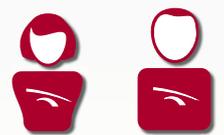


*Summary of the 2018 Annual Report
of the Federal Ombudsman*

CITIZENS AT THE CENTER



the federal Ombudsman

Citizens at the center

eBox, My Minfin, WebDIV, My Handicap, Tax-on-web... Citizens contact the federal administrations via the Internet on a daily basis. Online services not only make life easier but they also give administrations and citizens access to numerous improvements and opportunities.

Leaving teething problems, downtimes and repeated bugs aside, fact is that not everything is rosy in the garden. While citizens are asked, not to mention compelled, to use the online services, it is they who end up bearing the brunt of any IT problems. And then we're not even talking about the people who are spared those problems altogether because they either don't have easy access to the Internet or simply lack the skills to avail of it.

How are people who suffer from a disability and are physically unable to fill out a form online supposed to manage? How do you go about getting a refund for an incorrect online payment? How do you apply for a payment plan to settle your tax bill if you don't have access to the Internet? How do you prevent that one parent rather than the other automatically gets a tax credit for dependent children?

The use of online services should not impair people's rights. Everyone should be in a position to conduct his administrative business and exercise his rights. The Federal Ombudsman relays the problems citizens experience and makes sure that they remain focus of attention.



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“The administration must provide various channels of access to its services and leave room for direct and human contact.”

*Catherine De Bruecker,
Federal Ombudsman*

”
“It is essential that also people who don't have any computer skills are facilitated and have their rights are upheld.”

*Guido Herman,
Federal Ombudsman*



6 206 new files

**4.564
complaints**

**1.642
enquiries**

Positive outcomes



**84 % of valid complaints
were resolved.**

The Federal Ombudsman: citizens' port of call in a crisis

We intervene as a last resort to resolve thousands of issues. Through dialogue, we help citizens exercise their rights.

"I got the help I needed"



Emma suffers from a serious disability which restricts her in her activities, leading her to believe that she qualified for an integration allowance. She had to submit her application online but was physically unable to do so. She asked a social worker to contact the Directorate General for Disabled Persons to explain her problem. Five months on, she still hadn't heard anything. The Federal Ombudsman immediately contacted the Directorate General for Disabled Persons. A new software program and the reorganisation of its services meant that the administration was not only faced with a backlog but was also difficult to contact. Given Emma's serious difficulties using a computer, the Federal Ombudsman insisted that she be given the necessary assistance.

At long last, Emma got the help she needed to fill out the form online and, a few months later, she received the integration allowance she is entitled to.

"I settled my debt without any judicial officer's fees"



Abdel's tax bill exceptionally came to € 1,800. As his € 1,300 pension is his only source of income, he immediately asked the FPS Finance's Infocenter, the first point of contact for indebted citizens, whether he could pay his debt over 12 months. At the same time, he made a first payment of € 150. As he didn't get any reply one way or another, he kept contacting the FPS Finance and paying € 150 each month. When Abdel all of a sudden received a letter from a judicial officer, he contacted the Federal Ombudsman.

The Federal Ombudsman established that Abdel had paid off more than half of his debt and that he was charged an extra € 193 because a judicial officer had become involved. The Federal Ombudsman was of the opinion that the FPS Finance could at least have contacted Abdel before passing his file on to a judicial officer. What's more, Abdel's offer to pay off his debt over 12 months seemed reasonable given his limited income.

At the request of the Federal Ombudsman, the FPS Finance agreed to cover the judicial officer's fees. Abdel was allowed to pay off his taxes in monthly instalments of € 150.

The various causes for complaint



- Asylum and migration (visas, residence permits...) 26 %
- Social security (benefits, disability, unemployment, illness...) 24 %
- Taxation (income tax, VAT...) 18 %
- Mobility (vehicle registration...) 6 %
- Public service (recruitment, promotion...) 5 %
- Justice (detention, fines issued for breaking traffic regulations...) 4 %
- Identity documents (nationality, passports, identity cards...) 3 %
- Other areas 14 %

The Federal Ombudsman investigates and makes recommendations

When the complaints we receive give us reason to believe that other people could be facing a similar problem down the line, we make a recommendation to the administration or to Parliament. Our recommendations help to improve administrative practices and the legislation. In doing so, we enhance the culture of public service and good governance

FINES FOR BREAKING THE TRAFFIC REGULATIONS: DON'T MAKE CITIZENS PAY TWICE

Since 2017, people who were fined for a road-traffic offence can pay their fine on the www.trafficfines.be website. Launched by the FPS Justice in collaboration with the police, Bpost and the FPS Finance, the process is managed automatically which reduces the workload on the police and allows fines to be sent out faster. For many citizens, it also makes it easier to pay a fine.

However, the Federal Ombudsman received numerous complaints, some of them taking twists and turns bordering on the Kafkaesque. At issue the multiple administrative errors when the fines are sent out: incorrect references, no bank account number, incomplete postal address, payment date expired.... Some people even paid the same fine twice because of a bug in the system or because they were sent the same fine twice. Others made the mistake of forgetting to include the payment reference or paying too much.

Reimbursements take too long

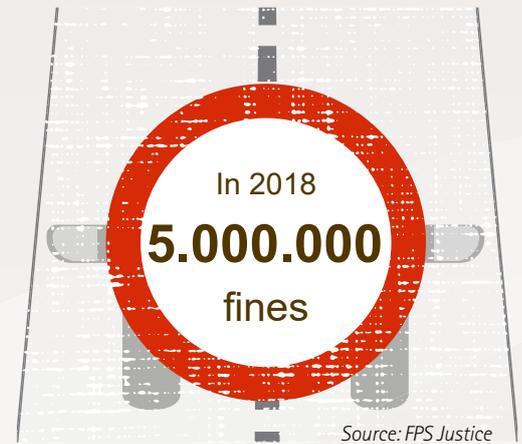
The Federal Ombudsman had to insist with the FPS Justice that any amounts received incorrectly were refunded without delay, starting with the highest ones. After months of waiting, tens of thousands of people finally received a refund while others are still out of pocket.

The Federal Ombudsman asked the FPS Justice to henceforth ensure that all reimbursements are made within 20 days. But the FPS Justice continues to use technical issues with its automated system as a pretext not to adhere to this deadline.

An inefficient help desk

The Federal Ombudsman also received umpteen complaints about the help desk which was inundated with calls because of technical issues with the website www.trafficfines.be. People were left on hold for ages, at their own expense, because there is no Freephone number. At that, there is no other channel to go through in the event of an issue.

Although more manpower was assigned to the help desk in 2018, getting accurate information can prove to be a problem. The Federal Ombudsman also found, on several occasions, that the help desk is unable to rectify errors, even minor and purely administrative ones, and to prevent that citizens' problems are compounded. The procedure to contest a fine also leaves a lot to be desired.



As a result, the Federal Ombudsman asked the FPS Justice to improve its help desk by providing a Freephone number, by ensuring that it is accessible by email and in a position to actually help citizens.

Citizens' concerns

- Reasonable deadlines
- The correct application of the law
- Proper management

The Federal Ombudsman assesses complaints on a scale of standards that defines the quality of service the administrations provide. The three standards that give citizens most cause for concern are:

TAXES: RECOVERING CITIZENS' DEBTS MORE FAIRLY

A one-year inquiry

The Federal Ombudsman conducted an inquiry into the way the FPS Finance collects tax from citizens who are not in a position to pay their liability upfront. Each year, it receives some 200 complaints from citizens who are quite willing to pay their tax (income tax and property tax) but are unable to do so on the terms and by the deadlines the administration sets.

Over the course of a 12-month period, the Federal Ombudsman examined the main aspects of the FPS Finance's recovery strategy: its payment plan procedures, the methods tax collectors and judicial officers use to ensure that debts are paid and the administration's accessibility and communication. The report of that investigation was presented to Parliament on 14 January 2019.

191.144

Indirect prosecutions
(wages garnishments, garnishments
executed at clients'...)

135.374

Files passed on to judicial officers

Source: FPS Finance, 2017

Procedures are excessively rigid

The inquiry brought to light that the FPS Finance's recovery procedures are inadequate for certain taxpayers and that people's actual available budget is not always taken into consideration.

What's more, tax collectors' performance targets make that they apply the administrative instructions overly strictly and all too inflexibly at times. Certain proceedings, in particular via judicial officers, are unnecessary and needlessly make taxpayers' financial situation worse. The FPS Finance also lacks the tools to monitor judicial officers, with the result that they are not under any pressure to keep the cost for their services to a minimum.

The digital channels the FPS Finance uses exclude people who have problems reading and writing or who don't feel comfortable using the Internet.

Lastly, the way in which the various FPS Finance departments are organised is extremely complex and they remain difficult to contact by phone. On the whole, citizens are not adequately informed of their rights.

The Federal Ombudsman has asked the FPS Finance to become citizen-oriented and to collect taxes as fairly as possible. Worsening the situation of people experiencing payment problems must be avoided at all costs because over-indebtedness also creates a cost for society.

www.federaalombudsman.be/nl/bilbio



20 citizen-oriented recommendations

All in all, the Federal Ombudsman made 20 recommendations to the FPS Finance. These recommendations are designed to ensure a better balance between the interests of the State and those of people who find themselves in a difficult situation. It therefore recommended that:

- the payment plan procedures are adjusted and that the method used to calculate citizens' payment capacity is revised,
- collectors are made to sign up to a recovery code of conduct and that judicial officers are made to send out a reminder before taking more costly steps,
- telephone access and communication are improved,
- preference is given to direct contact with citizens and that help with administrative steps is provided.

The Federal Ombudsman safeguards integrity

Federal employees can report any abuses or fraud they come across within the federal administration to the Federal Ombudsman's Integrity Centre. This can range from asset misappropriation, irregularities in tenders, favouritism, an abuse of powers vis-à-vis citizens...

DEVELOPING A GENUINE POLICY OF INTEGRITY

The Federal Ombudsman pleads with the federal administration to develop a genuine policy of integrity in the broadest sense.

In 2018, the Integrity Centre opened 44 new files and launched 19 inquiries. Since the Integrity Centre was set up in 2014, these numbers have been rising steadily. At the end of any inquiry, the Integrity Centre sends a report to the head of the administration concerned who is obliged to act on it. That report contains the conclusions of the inquiry and a number of recommendations. Whistle-blowers are afforded protected.

In 2018, the infringements reported by federal employees mainly centred on two themes: recruitment procedures and conflicts of interest.

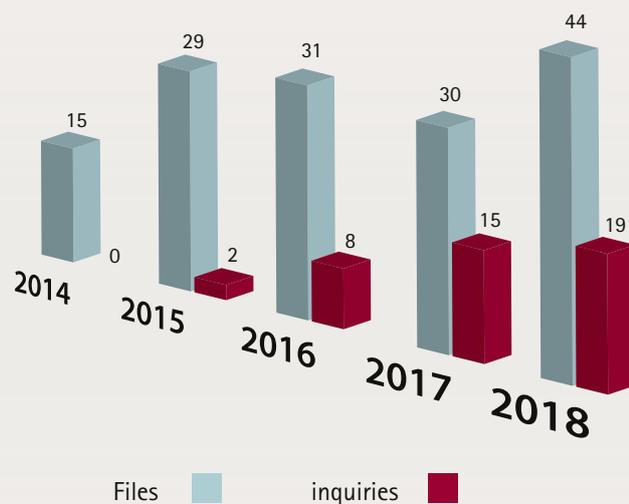
Recruitment procedures

Several inquiries the Integrity Centre conducted were directed at HR staff, certified by Selor, who recruit staff within their administration. Their role and responsibilities may pose certain risks in terms of integrity. Even though HR staff are supposed to ensure that the process is conducted correctly and impartially, they are also subject to their own hierarchy insisting that a certain person be hired.

Conflicts of interest

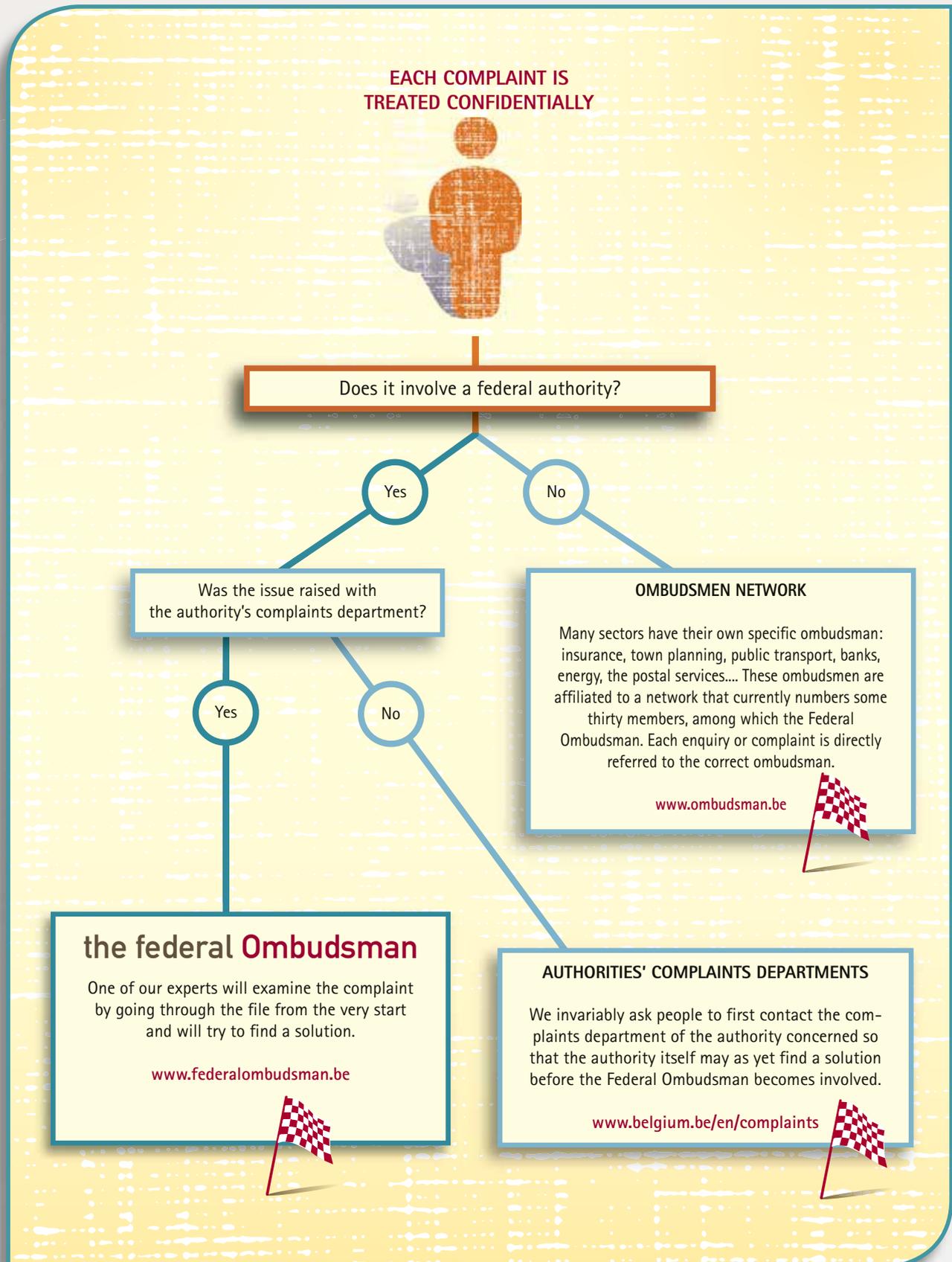
Other inquiries brought to light that although federal employees are familiar with the legislation and the conflict-of-interest principles, it would appear that they find it harder to apply them. It is worth pointing out that a conflict of interest can be created by the mere fact that an employee may be susceptible to influence. The influence must not be obvious or demonstrated.

Trend in the number of new Integrity Centre files and inquiries



The Federal Ombudsman helps you

We help citizens to find the best possible solution to their problems, free of charge. When we are contacted about a problem that does not involve a federal authority, we refer them to the ombudsman or the department that will be able to help them.



The Federal Ombudsman in your area



Make an appointment at
www.federalombudsman.be!

- 13 cities
- 1 clinic a month



Every year, thousands of people contact the Federal Ombudsman to find a solution to their problem. We see any complaint we receive as a valuable signal to improve the relationship between citizens and the administrations.

Day in, day out, the team of the Federal Ombudsman devotes itself to relaying these signals and, in doing so, manages to promote good governance, respect for human rights and the integrity of the administration.



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