

15 January 2024

Feedback, complaints and whistleblowing policy and procedure

A. The policy

A.1. Policy Statement

This policy ensures that anyone involved with Caritas Europa:

- can provide feedback and comments;
- can submit a complaint, including staff grievances;
- can report suspected or actual occurrences of abuse, wrongdoing or professional misconduct.

This information is essential for Caritas Europa to improve our services when they have not been provided in a fair and dignified manner. The difference between feedback, complaints and whistleblowing disclosures is explained in section A.4. Definitions.

The aim of this policy is to:

- treat all persons involved with Caritas Europa with dignity and to keep them safe;
- encourage all abuse, wrongdoing or professional misconduct to be identified and challenged at all levels of the organisation;
- ensure anyone aware of a wrongdoing is supported in total confidence in reporting matters they suspect may involve anything illegal, unethical or inappropriate;
- provide clear procedures for the reporting of such matters;
- manage all disclosures in a timely, consistent and professional manner;
- provide assurance that all disclosures will be taken seriously, treated as confidential and managed without fear of retaliation by staff and associates¹ against the victims/survivors and the witnesses;
- provide the necessary support to all victims/survivors.

A.2. Scope

This policy and procedure cover the following persons:

1. Anyone who is impacted by activities carried out by the Caritas Europa secretariat. Complaints or whistleblowing disclosures received by the Caritas Europa secretariat against a member organisation will be referred to the member organisation for follow-up and action. Complaints or whistleblowing disclosures received against third organisations will be referred to their complaints-handling mechanisms. In case of referrals, Caritas Europa will follow up to ensure the complaint has been handled.
2. Caritas Europa secretariat staff and associates.
3. Member organisations' staff and associates.
4. Donors, the public.

¹ "Staff" refers to all Caritas staff, volunteers, interns, and governance members; "associates" refers to consultants and contractors. The policy applies to all full-time and part-time staff and associates regardless of their contractual relationship. Staff of member organisations and of partner organisations may also report concerns, if necessary, by referring to these guidelines.

It is applicable regardless of whether the information could be considered confidential or not.

A.3. Purpose

The purpose of this policy is to provide an effective procedure for people to raise their voice. This means that Caritas Europa invites people to provide feedback and comments on the work of Caritas Europa or to speak up if they feel that Caritas is breaching its values, especially when they believe that abuse, wrongdoing or professional misconduct has taken place, is taking place or is likely to take place.

It is essential that complainants and whistleblowers feel supported in speaking up in confidence and reporting matters they suspect may involve anything improper, unethical or inappropriate.

A.4. Definitions

- **Feedback:** Information, reactions, opinions or comments provided in response to specific Caritas Europa actions or performances. Feedback helps us to evaluate and improve our work. It can be positive (e.g. thanks and congratulations), negative (e.g. dissatisfaction with an activity or a position paper) and neutral (e.g. questions, requests to repeat an activity, or recommendations of working on other topics).
- **Complaint:** An expression that something is unsatisfactory or unacceptable *vis-à-vis* the prescribed standard of quality work. It can also be related to the actions taken or lack of action by staff or associates that directly or indirectly cause distress to the affected party.
 - **Sensitive complaint:** A complaint about serious wrongdoing, such as fraud, corruption, abuse, exploitation, harassment, misuse of resources, risk to health and safety, etc. It is almost the same as a whistleblowing disclosure (see below) – the difference is that a sensitive complaint is filed by the person directly concerned by the issue reported, while a whistleblowing disclosure is made by a person who is not directly concerned.
 - **Non-sensitive complaint:** A complaint relating to concerns on the implementation of activities, decisions taken or policies and advocacy actions impacting complainants.
 - **Staff grievance:** A personal work-related complaint by staff that has implications for the complainant personally and does not have significant implications for Caritas Europa. Examples include interpersonal conflict between two employees, dissatisfaction with a manager, issues concerning pay or benefits, etc.
 - **Complainant:** A person who files a complaint.

Whistleblowing: The reporting of suspected misconduct, illegal acts or failure to act within the policies of Caritas Europa or Caritas Internationalis.

- **Whistleblowing disclosure:** A complaint, usually but not always by staff or associates, about serious wrongdoing, such as fraud, corruption, abuse, exploitation, harassment, misuse of resources, risk to health and safety, etc. Whistleblowing disclosures exclude some personal work-related grievances mentioned above. It is almost the same as a sensitive complaint (see above) – the difference is that a sensitive complaint is filed by the person directly concerned by the issue reported while a whistleblowing disclosure is made by a person who is not directly concerned.
- **Whistleblower:** Person who reports suspected or actual wrongdoing and who reasonably suspects that the information is true at the time of reporting. This person is also called reporter or discloser.

Relevant wrongdoing or malpractice: Actions or behaviour where the complainant or whistleblower has a reasonable belief that wrongdoing has taken place. The term “wrongdoing” covers instances where someone working with or for Caritas Europa appears to be acting improperly, negligently or criminally. Examples of wrongdoing include:

- that an offence has been, is being or is likely to be committed, which includes criminal activity (e.g., fraud, theft, etc.);

- that a person has failed, is failing or is likely to fail to comply with any legal obligation, other than one arising under the staff or associate's contract of employment;
- that a miscarriage of justice has occurred, is occurring or is likely to occur;
- that the health or safety of any individual has been, is being or is likely to be endangered;
- that the environment has been, is being or is likely to be damaged;
- that an unlawful or otherwise improper use of funds or resources of a Caritas Europa or donor money, has occurred, is occurring or is likely to occur;
- that an act or omission by or on behalf of Caritas Europa is oppressive, discriminatory, or grossly negligent or constitutes gross mismanagement;
- that relates to abuse, exploitation or harassment, victimisation, penalisation, breaches of the Caritas Europa Code of Conduct, the Caritas Internationalis Children and Vulnerable Adults Safeguarding Policy, the Caritas Internationalis Anti-Harassment Policy or other related policies;
- that an act of breach of confidentiality and privacy has occurred or is likely to occur;
- that involves the covered up or concealing of any of the above.

The list is not exhaustive. Caritas Europa reserves the right to examine and potentially investigate any information disclosed about wrongdoing.

- **Retaliation or revenge:** Any act or omission that negatively affects a staff or associate as a result of raising a complaint or whistleblowing. It includes:
 - suspension, lay-off or dismissal;
 - demotion or loss of opportunity for promotion;
 - transfer of duties, change of location of place of work, reduction in wages or change in working hours;
 - the imposition or administering of any discipline, reprimand or other penalty (including a financial penalty);
 - unfair treatment;
 - coercion, intimidation or harassment;
 - discrimination, disadvantage or unfair treatment;
 - injury, damage or loss;
 - threat of reprisal.

A.5. Considerations for reporting and guiding principles

For sensitive complaints and whistleblowing disclosures

- **Confidentiality and identity protection:** Confidential reporting is where an individual makes an allegation or statement to management, the person of trust, or the Complaints Handling Officer, but wants their identity kept secret from those who they have accused of wrongdoing. The identity of anyone who raises concerns will be kept confidential as far as possible. If the person concerned has a personal interest in the matter, they must disclose this at the outset. However, due to the nature of some investigation processes, it may not be possible to retain complete confidentiality. This includes situations where the police are involved, where statutory child protection procedures need to be adhered to or when disciplinary investigations are held and individuals need to make a statement, which may be seen by third parties. In case of breach of confidentiality, Caritas Europa may take disciplinary action, except when:
 - Disclosure is required by law;
 - Disclosure is required by management in the best interest of all parties involved;
 - Disclosure is needed in order to obtain specific expertise (medical, legal, other).

All data stored will be handled according to Belgian data protection laws.

- **Anonymity:** Anonymous cases are those where the complainant or whistleblower is unwilling to reveal their identity, i.e., the organisation itself does not know who they are. Caritas Europa accepts anonymous

complaints and whistleblowing disclosures. However, the protective measures provided in this policy cannot be given to the complainant or whistleblower. Requiring complete anonymity may also make it difficult to investigate the issue or take necessary action.

- **Malicious complaints:** When the investigation finds that an accusation was deliberately false and made with the aim of causing harm, and if the complainant or whistleblower is a staff of Caritas Europa, appropriate disciplinary action will be taken including possible dismissal. Reporting which proves to have been made maliciously will be viewed as a serious disciplinary offense. If the identity of the maliciously accused person is made public, Caritas Europa will take due care to rehabilitate and restore their reputation.
- **Complaints against members of the clergy or religious congregations:** Complaints made against staff and associates who are members of the clergy or religious congregations are dealt with in coordination with the religious order of belonging or the competent Bishop.
- **Survivor-centred approach:** In relation to safeguarding issues, Caritas Europa adopts a survivor-centred approach,² which will guide the process for dealing with the disclosures made.
- **Related policies:** It is important for the person to whom wrongdoing is reported to ascertain at the outset what other policies need to be used alongside this feedback, complaints and whistleblowing policy and procedure. Other policies to be used alongside this policy may include:
 - Caritas Europa Code of Conduct;
 - Caritas Internationalis Code of Ethics;
 - Caritas Internationalis Children and Vulnerable Adults Safeguarding Policy;
 - Caritas Internationalis Anti-Harassment Policy;
 - Caritas Europa staff rules and regulations such as the *Règlement de travail*.

For whistleblowing disclosures

- **Duty to report:** It is essential that anyone associated with Caritas Europa who suspects or knows that wrongdoing has taken place, is taking place or is likely to take place reports their concerns. The Caritas Europa Code of Conduct and the Caritas Internationalis Children and Vulnerable Adults Safeguarding Policy include a duty for staff and associates to report breaches or suspected breaches of these documents. Staff and associates are also strongly encouraged to report incidents of harassment as described in the Caritas Internationalis Anti-Harassment Policy.
- This policy provides protections for staff and associates making such reports.
- The motivation for making a whistleblowing disclosure is irrelevant and does not invalidate the protections afforded by this policy for as long as the whistleblower is acting in good faith.
- **Reasonable ground:** Whistleblowers need to have some facts and information on which to base a whistleblowing disclosure. They should not carry out their own investigation. Caritas Europa welcomes disclosures even if whistleblowers do not think they have sufficient information to prove wrongdoing. Whistleblowers do not need to prove their allegations.
- **No retaliation:** It is contrary to the values of Caritas Europa for anyone to retaliate against any whistleblower who in good faith reports any violation of the Code of Ethics or Code of Conduct, or a suspected violation, such as a complaint of discrimination, suspected fraud or a suspected violation of any regulation governing the operations of the confederation.
- Established retaliation against a staff or associate within Caritas Europa will be subject to disciplinary action, including dismissal.
- Settlement agreements or other legal agreements which include confidentiality clauses or similar provisions do not prevent staff or associates from making disclosures in the public interest under this policy.
- For any person who raises a sensitive complaint or makes a whistleblowing disclosure, Caritas Europa will conduct risk assessments in order to consider how retaliation can be prevented.

² A survivor-centered approach aims to put the rights and best interest of each survivor at the forefront of all actions and ensure that each survivor is treated with dignity and respect. This approach promotes the survivor's emotional and physical safety and reduces risks of further harm.

- **Acting in good faith and knowingly false reporting:** Anyone making a report concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any disclosure known to be false or made with the intent to cause harm will be subjected to appropriate disciplinary sanctions, including dismissal. Disclosures that turn out to be malicious will be considered a serious disciplinary offense.

B. The Procedure

- **Feedback** can be given under any form to any Caritas Europa staff.
- **Complaints** may be filed according to the procedure described below.
- **Whistleblowing disclosures** may be made according to the procedure described below.

B.1. Filing a complaint

Complaints should be made through the dedicated space on the Caritas Europa website or to the Caritas Europa Complaints Handling Officer (CHO). The CHO is appointed by the Senior Management Team (SMT) and all staff should be aware about the appointment.

Formal complaints should be made in writing via the website, mail or e-mail:

E-mail: cho@caritas.eu

Website: <https://www.caritas.eu/concerns-and-complaints/>

Mail:

c/o Complaints Handling Officer
Caritas Europa
Rue de la Charité 43
1210 Brussels
Belgium

Anonymous complaints can also be made via the website, mail or e-mail.

Complaints submitted to the Caritas Europa secretariat in the form of written mail will be opened only by the CHO. For written complaints, the CHO will send a notice of receipt within 5 working days. Europa is committed to resolving all complaints within 50 working days, recognizing that unforeseen circumstances may sometimes affect this timeframe. Throughout the entire duration until the complaint is closed, we will maintain regular contact with the complainant, providing updates on the status of their complaint.

However, the CHO may also be approached through any other means. If a complaint is received by telephone or in person but cannot be dealt with at the time of the conversation, the complainant must be made aware of the present procedure, including the possibility of making an anonymous complaint. The complainant decides whether to formally submit a complaint or not. When necessary, the CHO will support the complainant in submitting a formal written complaint.

The CHO and all people that receive the complaint are bound to secrecy and will only disclose information about it to the relevant person in charge to take action, if any.

Staff may also make informal complaints to the person of trust (*personne de confiance* or *vertrouwenspersoon*). The person of trust is a role defined by the Belgian labour law and available in the event of relational sufferings at work (e.g., conflicts, harassment). He/she informs, listens, advises, and helps the workers to find a solution to the problematic situation. On request, he/she can organise a conciliation between the different parties or intervene

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with a third party. The person of trust is competent for all psychosocial risks at work, but only for the informal part. Since September 2014, each new person of trust is required to complete a minimum of 5 days training within two years of being appointed.

Other contact persons for staff grievances are the direct line manager or the Secretary General.

B.2. Making a whistleblowing disclosure

There are three ways of making a whistleblowing disclosure: internally to Caritas Europa, to Caritas Internationalis, and externally. Criminal concerns, for instance being an immediate witness of child abuse, should be reported to the Belgian authorities.

Internal disclosure

In most cases, staff and associates are encouraged to raise any concerns with their relevant line manager. This may be done orally or in writing and, if possible, with the sufficient details and evidence. Whistleblowers do not need to be certain about the facts in their disclosure, it is sufficient that they have reasonable ground that the information provided may tend to show one or more relevant wrongdoings and the information came to their attention in connection with their employment. The person receiving the disclosure need to escalate it to the relevant designated personnel.

A whistleblowing disclosure may also be made by a person who is not or not anymore a staff and associates of Caritas Europa. In this case, they should follow the procedure laid out under *B.1. Filing a complaint*.

The reports of alleged malpractices should include as much information as readily available such as:

- Date, time and location of the alleged incident;
- Identity of alleged perpetrator of malpractice;
- Nature of what happened;
- Any immediate help or actions required;
- Name and contact information of the whistleblower.

There may be circumstances when the whistleblowers feel unable to do so with the relevant line manager, for example when they feel that the line manager is involved, or that they have previously raised this concern and feel that no action has been taken. In these circumstances, they should contact one of the following persons:

- the Caritas Europa Secretary-General;
- the Caritas Europa President;
- the Caritas Europa Complaints Handling Officer;
- the Caritas Europa person of trust.

Disclosure to Caritas Internationalis

When an internal disclosure has been made and no appropriate action has been taken, or there is a risk of reprisals, or there is little chance that the violation will actually be remedied (e.g., risk of evidence being concealed or destroyed, Caritas Europa management in collusion with the perpetrator of the violation), an additional disclosure can be made to Caritas Internationalis to one of the following persons:

- the Caritas Internationalis Complaints-Handling Officer (cho@caritas.va)
- the Caritas Internationalis Secretary-General (secretary-general@caritas.va)

External disclosure

An external disclosure essentially occurs when the person has reasonable grounds for believing that the violation may represent an imminent or manifest danger to the public interest. In this case, the whistleblower may inform the competent Belgian authorities or the public. Nonetheless, Caritas Europa strongly encourages you to make disclosures internally.

Breach of confidentiality

Any whistleblower who believes their confidentiality has been breached should report this to their line manager or the designated personnel mentioned above. Caritas Europa will not ask staff or associates (or former staff or associates) to waive their right to make a whistleblowing disclosure under any circumstances. Caritas Europa will take all reasonable measures to maintain confidentiality.

Protection and support to whistleblowers

All staff and associates working with Caritas Europa are protected by this policy to ensure consistency and transparency for all those working towards the vision, mission, and values of Caritas Europa.

Any concerns raised will be investigated carefully and thoroughly. Caritas Europa will ensure that fair treatment will always be followed. Any person accused of alleged wrongdoing will have the right to put their account of events forward at the earliest opportunity.

After a first case and risk assessment of the disclosure, preventive measures can be undertaken to ensure the safety of the whistleblower and to prevent any retaliatory action. These preventive measures may include but are not limited to changing the reporting line to the next higher level of authority; excluding of the alleged retaliator from any decision related to the whistleblower; placing the alleged retaliator on administrative leave; undertaking special administrative provisions to ensure whistleblower protection such as smart working, administrative leaves, flexible working schedule, etc.

If someone tries to prevent an individual from making a confidential report or penalises that person for raising their concerns, Caritas Europa will treat this as a serious offence which will result in disciplinary action.

If a person believes they have been penalised for making a whistleblowing disclosure, they should report this to their line manager or the designated personnel. If confirmed, Caritas Europa will take appropriate measures to amend the negative consequences suffered as a result of retaliatory action.

Caritas Europa will adapt their support to each whistleblower's specific needs. For example, in the case which may require independent legal counsel and/or an advisor/support person to provide emotional support, etc.

B.3. Recording and processing

All whistleblowing disclosures and all complaints, both sensitive and non-sensitive, except for staff grievances, will be recorded into an internal Caritas Europa registration system. It has restricted staff access and supports complaints and whistleblowing disclosures being logged on receipt, actions tracked, and outcomes recorded. The protection of the identity of complainants and whistleblowers includes removing personal information or other details that may identify them; referring to them in gender-neutral terms or via a pseudonym; where possible, they will be contacted to help identify whether certain aspects of their report could inadvertently identify them; storing sensitive complaints and whistleblower reports securely, etc.

It is the responsibility of the Complaints Handling Officer (CHO) to preliminarily assess the type and nature of the complaint or whistleblowing disclosure and recommend the most appropriate course of action to be undertaken.

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Any complaint or whistleblowing disclosure involving one or more Caritas Europa staff or associates must be assessed by both the CHO and the person of trust or the Secretary-General.

Feedback and non-sensitive complaints

Feedback will be referred to the relevant staff member. For non-sensitive complaints a decision on their processing can be taken by the CHO or the Secretary General alone.

Sensitive complaints and whistleblowing disclosures

For sensitive complaints and whistleblowing disclosures, a decision will have to be taken by the Complaints Handling Committee (CHC). Sensitive complaints and whistleblowing disclosures will be dealt with as per the procedure set forth. The roles and responsibilities of Caritas Europa Secretariat and member organisations will be determined at that stage.

In case the CHO has any doubts about the nature of a complaint, he/she will involve the CHC.

The CHC will be composed of:

- The CHO;
- The Secretary General of CE;
- The person of trust;
- A board member (for cases assessed as serious, and that entail an investigation procedure);
- An external person appointed to guarantee an objective external regard (if necessary).

If any of the members of the CHC is not neutral, involved or accused in the complaint or whistleblowing disclosure, he/she will be replaced.

Complaints will be processed transparently, diligently, efficiently and in accordance with *A.5. Considerations for reporting and guiding principles*. Caritas Europa will always act according to the Belgian law or the law of the concerned country. Complaints that indicate a possible criminal offence has been committed must be referred by Caritas Europa Secretariat to the authorities responsible for investigating such matters.

The following procedures will be invoked upon receipt of a formal written complaint or a whistleblowing disclosure:

- The complainant or whistleblower will be invited to an initial examination meeting with the CHO or another relevant staff.
- He/she will be provided with a copy of the written statement outlining the specific allegations made and provided with the opportunity to respond to the allegation.
- During this initial examination stage, the CHO will assess the steps that need to be taken to resolve the matter. For example, the possibility of attempting to resolve the complaint or whistleblowing disclosure in an informal manner by using mediation or a series of meetings will be discussed if appropriate. This will depend on the seriousness of the complaint or whistleblowing disclosure.
- Depending on the seriousness of the complaint or whistleblowing disclosure it may not be appropriate to attempt to resolve the complaint or whistleblowing disclosure informally and a formal investigation will be invoked immediately following the initial examination.
- If informal mechanisms are used and fail to resolve a complaint or whistleblowing disclosure, the formal investigation procedure will automatically be invoked.
- If the complainant or whistleblower does not wish to attempt to resolve the matter informally the formal investigation procedure will be invoked.
- All formal investigations will be carried out under the investigation procedures explained in *B.4. Investigation Procedure*.

Details of the complaint or whistleblowing disclosure

If a formal written complaint or whistleblowing disclosure is being made, the following information should be included:

- The name of the complainant or whistleblower (unless the complaint or disclosure was submitted anonymously) and the name of the alleged perpetrator/wrongdoer.
- A detailed description of the alleged incidents. The following information must be contained: the exact details of the incident(s), the location, names of any witnesses and description of the wrongdoing. The formal complaint should also specify to what section of the policy or guidelines the complaint refers to, i.e. fraud, sexual harassment, bullying.

B.4. Investigation procedure

For sensitive complaints and whistleblowing disclosures, the Complaints Handling Officer (CHO), with support of the Complaints Handling Committee (CHC), will have the primary responsibility to manage the investigation. The CHC will identify the most qualified expert investigator based on the nature of the complaint, geographic location and language requirements. Investigations will be carried out confidentially and only persons that need to know about the complaint will be involved in the process.

As mentioned previously, any allegations that constitute a legal offence will be referred to the competent authorities.

Timeframes for completing the investigation vary depending on their complexity. The aim is to conclude it within the shortest reasonable time ideally not exceeding sixty days from receiving the complaint. The final report will be shared with the CHC for review and approval.

B.5. Outcome and communicating outcomes

Once the investigation is complete, appropriate action will be taken to resolve the issue. This may involve taking disciplinary action if a clear case of wrongdoing can be proved and reporting to the police if a criminal offence such as fraud or theft has been committed. Cases of serious wrongdoing may result in dismissal. The decision on the type of action to be undertaken will be taken by the Secretary General or the Executive Board of Caritas Europa.

Costs associated with investigations initiated because of complaints against Caritas Europa staff and associates will be covered by Caritas Europa. Costs associated with investigations initiated because of complaints against associates or against those deployed through a Caritas Europa mandated support mechanism will be covered by the associates or by the member organisation(s) in question. Should this not be possible, alternative funding sources will be explored.

Feedback to the complainant or whistleblower and the progress of any concerns raised will be given as soon as possible by the CHO. Some situations may be resolved promptly, whilst others may take longer because they require formal investigation or hearings. It may not be possible to give detailed feedback, particularly in relation to sensitive cases. Complainants or whistleblowers should be advised of any delays or difficulties in providing feedback.

B.6. Appeals procedure

Caritas Europa wishes that any complaint be resolved in a satisfactory fashion for both the complainant and the organisation. If the complainant does not feel satisfied with the outcome, he or she can appeal to the Secretary General or the President of Caritas Europa through the CHO; see contact details under *B.1. Filing a complaint*.

B.7. Periodic review and dissemination of the policy and procedure

This policy and procedure are approved *ad experimentum* for a period of two years, after which they will undergo a thorough review and, if necessary, be adapted. Staff should be consulted during the review of the policy.

The policy should be widely disseminated and made available for all staff. It should also be made available on the website of Caritas Europa.

Staff working in positions designated to receive complaints and whistleblowing disclosures should receive specialised training. All staff of Caritas Europa should receive an orientation on this policy and procedure.