

	COMPLAINT PROCEDURE INTEGRITY
	Contact person: petra.dekraemer@fos.ngo
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Status: approved by Board of Directors	

Introductory provisions

1. Code of ethics and general principles of the Complaint Procedure

This document constitutes an addition to the Code of ethics of FOS (see website <https://www.fos.ngo/integrity>).

We apply following principles:

- Simple & accessible: the procedure is easy to read for laymen, and consequently easy to use.
- Confidentiality: the person filing a complaint should be able to do so without fear of retaliation and breach of confidentiality, if acting in good faith.

2. Moral obligation to report integrity breaches.

Each actor involved has a moral obligation to report any reasonable suspicion of an integrity breach, directly or indirectly related to FOS. This need not be done in the form of a complaint. FOS undertakes to treat every report with care.

Should it turn out that allegations were made with malicious intent, FOS may sanction or terminate cooperation.

3. Data handling and confidentiality

Data received will be stored and processed in accordance with European GDPR legislation. The confidentiality of the reporting person's identity is guaranteed. The identity can be consulted by a third party only in specific cases:

- if the reporting person explicitly agrees to disclose his/ her identity.
- if the reporting was done in bad faith.
- if required by law.

Procedure

1. Before filing a complaint

1.1 Partners of FOS vzw and other third parties

Representatives of partners and other third parties who are not satisfied with the operation of FOS, who disagree with a decision made by FOS or who have integrity questions regarding FOS are advised to contact the programme managers.

Programme Andes: Felix Dewitte via felix.dewitte@fos.ngo

Programme Belgium: Caroline Bal via caroline.bal@fos.ngo

Programme Central America and Cuba: Frank Lensink via frank.lensink@fos.ngo

Programme Southern Africa: Tine Cornillie via tine.cornillie@fos.ngo

1.2 Employees, volunteers, board members and members of the general assembly

Employees, volunteers, board members and members of the general assembly can address questions about integrity to members of the council of heads of service and to the integrity counsellor. In accordance with the code of ethics, the counsellor will provide advice and possibly recommend filing a formal complaint.

Members of the council of heads of service:

- Annuschka Vandewalle via annuschka.vandewalle@fos.ngo
- Petra Decraemer via petra.decraemer@fos.ngo
- Thibaud Dezyn via thibaud.dezyn@fos.ngo

Integrity counsellor:

- Cohezio: Bischoffsheimlaan 1–8 at 1000 Brussels
Phone nr.: 02/533.11.00
Client nr: 903499.1

2. Complaints against FOS, FOS representatives and employees

2.1. How to file a formal complaint?

A formal complaint must be filed in writing to the Complaints Manager, Petra Decraemer:

- via (registered) letter

Complaints Manager p/a FOS
Grasmarkt 105/46
1000 Brussels

- via an e-mail to:

Nederlands: klachten@fos.ngo
English: complaints@fos.ngo
Español: quejas@fos.ngo
Português: queixas@fos.ngo

2.2. What is considered to be a complaint?

A report is considered to be a complaint if the reporting person clearly expresses an integrity problem regarding an act or service performed by FOS or by an employee or representative of FOS in execution of an assignment.

The complaint contains as many elements as possible from the list below:

- The identity and details of the reporting person(s).
- The identity and details of the (suspected) perpetrator(s).
- A description of the case, stating all relevant known facts (what happened, where, what specific behaviour gave rise to this complaint/report, the people involved, etc).
- An explanation of the reasons justifying the complaint/reporting of the facts.
- An indication of time. When did the facts take place?
- Information on how the reporting person learned about the breach or situation.
- Identity and contact details of other parties involved or possible witnesses.
- Additional information and/or evidence (e.g., documents, e-mail, etc.).
- Identity and contact details of persons/institutions with whom the reporting person has already discussed the content of the complaint.
- Indication of care already given to the victim(s)

2.3 Admissibility and receipt

2.3.1. Admissibility

A complaint will be declared admissible if it relates to interventions, events and/or persons for which FOS is competent.

A complaint will be declared inadmissible if it:

- Relates to interventions, events or persons for which FOS and its partners cannot be held responsible.
- Is anonymously submitted.
- Is too vague and general.
- Contains only facts that took place more than 10 years before the date of reporting.
- Was previously under consideration.

2.3.2. Receipt

A complaint that has been declared inadmissible may still be received if it can lead to better protection of the reporting person(s) and/or victim(s), and/or a better integrity policy of FOS.

2.3.3. Processing admissibility and receipt

The Complaints Manager confirms the receipt or admissibility of the complaint in writing (letter or e-mail) within 10 working days (Belgium) of its submission. If the complaint is admissible, the confirmation contains information on the complaint's further procedure. If the complaint is inadmissible, the reporting person will receive an explanation for this with a possible confirmation that the complaint will nevertheless be dealt with for the purpose of a better protection of the victim(s), and/or a better integrity policy of FOS.

2.4. The complaint investigation process

Together with the notification of receipt of an admissible complaint, the Complaints Manager informs the reporting person that the complaint will be investigated. This investigation is carried out by the members of the council of heads of service in a discrete manner.

Exception 1: A complaint concerning one of the members of the council of heads of service, in which case the FOS Executive Board will take over the investigation.

Exception 2: If the reporting person is a member of the council of heads of service, in which case the FOS Executive Board will take over the investigation.

During the investigation, members of the council of heads of service or their deputies will check whether the complaint is about an integrity breach; what type of integrity breach is being reported; which parties are involved; and the sensitivity, risk and complexity of the complaint.

If the (suspected) perpetrator is an employee, volunteer, board member or member of the general assembly, the members of the council of heads of service or their deputies will invite that person for a discussion about the reported facts. During this interview, he/she will be given the opportunity to defend himself/herself. This person may be assisted by someone from his/her trade union or a confidential adviser.

The members of the council of heads of service or their deputies may/can be advised by third parties.

The Complaints Manager informs the Executive Board of the date and type of the complaint. All other information will be kept confidential by the members of the council of heads of service or their deputies.

2.5. Conclusion & reporting

The Complaints Manager shall subsequently provide a written report of the conclusions of this investigation. If injustice has been established, the report states all possible steps that will be taken to rectify it. This report is delivered to the reporting person.

If the reporting person does not agree with the conclusions, he/she can appeal to the chairperson of FOS. This information will be added to the report of conclusions.

The complaint will be settled by the members of the council of heads of service or their deputies within 45 working days (Belgium) of the report.

The Complaints Manager will keep a register of each integrity complaint. This register will include a description of each complaint, and the dates of all facts that occurred from the time of the integrity breach until a possible referral to court.

The register is a confidential document and can only be consulted by the members of the council of heads of service or their deputies, the Prevention Advisor for Psychosocial Aspects, the prevention advisor and the confidential advisor.

2.6. Possible actions

The investigation under 2.4 results in a conclusion. Depending on the findings, the council of heads of service may take additional actions (non-exhaustive list):

2.6.1. Mediation between reporting person and perpetrator

This mediation may take place under the supervision of one or more members of the council of heads of service, one or more programme managers, an external process supervisor and/or another relevant third party.

2.6.2. Sanction employee

In accordance with the labour regulations and labour laws applicable to the offender, the council of heads of service may ask the employer to take sanctions.

2.6.3. Referral to court

The council of heads of service will report criminal offences to the Executive Board which will inform the competent judicial authorities.

2.7. Internal appeal procedure

If the reporting person does not agree with the conclusions reached by the members of the council of heads of service or their deputies, he/ she can express a one-time objection in writing to the chairperson via (registered) letter or mail within 30 working days (Belgium) of receiving the conclusions.

Within 45 working days, the chairperson examines the reporting person's objections and explicitly discusses them with the members of the council of heads of service or their deputies. The reporting person is given another opportunity to be heard.

The chairperson provides a report of the final findings, indicating all possible steps that will be taken to remedy the injustice. This report is delivered to the reporting person and may possibly be supplemented by a closing conversation.

2.8. External appeal procedure

If, after going through the internal appeals procedure, the reporting person does not agree with the final findings and proposals, he/ she may turn to the competent courts.

3. Complaints against third parties

3.1. How to file a complaint?

- See 2.1.

3.2. What is considered to be a complaint?

A report is considered to be a complaint if the reporting person clearly expresses an integrity problem regarding an act or service performed by FOS or by an employee or representative of FOS in execution of an assignment.

The complaint contains as many elements as possible from the list below:

- See 2.2.

3.3. Admissibility and receipt

3.3.1. Receipt

A complaint against third parties may not be declared admissible but may be received if it can lead to better protection of the reporting person(s) and/or victim(s), and/or a better integrity policy of FOS.

3.3.2. Processing the receipt

The Complaints Manager acknowledges receipt of the complaint in writing (letter or e-mail) within 10 working days (Belgium) of its submission. The reporting person(s) receive either confirmation that the complaint will be dealt with, with the purpose of better protection of the victim(s), and/or a better integrity policy of FOS, or a motivation for the rejection of the complaint.

3.4. The complaint investigation process

Along with the acknowledgement of receipt, the Complaints Manager notifies the reporting person that the complaint will be investigated. This investigation is carried out discreetly by the members of the council of heads of service.

Exception: If the reporter is a member of the council of heads of service, the Executive Board will take over his/ her role in the investigation.

During the investigation, the members of the council of heads of service or their deputies will check whether the complaint is about an integrity breach; what type of integrity breach is being reported; the parties involved; and the sensitivity, risk, and complexity of the complaint.

If possible and appropriate, the members of the council of heads of service or their deputies will invite the third party to a meeting to discuss the reported facts. During this conversation, he/she will be given the opportunity to defend himself/herself.

The head of department consultations or their deputies may/can seek advice from third parties.

The Complaints Manager informs the Executive Board of the date and type of the complaint. All other information is kept confidential by the members of the council of heads of service or their deputies.

3.5. Conclusion & reporting

The Complaints Manager provides a written report of the conclusions of this investigation. If injustice has been established, the report states all possible steps that will be taken to rectify it. This report is delivered to the reporting person.

If the reporting person does not agree with the conclusions, he/ she can appeal to the chairperson of FOS. This information will be added to the report of conclusions.

The complaint will be settled by the members of the council of heads of service or their deputies within 45 working days (Belgium) of the report.

The Complaints Manager will keep a register of each integrity complaint. This register will include a description of each complaint, and the dates of all facts that occurred from the time of the integrity breach until a possible referral to court.

The register is a confidential document and can only be consulted by the members of the council of heads of service or their deputies, the Prevention Advisor for Psychosocial Aspects, the prevention advisor, and the confidential advisor.

3.6. Possible actions

The investigation under 3.4 results in a conclusion. Depending on the findings, the council of heads of service may take additional actions (non-exhaustive list):

3.6.1. Mediation between reporting person and perpetrator

This mediation may take place under the supervision of one or more members of the council of heads of service, one or more programme managers, an external process supervisor and/or another relevant third party.

3.6.2. Sanction third party

The council of heads of service may decide on sanctions against the third party, such as breach of partnership agreement, breach of service agreement, etc.

3.6.3. Referral to court

The council of heads of service will report criminal offences to the Executive Board which will inform the competent judicial authorities.

3.7. Internal appeal procedure
- See 2.7.

3.8. External appeal procedure
- See 2.8.