

Administrative consideration regarding the term of office of a confidential advisor

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Reason

The role of confidential advisor requires a careful balance between proximity and independence.

A confidential advisor must know the organization well enough to be able to recognize social relationships, recurring patterns, informal power structures and early signals. At the same time, sufficient professional distance must be maintained to be able to continue questioning existing beliefs, relationships and working methods independently.

That balance is not automatically unlimited.

As a confidential advisor is connected to the same organization, location or organizational unit for longer, familiarity can gradually turn into habituation, institutional connectedness or personal dependency. That does not mean that a confidential advisor is automatically no longer independent or competent after a certain period. It does mean that independence, accessibility and effectiveness may no longer simply be assumed over time.

It is therefore administratively defensible to limit the deployment of a confidential advisor in principle to a period of four years, after which an explicit consideration takes place regarding rotation, termination or reasoned continuation.

It is an administrative and organizational choice that is motivated by

- Protecting the independent position
- Limiting role entanglement
- Preventing organizational blindness
- Ensuring accessibility for different groups of employees
- Encouraging renewal
- Counteracting dependency on an official
- Periodically assessing reach, quality and preventive added value

The period of four years is proportionate in this respect. Long enough to build trust, knowledge and visibility, but sufficiently limited to prevent the role from being performed indefinitely within the same social and administrative relationships.



Administrative arguments for a limited term of office

1. Protection of the independent position

The confidential advisor must be able to listen, identify signals and advise independently. This applies not only to the formal organization of the role, but also to the way employees experience that independence.

Long-term cooperation inevitably creates relationships with board members, HR, managers, employee participation bodies and employees. These relationships can be valuable, but can also lead to informal loyalties, fixed expectations and increasing connectedness with the organization.

The question is not exclusively whether the confidential advisor still considers themselves independent. It is also relevant whether employees trust that the confidential advisor can look at all levels of the organization without reservation.

The appearance of proximity can already reduce accessibility, even when there is no actual partiality.

2. Preventing organizational blindness

Long-term involvement provides valuable contextual knowledge. At the same time, that same knowledge can cause recurring situations to be seen as normal, explainable or unavoidable.

Behavior and patterns can therefore be interpreted from existing explanations

- This is simply how this department works
- This manager always communicates in that way
- This has been going on for years
- This has already received attention before
- This is part of the culture of the organization

This is not necessarily the result of carelessness. Habituation is a general human mechanism. Someone who is part of an environment for a long time becomes less sensitive to stimuli and patterns that immediately stand out to an outsider.

Precisely with social and psychological safety, a fresh perspective is important. The first signals of unsafety are often not visible in formal complaints or incidents, but in silences, avoidance, withdrawal behavior, informal exclusion, changing language and normalization of transgressive behavior.



3. Preventing role entanglement

A confidential advisor regularly has contact with different officials and can over time become involved in policy, information provision, interventions and advising.

This can create a situation in which the same person

- Has helped develop policy
- Has advised management
- Has provided information
- Has reported patterns
- Then has to assess the functioning of that same approach

This can create a risk of self-assessment. The confidential advisor then indirectly also assesses the results of their own advice, positioning and working method.

That does not have to lead to incorrect conclusions, but it is administratively sensible to prevent one person from remaining advisor, implementer, person who identifies signals and assessor within the same system for a long time.

4. Ensuring accessibility and freedom of choice

Not every employee experiences the same confidential advisor as accessible.

Differences in role, age, background, language, location, hierarchical position and previous experiences influence with whom someone feels safe enough to have a conversation.

A confidential advisor can be very accessible to a large group, while another group experiences distance. Over time, a fixed image of the confidential advisor can also arise, for example as:

- Close to HR
- Familiar with the board
- Connected to a particular location
- Especially suitable for specific topics
- Especially approachable for certain job groups
- Insufficiently visible or influential

Perception influences employee behavior and therefore the actual reach of the provision.

Periodic rotation and making multiple confidential advisors available increase the chance that employees can choose a person with whom they experience sufficient connection and trust.



5. Preventing personal dependency

The role of confidential advisor must be organizationally safeguarded and must not become completely dependent on one person.

With long-term deployment there is a risk that

- Knowledge is insufficiently recorded in a transferable way
- Relationships and work processes become strongly personal
- The organization no longer has a clear view of exactly what it expects from the role
- Succession becomes difficult
- Continuity is vulnerable in the event of illness, departure or absence
- The confidential advisor as a person becomes more important than the independent provision

A limited term encourages the organization to organize the role more professionally. It forces clear agreements about assignment, positioning, reporting, reach, expertise, transfer and evaluation.

6. Strengthening the preventive function

A confidential advisor who does not work solely from traditional ideas does not exclusively fulfill a reactive support function. The role may also be expected to contribute to prevention, awareness, early identification and advising on culture and organizational patterns.

For this it is necessary that the confidential advisor

- Remains curious
- Critically examines their own working method
- Knows how to reach new groups
- Applies current knowledge and methods
- Questions existing assumptions
- Continues to visibly invest in accessibility
- Does not respond exclusively to individual conversations, but also recognizes patterns and translates them into preventive advice

Long-term deployment can lead to the role continuing to exist, but moving insufficiently with changes in the organization.

A new confidential advisor brings different experiences, different questions and a new perspective. This can help make signals visible that were insufficiently noticed within the existing working method.



7. Protection against subtle dependency

An internal confidential advisor is an employee of the organization. An external confidential advisor is often a contractor and therefore financially dependent on extension of the assignment.

In both situations, long-term connectedness can unintentionally influence the room to give sharp criticism.

Reluctance can arise to

- Explicitly address board members or managers
- Explicitly identify structural shortcomings
- Question their own positioning
- Advise on far-reaching changes
- Draw conclusions that may strain the relationship with the organization

This does not mean that every confidential advisor who has worked for a long time censors themselves. It does mean that good governance must not rely exclusively on the personal integrity of the official.

The organization of the role must also provide protection against predictable human and relational influence.

Why four years is a defensible term

The choice of four years offers a workable middle ground between continuity and renewal.

Within four years a confidential advisor will

- Get to know the organization and its formal and informal structures
- Build trust
- Develop visibility
- Recognize recurring patterns
- Go through multiple reporting cycles
- Advise preventive interventions
- Follow the development of policy and culture

At the same time, this prevents an appointment or assignment from being continued indefinitely without an evaluation moment.

The limit of four years should not be explained as a judgment about the functioning of the person.



It is a pre-agreed governance moment at which it is reassessed whether continuation is still in the interest of

- Employees
- The organization
- The independent position
- Accessibility
- The quality of identification
- The preventive development of the role

The core is that after four years independence and effectiveness may no longer automatically be assumed, these must be demonstrably established again.

Importance of continuity

Rotation must be organized carefully.

The aim is not to throw away expertise or accumulated knowledge. The aim is to make that knowledge transferable and at the same time create room for independence, renewal and a new perspective.

Possible measures are

- An overlap period between the departing and new confidential advisor
- A careful transfer protocol
- Transfer of exclusively anonymized and non-traceable pattern information
- Preservation of confidentiality of individual conversations
- Timely communication to employees
- Introduction and visibility of the successor
- Temporary availability of the departing confidential advisor for general transfer questions
- Rotation between locations or organizational units
- Deployment of multiple internal and external confidential advisors

Individual files or confidential conversation information cannot be transferred without permission. Continuity must therefore mainly be organized at the level of work processes, themes, general risks and anonymized patterns.



Recommended administrative principle

It is recommended to establish the following principle.

An internal or external confidential advisor is in principle connected to the same organization or organizational unit for a period of no more than four years. After this period, an independent evaluation takes place.

Criteria for evaluation after four years

At least the following questions can be asked during the evaluation.

Independence

- Can the confidential advisor still demonstrably advise all organizational levels independently?
- Have relationships arisen that can influence professional distance in fact or in perception?
- Does the confidential advisor also dare to critically address the board, HR and managers?
- Is independence sufficiently recognized by employees?

Accessibility

- Do employees know who the confidential advisor is and what they can approach them for?
- Are different locations, job groups and employees reached?
- Are there groups that demonstrably make little or no use of the provision?
- Do employees have sufficient choice when they do not experience a connection with the current confidential advisor?

Preventive contribution

- Are general patterns and risks made visible in addition to individual conversations?
- Does identification lead to useful preventive advice?
- Is the confidential advisor visibly involved in awareness and prevention without losing the independent role?
- Have reach, visibility and preventive activities demonstrably developed?



Role clarity

- Has the confidential advisor not become too much a part of HR, management or case management?
- Does a clear distinction continue to exist between support, advising, investigation, decision-making and enforcement?
- Does the confidential advisor perform no tasks that conflict with confidentiality or independence?
- Is it prevented that the confidential advisor has to assess their own earlier advice?

Renewal

- Has the confidential advisor demonstrably kept professional knowledge up to date?
- Are new insights and methods applied?
- Is there still sufficient curiosity about what is not immediately visible?
- Could another confidential advisor reach new groups, patterns or perspectives?

Personal dependency and continuity

- Is the role sufficiently organizationally safeguarded?
- Are tasks, responsibilities and work processes clearly recorded?
- Can a successor take over the role carefully?
- Has sufficient thought been given to transfer without harming confidentiality?

Possible decision directions

After evaluation, different decisions are possible.

1. Rotation or replacement

This is obvious when:

- Independence or perceived independence is under pressure
- The confidential advisor is too strongly associated with certain organizational units
- Reach or accessibility is limited
- The role has become too person-dependent
- Renewal is needed
- Role entanglement has arisen
- Preventive development is lagging behind



2. Temporary extension

A temporary, one-time extension (maximum 1 year) may be appropriate when

- Performance is demonstrably strong
- Independence is sufficiently substantiated
- The organization is in a vulnerable transition phase
- Immediate replacement leads to disproportionate loss of knowledge or trust
- A concrete end date and succession plan are established

3. Different positioning

After four years the confidential advisor can also

- Rotate to another location or organizational unit;
- Become mentor or trainer of a successor;
- Fulfill a temporary advisory prevention role;
- Become part of a broader team of confidential advisors (coordinator)
- Be deployed again within a different context after an agreed cooling-off period

In this way expertise is retained without the same confidential advisor position being continued indefinitely.

Evaluation must therefore look more broadly than numbers and focus on reach, visibility, trust, independence, preventive activities and the quality of anonymized pattern reporting.

Administrative conclusion

A board member must be able to trust that the confidential advisor function remains independent, accessible, expert and preventively effective. That requires more than appointing a suitable person. It also requires an organization that limits long-term dependency, habituation and role entanglement.

A maximum first term of office of four years is a defensible administrative principle for this. Not because after four years there is automatically dysfunction, but because the organization must then consciously stop automatically extending.

A periodic change or independent reassessment

- Protects the credibility of the role
- Strengthens perceived independence
- Provides room for other employees and perspectives
- Prevents institutional and personal dependency
- Encourages updating of the working method
- Keeps the organization alert to signals that may no longer be seen within existing relationships



The term is not a judgment about the confidential advisor.

It is an administrative safeguard.

Proposed decision

The board decides

1. To connect confidential advisors in principle to the same organization or organizational unit for a maximum of four years
2. To provide appointments and external assignments with a clear start and end date from the outset
3. To carry out an independent evaluation after no more than four years on independence, accessibility, reach, expertise, role clarity, preventive impact and personal dependency
4. To make continuation possible exclusively on the basis of an explicit and reasoned decision
5. To limit any extension to one time and in duration
6. To involve the employee participation body or a representative employee representation in the evaluation and succession
7. To ensure multiple accessible routes, preferably through a combination of internal and external confidential advisors
8. To draw up a succession and transfer plan in good time, in which the confidentiality of individual conversations is fully protected
9. To periodically assess whether the organization of the confidential advisor function still matches the size, locations, composition, risks and development of the organization

With this decision, not only the continuity of the confidential advisor function is arranged, but its independent and preventive significance is also protected.

