the public servant's right of defence, or a penalty out of proportion to the offence. Each one can be annulled, and each weakens public integrity. This Core Concept course trains legal advisers, investigation units and personnel affairs staff to test administrative decisions, run administrative investigations with full guarantees, apply public-office discipline and integrity controls, and write reports that hold up on review. Participants build an Administrative Investigation and Legal Opinion Case File.

Course Objectives:

- Test an administrative decision against the principle of legality and its five elements before it is issued or defended
- Advise on withdrawing or revoking a defective decision while protecting acquired rights and legitimate expectation
- Conduct an administrative investigation from referral to closing record while securing every guarantee of the public servant
- Characterise a public-office disciplinary offence and recommend a proportionate penalty or precautionary suspension
- Apply conflict-of-interest, gifts and financial disclosure controls to integrity cases in public administration
- Draft investigation reports and legal opinions on grievances, administrative appeals and annulment risk

Target Audience:

- Legal advisory staff who review draft decisions and give opinions to the head of a government body
- Administrative investigation units that question public servants and prepare investigation records
- Personnel affairs and civil service HR staff who process disciplinary files, suspensions and grievances
- Integrity, internal control and anti-corruption staff who handle conflict-of-interest and disclosure cases
- Members and secretaries of disciplinary and grievance committees in public entities

Course Outline:

Day 1: Administrative Law Foundations and the Principle of Legality

- Principle of Legality and the Hierarchy of Legal Rules Binding the Administration
- Bound Competence Versus Discretionary Power: Limits of Administrative Choice
- Continuity, Equality and Neutrality Principles Governing Public Facilities
- Statutory Status of the Public Servant: Rights and Duties of Public Office
- Legality Health Check of a Government Body's Decisions and Delegations Register

Day 2: The Administrative Decision: Elements, Defects and Life Cycle

- Five Elements of the Administrative Decision: Competence, Form, Reasons, Subject Matter and Purpose
- Delegation of Authority and Delegation of Signature: Instruments and Limits
- Grounds of Invalidity: Lack of Competence, Procedural Defect, Error of Law, Defective Reasons and Misuse of Power
- Voidable Versus Non-Existent Decisions: Nullity Tests and Their Consequences
- Withdrawal and Revocation Rules: Acquired Rights and Legitimate Expectation Test

Day 3: Administrative Investigation Procedures and Guarantees

- Referral to Investigation: Competent Authority, Referral Memo and Scope of Charges
- Guarantees of the Public Servant Under Investigation: Notice of Charges, File Access and Right of Defence
- Interrogation Minutes: Structure, Signatures and Confronting the Accused with Evidence
- Documentary Evidence, Witness Hearing and Expert Opinion in Administrative Inquiries
- Precautionary Suspension from Duty: Conditions, Duration and Effect on Salary

Day 4: Public Office Discipline, Integrity Controls and Remedies

- Disciplinary Offences of Public Office: Administrative, Financial and Conduct Violations
- Graduated Disciplinary Penalties and the Proportionality Test: Suitable, Necessary and Appropriate
- UNCAC Preventive Measures: Codes of Conduct, Financial Disclosure and Merit-Based Public Employment
- Conflict of Interest, Gifts and Asset Declaration Controls Using OECD Public Integrity Guidance
- Grievance Petitions, Administrative Appeals and Annulment Actions Before Administrative Courts at Overview

Day 5: Case Work: Investigation Reports and Legal Opinions

- Case Study: Unlawful Appointment Decision Assessed for Withdrawal or Revocation
- Case Study: Conflict-of-Interest Allegation Against a Tender Evaluation Committee Member
- Administrative Investigation Report Drafting: Facts, Evidence Weighing, Characterisation and Penalty Recommendation
- Legal Opinion Memorandum on the Validity of a Contested Disciplinary Decision
- Administrative Investigation and Legal Opinion Case File Assembly and Peer Review

Skills You Will Gain:

- Legality Review of Administrative Decisions
- Decision Defect Analysis
- Administrative Investigation Procedure
- Public Servant Due Process
- Disciplinary Characterisation
- Penalty Proportionality Assessment
- Public Integrity Controls
- Legal Opinion Drafting

Why Attend This Course:

- Return with an Administrative Investigation and Legal Opinion Case File built on the decision types and disciplinary cases your body handles
- Catch the competence, form and reasoning flaws that let a disciplinary decision be annulled on appeal
- Handle conflict-of-interest and disclosure cases with a consistent method across investigation, legal and personnel teams
- Compare practice with legal and investigation staff from ministries, authorities, municipalities and public corporations

Conclusion:

An administrative decision is only as strong as its weakest element, and a disciplinary penalty only as safe as the investigation behind it. The week moves from the principle of legality and the public servant's status, through the elements, defects, withdrawal and revocation of decisions, to investigation guarantees, precautionary suspension, public-office offences, proportionate penalties and integrity controls. The final day applies this to realistic public-sector cases and closes with an Administrative Investigation and Legal Opinion Case File for each participant.