

EASPD Complaints procedure

Objectives

1. Through the creation and adoption of this CP, EASPD intends to ensure that complaints are taken seriously within the organisation and are handled efficiently and fairly in a transparent and procedurally correct manner.
2. The CP recognises that complaints may range in seriousness. It attempts to provide a flexible but consistent approach capable of dealing with all kinds of complaint. The outcome of a complaint and any action arising from it should be proportionate to the seriousness of the complaint and be enforceable. *The complainant should always be told of the outcome of their original complaint.*
3. The CP is internal to EASPD and agreeing to abide by its procedures is a condition of continued membership of the Association, once the CP has been adopted by the GA. It does not remove any of the rights of the Board or members under Belgian law (the applicable legal code), but it does provide EASPD and members with a road map and specific tools for dealing with complaints effectively and quickly.
4. The CP makes clear the role of the GA as the ultimate decision-making body of the Association but recognises that in almost all cases such matters should be dealt with at a lower level.
5. The CP is based on an EASPD Code of Conduct which all members and staff must follow.
6. It creates an Independent Complaints Committee (ICC) to investigate and consider complaints and try to bring matters to a conclusion, *but only when all earlier efforts have failed.*

EASPD Complaints Procedure (CP)

Who can make a complaint and use this procedure?

- Anyone who represents their organisation which is a member of EASPD.
- Anyone using EASPD goods and services (eg training, conferences, projects etc)
- Staff or contractors working for EASPD who wish to complaint about the conduct of a member and/or their staff

The Complaints Procedure is not intended to deal with criminal acts such as serious sexual or physical assault or abuse. Such matters should be referred to the relevant police force.

The formal CP consists of four itemised steps (listed below).

However, *before using these formal steps* it is recommended that anyone wishing to make a complaint would in the first instance contact the Secretary General (SG) by phone, email, video conference or speak directly to the SG in order to explain what they want to complain about. If the complaint is about the SG, then the complainant should contact the President directly in a similar manner. This initial informal contact is designed to offer a chance to resolve matters quickly and informally in a low-key manner.

This CP will be posted on the EASPD website and complainants are free to use the complaints form they will find there, if that would help them at this first informal stage but using the form at this stage does NOT start the formal complaints procedure, unless the final section of the form is completed.

The SG or President are committed to listening to this first ‘informal’ expression of a complaint and they will try to resolve it.

However, if the complainant is not satisfied with the result of this first ‘informal’ attempt to resolve the problem, it is then open to them to follow the more formal four step procedure below. This will mean putting the complaint in writing (if this has not yet been done) and it will start the clock of set timescales to resolve the complaint.

Step 1:

The complainant shall send the formal complaint to the Secretary General (SG) in writing, who will try to resolve the matter within an [eight] week period.

Step 2:

If the complainant is not satisfied after Step 1 – or if the complaint involves the SG – the complainant shall send the formal complaint in writing to the President who will reply within [four] weeks and take such action (eg meetings, investigations, negotiations/ mediation etc) as appropriate to resolve the matter. The timeframe for completing Step 2 is [12 weeks] from the President being first notified or notified at the unresolved end of Step 1.

Step 3:

If the President fails to resolve the complaint, then all details of the complaint is passed to the Independent Complaints Committee (ICC) who shall investigate and decide on the complaint within [12 weeks] of it receiving the details. If the complaint involves the conduct of the President (or the SG *and* the President), then the complainant may send their complaint directly to the ICC.

Step 4:

In the specific circumstance where the complaint involves alleged misconduct of/by the Board and, having reached Step 3, if the complainant is still not satisfied with the decisions of the ICC, it shall be open to the complainant to have the matter considered at a General Assembly (GA) of the Association. The GA is the highest decision-making body within the Association and its decision on the matter shall be final and binding. (Invoking Step 4 would be highly unusual and would relate to very serious complaints.)

Decisions and sanctions

1. As a matter of common sense, all ICC decisions are case specific and do not bind its decisions in other cases. The decision of the ICC is always sent to the Board for ratification except when the matter is taken to the General Assembly in Step 4 above.
2. The ICC is independent and decides how it will consider each complaint separately. Its objective is to resolve the complaint to the satisfaction of all involved in a manner which is consistent with the EASPD Code of Conduct. This will often involve negotiations and mediation as well as having an investigation of the facts of each case. The findings of the ICC and its conclusions in each case will be sent to the Board.
3. Under Belgian law it is a requirement that the Board is the body which needs to formally ratify the findings of the ICC and implement them. If the matter goes to the General Assembly, the Board and President are bound to implement the GA's decision.
4. If the complaint is 'successful' (ie: if the complaint is upheld totally or in part) and is against a member of staff it will be a matter for the Management of EASPD to take any disciplinary action, in compliance with any decisions/recommendations from the ICC, bearing in mind Belgian employment law and employee rights.
5. If the (successful) complaint is against the SG (who is a member of staff) the Board shall take action in compliance with any decisions/recommendations from the ICC, bearing in mind Belgian employment law and employee rights.
6. If the (successful) complaint is against the President, other officer or a Board member (who are a *not* members of staff but elected officers) the Board is expected to ratify any decisions/recommendations from the ICC.
7. If the (successful) complaint is against the Board itself the ICC may recommend to the Board that certain actions are undertaken. The Board must then decide what to do *and would normally seek GA approval for its subsequent decision and actions.*
8. If the (successful) complaint is against another EASPD member (either a named individual and/or an organisation) then the Board is expected to ratify the decisions of the ICC.
9. In very serious cases, for example if the member organisation refuses to comply with the ICC's decision, then that refusal in itself shall become a sufficient reason for termination of membership by that organisation, regardless of the nature of the previous proposed sanction. (Termination of membership is provided for in section G of the EASPD statutes.)

Conflicts of Interest

- All members of EASPD owe a loyalty both to their employing member organisation and also to EASPD itself, which may produce conflicts of interest. (This is especially true for elected Officers and Board members, but it also affects members competing for/ submitting bids, contracts etc.)
- All members should be aware of that they may be faced with a conflict of interest. Wherever possible such conflicts should be declared and recorded. Those taking decisions should strive to avoid involving any personal or organisational benefit and absent themselves from any such vote. Elected officer holders should recall that at all times they are expected to promote the best interests of EASPD as a whole, rather than their own organisation.
- In the matter of handling complaints, it follows that no-one should investigate a complaint if they are the person complained against. If a member of the Executive, Board or ICC is in such a position, s/he shall be excluded from all investigations and decisions, and, in the case of an ICC member, be replaced by a Board nominee for this decision.

Financial Integrity and Responsibility

- All members have a duty to ensure that EASPD's money is appropriately spent, our financial records are complete and accurate, and our internal controls are effective.
- Whilst the Board and Hon Treasurer have a particular responsibility in this area along with the SG and Head of Finance, all members jointly carry that responsibility and should report any financial irregularities to the SG and / or the Board.

Legal obligations

- All members should comply with all applicable legal requirements and understand the major laws and regulations that apply to their work.
- EASPD relies on the good judgement of members to uphold a high standard of integrity for ourselves and our Association. We expect all members, elected officers and employees to be guided by both the letter and the spirit of this Code. Failure to do so may result in action being taken by management or the ICC (as appropriate) against the staff or member.
- Anyone reporting a possible breach of this Code to EASPD should be treated with care and courtesy and members undertake not to take punitive action against them. Member organisations also accept that they should not impede or undermine anyone involved in investigations about a possible breach of this Code.

Appendix 1

Administrative & procedural matters

1. All formal complaints (at Steps 1-4) shall be recorded and the *number of current/active complaints and their resolution shall be reported to the Executive Committee and Board by a standing agenda item and annually to the membership at the AGM.*
2. Membership of the ICC shall consist of three main people (which must include 1 man and 1 woman). These three shall be proposed by the Board and approved by the GA for a four-year period. An additional 'reserve' member shall also have appointed who must be of the same gender as the minority gender in the main group of three. The 'reserve' member will only act if a main ICC member is unavailable or recuses him/herself). In the event of a vacancy occurring on the ICC amongst the group of 3+1, the Board may appoint someone to fill the vacancy until the next AGM, when that person's appointment shall be formally approved or another person appointed and approved by the GA.
3. The ICC shall always have at least one man and one woman as members when working on a complaint.
4. It is not permissible for members of the ICC to be EASPD staff or current EASPD Board members, neither may ICC members investigate complaints in which they are involved.
5. Whilst the powers of the ICC are limited to the investigation of the complaint, with a view to its resolution, it shall be able to request all relevant documents and, if necessary, interview all people (EASPD staff and members) it considers relevant to the complaint.
6. All reasonable costs incurred by the ICC shall be borne by the Association. Complainants would normally be expected to bear their own costs, but in exceptional circumstances (eg where injustice may be caused to an innocent party) the ICC may recommend to the Board that some or all of the complainant's cost should be paid.
7. The resolution of a formal complaint should in principle (in the interests of transparency) be a matter of public knowledge within the membership. However, depending on the circumstances, the ICC may choose to publish only a short description of the matter and its resolution for public consumption, in order to protect the privacy of other people caught up in the complaint. The Ex-Com and Board should always receive a full report of the outcome of a complaint, providing always that the complainant shall have the right to retain their anonymity if they should so choose in any such report.
 1. Conclusions of the ICC will normally be findings of fact and/or details of a resolution. If a resolution is not possible it may be necessary on occasion for the ICC's findings to include a sanction.
 2. The wide range of circumstances the CP covers means a wide range of possible sanctions is available. If a complaint is held to be justified, actions required by the ICC may cover *for example*:
 - a. a request for a formal apology to be made,
 - b. a public acknowledgement that a mistake had been made
 - c. payment of monies withheld/due
 - d. a recommendation to the Board to terminate the membership of that member (in extreme circumstances)

- e. banning a (named) individual from attending any EASPD meeting

- 8. At every step in the CP the decision-making person/body (ie: the complainant, SG, President, ICC and GA) shall have regard to the EASPD Code of Conduct in evaluating the actions of those involved in the complaint.
- 9. It follows from the use of the Code that routine complaints about administrative decisions (eg refusal to pay travel costs, withholding payment due to non-performance of tasks etc) would not normally reach the ICC.

Approved by the board during the Zoom meeting, 14th November 2018
Adopted by the EASPD General Assembly on 15th May 2019, Bucharest, Romania