

SEPTEMBER 2021

ENOC Sanctions



European Network of Ombudspersons for Children

ENOC SECRETARIAT

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ENOC SANCTIONS

As adopted by the ENOC 25th General Assembly on 29 September 2021

WHO CAN MAKE A COMPLAINT?

- ENOC members (Office holder)

Note: Anonymous complaints will not be accepted.

WHO CAN RAISE A CONCERN?

Those outside ENOC can raise concerns, not complaints, and it is up to the Bureau to determine whether or not to deal with this as a complaint. Examples include:

- NGO's
- Formal Institutions e.g. EU/CoE/UNICEF/
- Members of Formal Institutions e.g. MEP
- General Public
- Children

Note: If sufficient evidence is presented to support an anonymous concern, then all necessary actions will be taken by the Bureau.

PROCESS

Complaint sent to ENOC Secretariat who forwards it to the Bureau.

Bureau reviews complaint / concern and decides whether a complaint is valid and if valid, whether it should go through the informal or formal process. In this situation, the Bureau should always ask if the informal approach is possible.

| *Timeline |
|-----------------------|
| 1 week |
| 1 week |
| Total: 2 weeks |

INFORMAL PROCESS

1. Bureau tests complaint against appropriate behaviours.
2. Sends e-mail to the member complained about to raise issue and get their response.
3. Bureau works in house and works with the complainant and complainees to come to a solution.
4. If the issue does not end up being resolved at this stage, the Bureau can move the issue into the formal process.

| |
|-----------------------|
| *Timeline |
| 1 week |
| 2 weeks |
| 4 weeks |
| Total: 7 weeks |

Decisions involving the informal process are confidential so are kept within the Bureau and are not made public to the wider membership.

An anonymous log of complaints dealt with through informal process is kept by the Bureau.

If a complaint or concern is raised about a very serious issue, then the Bureau should move straight to the formal process.

**Note: All Timelines are indicative*

FORMAL PROCESS

1. The Bureau informs both parties that a formal investigation is to be commenced.
2. The Bureau carries out the investigation (If the complaint made against a member of Bureau, they step aside for this process).
3. The complainees has a right of reply.
4. The complainees will always be told the name of a complainant. However, in relation to concerns, the Bureau will decide whether or not the identity of the person, who made the concern, will be made known.
5. If the Bureau upholds the complaint, it decides the next steps:
 - a. Bureau can issue a note of sanction to the member highlighting the issue(s) that need to be resolved.

If no action is taken by the member to resolve those issues,

- b. a second note of sanction may issue (These notes of sanction can be made public to the membership, however the Bureau must give reasons for why they are making it public).

If a decision is made to suspend or expel a member,

- c. The Bureau makes a recommendation on whether to suspend (and the recommended length of time) or to expel. That recommendation must then be put to a vote across the network at a General Assembly or an Extraordinary General Assembly and the final decision rests with the membership.

**Timeline: 2 month process for the Bureau to make their initial decision on the complaint. (steps 1-5)*

NOTES

- The principle of fairness and proportionality will, at all times, guide the consideration of sanctions
- Any note of sanction, issued in relation to the formal complaints process, can be made public to the membership.
- Suspension is for a time limited period which is recommended by the Bureau but will need to be agreed by the membership.
- A suspension may come with recommendations for actions to be carried out by the member. The suspension would only be lifted once any recommendations are complied with.
- If expelled, when a new ombudsperson is appointed, they can reapply for membership.
- Members will be voting “yes/no” on the terms of suspension or expulsion recommended by the Bureau.
- All votes for suspension or expulsion should be agreed by at least 66% of those who attend the General Assembly or Extraordinary General Assembly.
- Once a final decision is made to suspend or expel a member, this will be published by ENOC – unless Bureau believes there are exceptional circumstances.
- An anonymised log of complaints will be published annually.

*Note: All Timelines are indicative