

	COMPLAINT PROCEDURE INTEGRITY
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	Date: January 7, 2021
	Status: Final

INTRODUCTORY PROVISIONS

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

This document constitutes an addition to the generally adopted Code of ethics of FOS (see website www.fos.ngo/integriteit).

In drafting the Complaint Procedure, 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 acted in good faith.

2. Moral obligation to report integrity breaches

Each actor involved, staff members, contracted parties shall have a moral obligation to report any reasonable suspicion of an integrity breach directly or indirectly related to the actor. If an employee him-/herself risks becoming involved in an integrity issue, he or she shall inform the heads of service.

FOS commits itself to treat any potential breach with care, whereby the reporting person will receive fair treatment, without fear of retaliation, and with the complaint being properly investigated. Under no circumstances should the reporting mechanism be misused to deliberately harm others. If a subsequent internal investigation were to reveal that the accusations were made with malicious intent, FOS can determine whether appropriate sanctions will be imposed or not.

3. Data handling and confidentiality

The rights applicable to the person accused of the breach, are the following: protection of personal data, presumption of innocence and rights of defence.

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

COMPLAINT PROCEDURE

1. Before filing a complaint:

For partners of FOS vzw and other third parties:

People who are dissatisfied with the approach of FOS or who do not agree with a decision made by FOS, are advised to discuss this in the first instance with the FOS Programme manager on site. The contact details of the various programme managers are the following:

- FOS Belgium office, Brussels: Head of Service Programmes, Thibaud Dezyn
- FOS Cuba office, Havana: Yves Ghysels, Programme manager Cuba
- FOS Central America office, Nicaragua: Frank Lensink, Programme manager Central America
- Andean FOS Office, Peru: Felix De Witte, Programme manager Andean region
- Southern Africa FOS Office, Johannesburg: Tine Cornillie, Programme manager Southern Africa

For FOS-personnel:

If employees have an integrity issue that might be sensitive, they can consult the Integrity Counsellor. He or she will then advise the person in accordance with the Code of Ethics and Procedure of FOS and/or, if desired by the person involved, guide him or her to file a formal complaint.

If this does not lead to a fruitful result, or if it turns out to be an integrity issue that cannot be dealt with by the responsible programme manager, the next step can be taken by filing a formal complaint.

2. How to file a formal complaint?

A formal complaint must be filed in writing to the Complaints Manager via (registered) letter, by a personal interview or via an e-mail to following addresses:

- Dutch: klachten@fos.ngo
- English: complaints@fos.ngo
- Español: quejas@fos.ngo

If the complaint will be received in another way, the reporting person will be asked to do this formally in one of the above-mentioned ways.

We can speak of a complaint if the person concerned manifestly expresses his or her dissatisfaction with an action taken or service provided by FOS or by a staff member in the performance of his or her duties.

The complaint should be as complete as possible and should include as many of following elements as possible:

- identity and details of the reporting person. An anonymous complaint risks to be declared inadmissible;
- a description of the case, with all relevant known facts (what happened, where, what specific behaviour gave rise to the complaint/notification, which persons are involved, etc.);
- an explanation of the reasons justifying the complaint/notification of the facts;
- specification whether the facts have already taken place or could take place in the future;
- information about how the reporting person came to know about the breach or the situation;
- whether there are any other parties involved or possible witnesses;
- whether the reporting person has any additional information and/or documentary evidence (e.g. documents, e-mail, etc.)?
- has the reporting person discussed the matter with other persons, and if so, with whom?
- what has already happened in terms of care for the victims?

3. Admissibility

The complaint will be declared inadmissible in the following cases:

- Complaints relating to interventions, events or persons for which FOS and its partners have not the necessary authority;
- Anonymous complaints;
- Unspecified general complaints;
- Complaints about facts that took place at least 5 years before submission of the complaint;
- Complaints (from the same reporting person) that have already been handled or are being processed.

The Complaints Manager shall confirm the receipt and admissibility of the complaint in writing (letter or e-mail) within 10 calendar days of its receipt. This period is deferred during the statutory holiday periods.

The date of receipt of the complaint is indicated on the notification of receipt. If the complaint is admissible, information on the further Complaint Procedure shall be provided. If the complaint is inadmissible, the reporting person will be informed of the motivation.

4. The complaint investigation

Step 1: The investigation

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 FOS' counsel of heads of service (except for complaints concerning one of its members, in which case the FOS Executive Board will take it on). The members of counsel of heads of service conduct the investigation in a discrete manner.

The investigation identifies whether:

1. this concerns a breach of integrity,
2. if this concerns a breach of integrity: what type of breach of integrity (financial/moral),
3. which parties are involved,
4. sensitivity, risk and complexity of the complaint.

If the person accused of a breach is an employee of FOS or works for a partner, the members of the counsel of heads of service will invite that person and/or partner for an interview. During this interview, the person concerned will be confronted with the facts and will be given the opportunity to defend him-/herself. This person may be assisted by someone from his/her trade union or the confidential advisor.

If required by the investigation, FOS can be assisted by a third person in this investigation.

Step 2: possible actions

This investigation will result in a conclusion. Depending on the facts, several additional actions can be taken (non-exhaustive list):

1. Mediation between reporting person and accused

Depending on the facts, a conversation between the parties may be proposed. In addition to the general secretary, also the programme manager concerned, heads of service and a possible translator may be present at this meeting.

2. Sanction employee

If the facts are sufficient to be considered a "serious error", the necessary measures can be taken in accordance with the labour regulations (penalty dismissal for urgent reasons due to serious error). If this is not considered a "serious error", the other sanctions provided for in the labour regulations can be considered or the employer can take other measures such as coaching, training, changing the workplace, etc.

3. Sanction partner

Depending on the facts, it may be decided, in accordance with the contract with the local partner, to end the cooperation.

4. Referral to court

In case of criminal facts confirmed by the investigation, it may be mandatory to report the incidents to the competent judicial authorities.

Step 3: conclusion & reporting

The Complaints Manager shall subsequently provide a written record of the conclusions of this investigation and/or proposals and shall indicate the steps, if any, to be taken to remedy or rectify the matter in the best way possible. This report shall be delivered to the reporting person.

If the reporting person does not agree with the result, he or she will also be informed in above-mentioned letter of the possibility of lodging an appeal with the Chairperson of FOS.

Within the standard handling procedure, the complaint is handled within 45 calendar days after receipt of the complaint.

Step 4: appeal procedure

If the reporting person cannot agree with the outcome of the Complaint Procedure, he or she has the right to contact the chairperson of FOS. This should be done by e-mail no later than 30 calendar days after receipt of the letter regarding the outcome based on the standard Complaint Procedure.

The chairperson investigates the complaint and discusses it explicitly with the heads of service. The reporting person is also given the opportunity to be heard.

The chairperson shall inform the reporting person by registered letter of the outcome of the investigation, justify the final findings and stating what steps, if any, will be taken to remedy or rectify the matter in the best way possible.

This analysis results in a conclusion and possible actions, which will be explained in a telephone conversation to the reporting person. In addition to the general secretary, also the programme manager concerned, heads of service, and a possible translator may be present in this conversation.

If both parties agree with the conclusions and/or proposals, the complaint will be considered settled.

Within this appeal procedure, the complaint is handled within 45 calendar days after receipt of the complaint.

Step 5: external appeal procedure

If, after completing the internal appeal procedure, either party does not agree with the outcome and proposals, the matter will be referred to the ordinary civil court.