the federal Ombudsman
The ever-increasing complexity of regulations, obscure formulation, room for interpretation, a rapidly changing society, the myriad of international regulations, there are numerous reasons why a mechanism that worked for years is no longer suited to the everyday situations citizens are faced with. The signal citizens send out in that regard is far too important to ignore.

“Direct contact with citizens and the administration, trust, impartiality and independence can set quite a lot into motion. And, in the end, everyone benefits!”
Guido Herman
Federal Ombudsman

“How do people contact us?

- Electronically: 62%
- By letter: 29%
- In person: 9%

The fact that citizens still like to contact us by phone is evident from the figures: in 2015, the Federal Ombudsman received in excess of 8,700 calls and not all of them in relation to queries or complaints.

“By listening to the signals citizens send out, an authority shows that it is worthy of its citizens’ trust.”
Catherine De Bruecker
Federal Ombudsman
Specific cases

What did the Federal Ombudsman do for them?

“eID was not destroyed”

In 2013, Rudy had his electronic identity card (eID) replaced by a new one. Twelve months later, someone tried to use his cancelled eID. The municipality argued that Rudy’s eID had been destroyed in line with procedures. Rudy got on to the Federal Ombudsman. An investigation by the Federal Public Service Interior brought to light that the municipal administration had not followed procedures correctly. In the wake of that finding, the public service surveyed several municipalities and made the procedure more user-friendly.

“I had to pay back my sickness benefit”

Julie works as a self-employed physiotherapist and as a part-time teacher. While she was on sick leave, Julie received benefits from her health insurance provider. Sometime later she was asked for a refund because she continued to receive her teacher’s salary while on sick leave. The Federal Ombudsman mediated. Julie had always kept her health insurance provider clearly up to date with her situation. Furthermore, she was not familiar with the way her benefits were calculated. The health insurance provider reviewed its decision.

“E-mail went astray at the tax office”

Revenue suggested that Ann and Murat change a code on their tax return. They agreed. However, on their assessment notice several codes had been changed with the result that they ended up having to pay more taxes. Revenue should have notified the couple about all these changes but failed to do so. Their accountant lodged an objection and, at Revenue’s request, sent another e-mail with further details. However, that e-mail went astray and Revenue rejected their objection. Going to court was the only option if they wanted to get matters sorted. However, the couple got the Federal Ombudsman involved. Following a meeting with Revenue, Ann’s and Murat’s taxes were calculated correctly.

Complaints

2015

2014

5017

2145

4747

Enquiries

2015

2014

2001

Total

number of files

6892
The Federal Ombudsman does not deal with all the complaints he receives. First he will examine whether or not the complaint is admissible. Once the complaint is admissible, the Federal Ombudsman will investigate it further.

Why doesn’t the Federal Ombudsman deal with certain complaints?

1. Because the Federal Ombudsman has no competence with regard to the object of the complaint.
2. Because the citizen in question did not yet contact the complaints department of the public service concerned.
3. Because the Federal Ombudsman forwarded the complaint to another ombudsman service.

Each federal public service has its own complaints department. One can easily recognise this department by the logo:

1. Asylum and migration (visas, family reunifications...)
2. Tax-related issues (personal income tax, property tax, VAT...)
3. Social security (unemployment benefits, holiday pay...)
4. Passports, electronic identity cards, kids-ID...
5. Vehicle registrations
6. Complaints from detainees

Recommendations

1. No amending Selor selection regulations halfway through procedures (Recommendation OA 15/01)

Early 2015, the Federal Ombudsman received a number of complaints from candidates in a Selor selection procedure that consisted of three tests. The selection regulations determined the number of candidates that would be admitted to the final test. Once the results of the second test were known, Selor decided to increase the number of candidates for the third test anyhow. At that moment in time it was clear which candidates had been called up again. Thus, impartiality was no longer guaranteed in other words. What’s more, the legitimate expectations of candidates who did qualify under the initial quota had been violated.

As a result, the Federal Ombudsman recommended that Selor would refrain from amending selection rules in the course of a procedure if that possibility is not explicitly provided for in the regulations and to most certainly shy away from doing so in cases where the identity of the candidates favoured by any such change is known.

Selor complied with this recommendation and has undertaken to at all times meticulously abide by the selection regulations and to safeguard the impartiality of the selections.
2. The retroactive application of the social rates for gas and electricity (Recommendations OA 15/02 and 15/03)

The Federal Ombudsman advocates that social rights and advantages should, inasmuch as possible, be granted automatically. But that automation should not lead to a restriction of the very right itself. Unfortunately, that is what is happening in the area of automatic allocation of social rates for gas and electricity, notably to people suffering from a disability.

The Federal Ombudsman has been in discussion with the two bodies concerned in order to come up with a solution since 2012. Thus far, without success. As a result, the Federal Ombudsman will be making two additional recommendations this year so that people who qualify for this social measure can obtain a certificate by request on the basis of which they can apply for the retroactive application of the social rate for the period that was not covered by the automatic implementation. In some cases, we are talking a period of two years.

3. Protection of the rights and needs of detainees during strikes (Recommendation AA 15/01)

On the occasion of a strike, the Federal Ombudsman visited a prison and found that detainees, the staff present and the population nearby were exposed to unacceptable risks. The most elementary needs and rights of detainees – sufficient food, minimum hygiene standards, no risk to human health or life, contact with family members – were no longer guaranteed. During a strike, these aspects must be safeguarded at all cost.

Other recommendations:
4. The systematic denial of shelter in the case of multiple asylum applications (Recommendation OA 15/04)
5. Lifting of the automatic loss of the Belgian nationality at the age of 28 (Recommendation AA 15/02)
6. Entry ban and family reunification (Recommendation OA 15/05)

Which ombudsman standards are violated most?

The authorities must provide a proper service. The Federal Ombudsman checks that service against 15 ombudsman standards. The following three ombudsman standards are flouted most often:

1. Reasonable period of time:
A public service must deal with a citizen's request within a reasonable period of time.

2. Due care
Each public service must operate with due care and ensure that it has all the legal and factual data to hand before taking a decision.

3. Compliance with the rules of law
The public service must abide by the statutory standards and provisions and respect citizens' fundamental human rights.
Investigations

Family taxation (2015)
For various reasons, the current tax regulations on dependent children are no longer suited to the new forms of union. The amendments to the regulations that were introduced as of 2001 have become so complex that assessing the fiscal consequences of dependent children once a relationship has come to an end has become a tricky exercise.

These fiscal-legal sticking points are currently being charted. In doing so, the Federal Ombudsman wants to initiate a debate on a straightforward and transparent family tax system, where the overriding interest of the child plays an important role.

9ter Survey (2016)
In recent years, the Federal Ombudsman has received recurrent complaints about the procedure governing residence applications on grounds of medical regularisation. This caused him to launch an investigation in 2015 so as to establish whether the measures and procedures operated by the Immigration Office facilitate the correct processing of files within a reasonable period of time. The results of that investigation are due to be published shortly.

Prisons Survey (2016)
The Federal Ombudsman regularly receives complaints from detainees about the attitude prison officers display when dealing with them. In 2015, also a number of Oversight Committees shared their concerns on this matter with the Federal Ombudsman. During safety procedures, such as searches, these worrying facts are reported to be most prevalent. In collaboration with the prison board, a systemic investigation on the issue has been launched. Early 2017, the results of that investigation will be published in a report.

How quickly is a complaint resolved?

1 in 2 complaints are resolved within 3 months.

How many complaints were rectified?

86% of all valid complaints were rectified.
To keep his finger on the pulse even better, the Federal Ombudsman also organises local office hours in 13 cities across Belgium. Once a month, a member of our team visits the various localities to listen to citizens and log their complaints. The only thing citizens have to do is make an appointment.

Integrity Centre

If a member of staff of a federal public service wishes to report a presumed integrity violation, he can contact an integrity officer within his own public service or the Integrity Centre at the Federal Ombudsman. The Integrity Centre is in its third year of operation now. In 2015, the Integrity Centre received 29 files. Following an initial examination, 24 of these 29 files were not investigated any further. Two files led to an investigation and protective measures for the whistleblower. The reports on these investigations were submitted to the senior official of the service where the facts occurred. Also recommendations were formulated so as to prevent similar situations arising in the future.

Establish which ombudsman you need

Does your problem not involve a federal public service? In that case, another ombudsman service will more than likely be able to help you. To find out which ombudsman deals with your particular problem, check out www.ombudsman.be

This website lists all the various ombudsmen per theme.
Helping reconcile opposite stances and watching mediation work, it leaves you with a good feeling.” (Bart, Finance)

“I believe that also citizens who are less articulate must be helped to find a solution to a dispute with a public body.” (Moric, Finance)

“It often results in a win-win situation: the citizen’s problem is resolved and the complaints process helps the administration to fine-tune its procedures.” (Katty, Social Affairs)

“I always make sure to thoroughly check how I can help citizens effectively and do so without taking sides and with integrity.” (Aline, Front Office)

The team of the Federal Ombudsman is at your service.

The federal Ombudsman

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Also refer to the online Annual Report 2015.