Annex 20:

Complaints procedure

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# Introduction

Complaints about Integrity Violations, including reports of abuse within the meaning of the Royal Decree of 28 February 2023 *"to elevate the existing Integrity Charter on Development Cooperation to a national standard for integrity policy and to establish a central hotline for victims of abuse in Development Cooperation",* should be dealt with appropriately and promptly, as set out in the IFSI Code of Ethics.

Some terms:

* What is an integrity violation?

An integrity violation is any violation of appropriate financial or moral behaviour in accordance with the integrity policy.

* What is abuse?

Abuse means any act of sexual exploitation, sexual abuse or sexual harassment within the meaning of Article 1 of the Royal Decree of 28 February 2023.

* Who can file a complaint?

Any person, who is concerned about unacceptable behaviour or who witnesses such behaviour, can file a complaint. Legal entities or de facto associations may also lodge a complaint. A complaint filed by an organisation shall be lodged by a person authorised by that organisation.

# Rules and procedures

The complaints handling procedure of the IFSI follows the existing procedures within the Federal FGTB, but it does not exclude a nuanced approach tailored to the complaint.

This procedure applies to complaints of integrity violations and abuse attributed to one or more representatives of IFSI in the performance of their duties and interactions, directly or indirectly, within the scope of their assignment. This includes staff, managers, volunteers, consultants and members of partner organisations receiving funding under IFSI's programmes and projects.

### 2.1 Confidentiality

The data received will be stored and processed in accordance with Belgian and European data protection legislation[[1]](#footnote-1). Confidentiality is guaranteed.

The identity of the complainant may only be disclosed to a third party in the following cases:

* when the complainant expressly consents to the disclosure of their identity;
* at the request of a competent judicial authority;
* when required by law.

### Internal managers

**The Integrity Officer**

The Integrity Officer is the person who ensures compliance with IFSI's integrity policy. Who is responsible for developing and maintaining a culture of integrity within the IFSI, through awareness and training activities aimed at all internal and external stakeholders. The integrity officer also ensures the development and proper application of IFSI's integrity policy and ensures that all those who have a personal or contractual relationship with IFSI, i.e. staff, managers, volunteers, consultants and partners receiving funding under IFSI's programmes and projects, know and comply with the integrity policy. At IFSI, this role is taken up by the team coordinator, Laurent Atsou.

**Counsellor integrity**

The integrity counsellor helps people considering filing a complaint by advising them on all aspects of the process and on the various options available. He/she offers a listening and, above all, non-judgemental ear and is bound by the confidentiality of the information received. For the IFSI, the integrity counsellor is the Confidential Advisor of the Federal FGTB, Isabelle Doyen. She is also the person behind the e-mail address [integrity@ifsi-isvi.be](mailto:integrity@ifsi-isvi.be) and has the necessary training to perform this task properly and in complete confidence. In case of absence or illness, this person will be replaced by Caroline Verdoot, Prevention Advisor of the Federal FGTB.

**Complaints manager**

The complaints manager acts as a representative of the complaints committee. He/she is responsible for the timely and proper follow-up of each integrity complaint received and in accordance with the applicable principles and procedures. Together with the Complaints Committee, he/she is responsible for proposing a plan of action after a complaint has been filed. The complaints manager will have the complaint registered in the IFSI's incident register and will submit an annual report on any integrity violations, validated by the Complaints Committee.

Within the IFSI, this role is taken up by Laurent Atsou. In case of absence or in case the complaint would be directed against the team coordinator himself, he will be replaced by Rafael Lamas, Managing Director, in charge of the day-to-day management of IFSI.

☞ Implementation of points 3 and 6 of the integrity charter: through the establishment of the role of integrity counsellor, the IFSI implements point 3 of the integrity charter. The establishment of the role of complaints manager also contributes to the implementation of point 6 of the integrity charter (confidential hotline for complaints of integrity violation and timely follow-up of reported cases)

**Complaints Committee**

This committee is appointed by the Governing Body.

The members of the committee are :

* Director of FGTB’s International Department and Managing Director in charge of the day-to-day management of IFSI: Rafael Lamas
* The Coordinator of IFSI : Laurent Atsou
* The Confidential Advisor of the Federal FGTB, Isabelle Doyen and/or
* The Prevention Advisor of the Federal FGTB, Caroline Verdoot
* Federal FGTB Gender Mainstreaming Coordinator Dali Larabi and/or her colleague Martine Vandevenne
* Federal FGTB finance and audit service director Vincent Van Uytven
* Responsible for data protection of the Federal FGTB, Pierre Dhollander

The committee will meet as soon as a complaint is received. The composition of the complaints committee will be done depending on the type of complaint, but there will be a minimum of three people. If necessary, the external prevention and protection service may also be involved in this investigation

If the complaint concerns the complaints manager or one of the members of the complaints committee, the person concerned will not participate in the handling of the complaint. He or she may be replaced by a deputy member.

# Notification procedures

### 3.1 Informal notification

It is also possible to make an informal report of a possible integrity violation, without immediately filing a formal complaint for it. A person concerned can discuss his or her suspicions of a violation in confidence with the integrity counsellor at any time.

A concerned person can also speak confidentially to another member of the team, who will advise the complainant to speak to the integrity counsellor, who will further inform and guide the complainant through the official reporting procedure.

### 3.2 Notification procedures

Any person concerned, whether a victim or not, may file a complaint. The term "person concerned" refers to any person, including legal persons or de facto associations. A complaint filed by an organisation is filed by a duly authorised person.

In cases where the complaint does not fall within the competence of the complaints committee, the complaints manager will inform the complainant and, if necessary, transfer the complaint to the competent authority with the complainant's consent.

If the complaint appears to relate to wellbeing at the workplace in Belgium, the complaints manager will invite the complainant to:

* in a first instance, to contact the prevention adviser of the Federal FGTB. The latter may decide to refer the complainant to Cohezio;
* Should the complainant wish to do so, he/she can directly contact the External Service for Prevention and Protection at Work, Cohezio, Avenue Bischoffsheim 1/8, 1000 Brussels -[info@cohezio.be](mailto:info@cohezio.be) or +32-2-533.74.11.

If the complaint is found to relate to a criminal offence, the complaints manager shall invite the complainant to contact the competent judicial authority or the police; where appropriate, the complaints manager shall, with the consent of the complainant, transfer the complaint to the competent judicial authority, without prejudice to any legal obligation of the complaints manager to report the facts to the judicial authority.

If the complaint appears to relate to an individual or organisation dependent on one of the partners receiving funding under IFSI's programmes and projects, the complaints manager will invite the complainant to contact the partner in question. Where appropriate , the complaints manager, with the consent of the complainant, transfers the complaint to the partner concerned. IFSI will check with the partner on how the complaint is/was handled by them

The Federal Public Service for Foreign Affairs, Foreign Trade and Development Cooperation has set up a central contact point. This central contact point is a body responsible for facilitating the reporting of abuse within the Belgian development cooperation. It is competent to handle reports of sexual exploitation, sexual abuse and sexual harassment (SEAH) within Belgian development cooperation. It is not competent to handle reports of fraud or corruption.

The central hotline will only act on a report when:

1. the complainant has already contacted the hotline of the organisation concerned (here the IFSI) and received no response;
2. the organisation concerned (the IFSI) has not processed the report;
3. the complainant judges that a conflict of interest exists within the organisation's hotline (the IFSI).

Any affected person, regardless of nationality, residence or registered office or status, can file a report to the central contact point via the link below:

* for English: <https://diplomatie.belgium.be/en/integrity>
* for NL: [https:](https://diplomatie.belgium.be/nl/integriteit)
* for French: [https:](https://diplomatie.belgium.be/fr/integrite)

# Receipt of complaints

All formal complaints should be submitted in writing - either by letter or e-mail - to the complaints manager at the following address:

* by email: [Integrity@ifsi-isvi.be](mailto:Integrity@ifsi-isvi.be)
* by registered letter :

IFSI-ISVI asbl

Complaint management

Rue Haute 42

1000 Brussels

Complaints should be formulated in one of IFSI's working languages: French, Dutch, English or Spanish. Any formal complaint where the author's contact details are known will receive an acknowledgement of receipt in the language of the complaint (if this is one of IFSI's 4 working languages) within a maximum of three[[2]](#footnote-2) working days

☞ Implementation of point 6 of the integrity charter: we will provide a confidential hotline where employees, partners, beneficiaries or victims can go to complain about integrity violations

### 4.1 The complaint

The complainant may prefer to remain anonymous. In that case, as the Complaints Committee does not have the complainant's contact address, the complainant cannot be contacted to complete the report. The complainant who wishes to complain anonymously should therefore provide as much information as possible.

A complaint shall contain at least the following information:

* name and contact details (e-mail or phone number) of the person submitting the complaint, unless the complainant chooses to submit the complaint anonymously;
* A description of the reported ethical violation or abuse;
* the date or period when the events took place or are taking place;
* the country or region where the events took place or are taking place;
* the name of the suspected perpetrator(s) and/or the organisation involved;
* a clear articulation of events;
* if the complainant has already contacted other persons and/or institutions about the content of the complaint, the contact details of these persons and/or institutions.

If the complainant feels in danger, we urge them to move to a safe place immediately; if it is a member of IFSI's staff who is working from home for security reasons, they should inform HR they are teleworking .

### 4.2 Admissibility of complaint

Any formal complaint made to IFSI will be considered if the complainant clearly indicates that IFSI has breached integrity (see 1.3 scope).

To be declared admissible, a complaint must :

* relate to a violation of integrity or an abuse;
* relate to persons for whom IFSI has to answer (see point 2);
* relate to events that took place less than 10 years ago on the date the complaint was filed;
* contain the information listed above (see "The Complaint");
* be submitted in the manner specified in section 4.

In case the preliminary investigation reveals a potentially risky situation requiring urgent action, the case will be given priority and the Complaints Committee will mention this in the report. If necessary, the Complaints Committee will request IFSI to take the necessary precautions to allow the investigation to take place under the best possible conditions.

IFSI takes timely and appropriate action and provides appropriate assistance to victims and, where appropriate, other persons reporting abuse. This includes measures to protect reporters and victims from retaliation[[3]](#footnote-3). IFSI is obliged to inform victims of the availability of such assistance but only provides assistance if the victim requests it.

A complaint is deemed inadmissible when:

* the subject of the complaint is a question or an opinion;
* the complaint is essentially the same as another complaint that was rejected by the Complaints Committee and contains no new elements compared to the previous complaint.

The Complaints Committee shall inform the complainant of its decision whether or not to consider the complaint within a reasonable time after receiving the complaint.

The decision on admissibility is not subject to appeal.

If the complaint is admissible, the confirmation of admissibility contains the necessary information on the further complaint procedure.

If the complaint is inadmissible, the complainant will be informed of the reasons for the rejection. If the complaint should be referred to another body, the complaints manager will inform the complainant.

The complainant is free to file a new complaint based on new information.

### 4.3 Complaints register

The complaints manager and -committee keep a register of every integrity complaint. This register contains a brief description of the complaint, the dates of all the facts and the actions taken from the act of the integrity violation until the closure of the file. This register is an official and confidential document that may only be consulted by the members of the Complaints Committee. However, the Complaints Committee may, by unanimous and motivated decision, authorise a specific person to consult the register.

### 4.4 Handling of the complaint

#### 4.4.1 Preliminary investigation

The preliminary investigation is an initial enquiry to determine whether the complaint should be the subject of further investigation. The complaints committee will make an initial assessment of the plausibility of the alleged facts and whether they can be proved. It will then decide whether or not to proceed with a further investigation. Should the Complaints Committee need more information, it will contact the complainant; if necessary, it may also call in an expert.

If the accused is an employee, a volunteer, a member of the Executive Board or a member of the governing bodies of IFSI, the Complaints Committee will invite this person for an interview about the reported facts. During this interview, the accused is given the opportunity to defend himself or herself; he or she may be assisted by a lawyer, a union representative or a confidential adviser. The interview takes place in the presence of the parties. A teleconference interview is possible if necessary.

If the Complaints Committee considers that the preliminary investigation reveals a potentially risky situation requiring urgent action, this will be noted in the report and the case will be given priority. If necessary, the Complaints Committee will advise IFSI to take the necessary precautions to ensure that the investigation is conducted under the best possible conditions.

#### 4.4.2 The investigation

The investigation is conducted discreetly and confidentially under the direction of the Complaints Committee.

Based on the facts and details of the complaint, it is decided which persons will be involved and whether the investigation will be conducted internally or externally. Discretion and confidentiality are safeguarded as much as possible and those involved receive only the information necessary for them.

The following principles must be respected at all times during the study:

* confidentiality of information;
* processing the information within a reasonable time;
* impartiality;
* protection of the parties involved.

The facts, sensitivity, risk and complexity of the complaint are always assessed against these principles during the investigation.

Compliance with these principles, for example in the case of maintaining the confidentiality of the complainant's identity, can only be deviated from with the express consent of the parties involved or when required by law (e.g. in the case of a judicial investigation. IFSI respects the laws of the countries concerned.

Each investigation requires an individual approach. Special circumstances are taken into account when dealing with facts and data. All investigative actions and measures taken are documented in an investigation report, which also contains background information, documents received and conclusions. The investigation report also contains details of the investigator(s) and the parties contacted and involved, anonymously or not.

#### 4.4.3 Reporting

The complaints manager will prepare a report that includes the date and subject of the complaint, the conclusions of the preliminary investigation and any action taken as a result of the complaint.

The report is an official and confidential document that may be consulted only by members of the Complaints Committee, which may, however, authorise consultation by a specific person by unanimous reasoned decision.

Measures following the investigation and its conclusions

If the investigation reveals facts that may constitute a criminal offence, the Complaints Committee may refer the case to the judicial authorities.

If the Complaints Committee finds a breach of integrity in a person in a contractual relationship with IFSI, it will propose appropriate measures to the Board of Directors, adapted to the importance of the facts and their consequences.

It is up to the managing director in charge of the day-to-day monitoring of the IFSI to apply sanctions following the conclusion of the complaints committee, with the approval of the Board of Directors. If necessary, external advice may be sought to determine the sanction. Besides sanctions, the director may also propose alternative solutions, such as mediation or amicable settlement. Regarding possible complaints against the staff of the IFSI, the existing provisions in the FGTB apply (labour regulations, procedures, involvement of bodies representing employees). With regard to partners from Belgium (FGTB), external partners or any other partners from partner countries, the bodies will determine ad hoc measures depending on the specific case.

If the Complaints Committee determines that there has been an integrity violation by a person reporting to another organisation, it proposes to the Board of Directors to inform the governing body of that organisation.

If the investigation reveals no integrity violation, the Complaints Committee closes the file.

#### 4.4.4 End of investigation

At the end of each investigation, the reports are kept in the archives of the Complaint Management Committee.

The complainant will be informed of the outcome and follow-up of their complaint.

If the complaint relates to abuse within the extent of the Royal Decree of 28 February 2023, the complainant is informed that, if he or she considers that the investigation of his or her complaint to IFSI was not carried out thoroughly and correctly, or that the necessary measures were not taken in the case of proven facts reported to the complaint manager of IFSI, he or she can report the matter to the central contact point established by the Federal Public Service Foreign Affairs, Foreign Trade and Cooperation, whose contact details will be communicated to him or her.

If the complainant is a potential victim of the reported abuse, the complaints manager will inform them of the available relief measures.

☞ Implementation of point 8 integrity charter: in case of integrity violations, appropriate measures are taken immediately

#### 4.4.5 Communication, privacy and transparency

Fair handling of complaints with respect for the protection of the victim, complainant and offender always takes precedence over communication interests and considerations. This means, among other things, that information related to a complaint or a specific investigation is communicated only to those who are directly involved or who need it.

If stakeholders other than the complainant, victim and alleged perpetrator in a publicity-sensitive case are also at risk of being harmed in any way, they will be informed of the situation. Information and communication to these concerned parties shall cover only what is strictly necessary and only on condition that they also ensure that principles such as confidentiality, presumption of innocence and protection of privacy are respected. The appropriateness, timing, tone and content of other external communications are always assessed based on the circumstances of the specific situation. Such communications always take into account deliberations between the interests and rights of the victim, the offender, the public, the industry and other potential stakeholders.

In addition to the above, guarantees of confidentiality and protection of the victim, offender and complainant, the internal privacy policies of the FGTB and IFSI also apply. Data received and processed during the proceedings are stored and processed in accordance with the privacy policy. The complaints manager annually submits an anonymised report of the complaints handled to the Board of Directors. To protect the complainant, victim, perpetrator or other stakeholders, this report does not contain any sensitive or case-specific information.

Based on this report and the annual analysis of complaints and reports of integrity violations, this complaints procedure may be adjusted to improve the quality of complaint handling .

☞ Implementation of points 2 and 9 of the integrity charter. While respecting the rules of privacy, we communicate globally about integrity violations at least once a year (point 9) and, by drawing lessons from any cases, we can sensitise employees in a targeted way and include lessons learned in any training sessions (point 2).

1. According to the GDPR (General Data Protection Regulation), a natural person's personal data must be understood in a very broad sense: "personal data" means "**any information about an identified or identifiable natural person**". It thus covers much more than, for example, name and address, but any information related to a natural person (mail, tel., medical data, trade union membership,...). [↑](#footnote-ref-1)
2. In the case of complaints submitted by letter, the date of receipt will count as the start of the stipulated period of three working days. If this complaint must also be replied to by letter, the postal date will serve as proof of dispatch within the stipulated period [↑](#footnote-ref-2)
3. Law of 28 November 2022 transposing the EU Whistleblowing Directive for the private sector on the basis of which the Internal Policy Federal FGTB - Whistleblowing Scheme was developed. [↑](#footnote-ref-3)