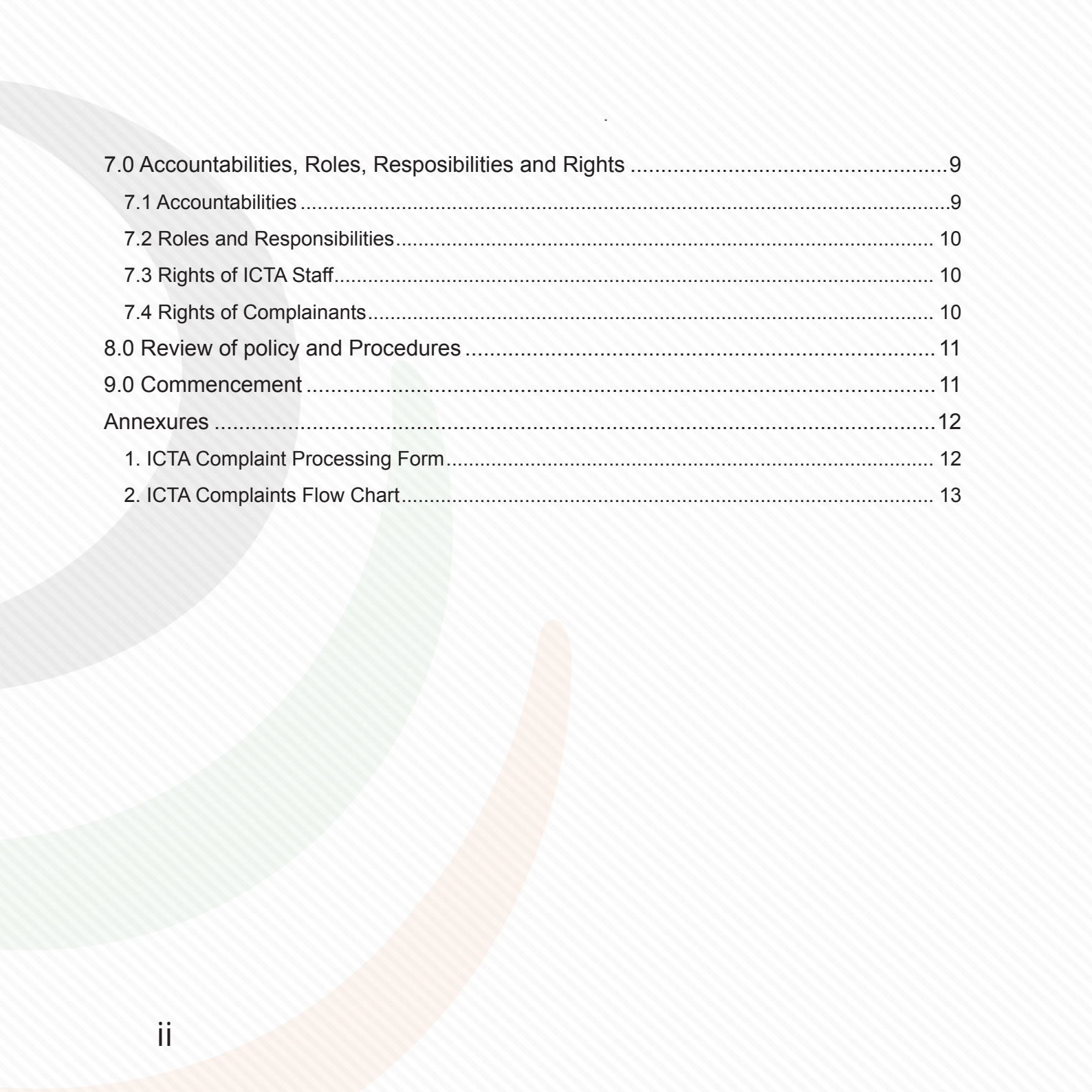




**COMPLAINT HANDLING POLICY & PROCEDURES
JUNE, 2021**

Contents

Foreword	iii
1.0. INTRODUCTION.....	1
1.1 Background and Context.....	1
Acronyms.....	2
2.0 Definition of Key Terms.....	2
3.0 Purpose	2
4.0 Rationale	3
5.0 Scope of Application	3
6.0 The Complaints Management Framework	3
6.1 Type of Complaints Handled.....	3
6.2 Guiding Principles	4
6.2.1 Access and Assistance	4
6.2.2 Fair and Reasonable Treatment	4
6.2.3 Responsiveness	4
6.2.4 Efficiency	4
6.2.5 Accountability and Reporting	4
6.3 Procedure/Stages of Handling Complaints.....	5
6.4 Procedure for Handling Referred Complaints.....	5
6.5 Time Frames.....	8
6.6 Policy Communication	8
6.7 Legal and Regulatory Framework.....	8
6.8 Policy Statements	8



7.0 Accountabilities, Roles, Responsibilities and Rights	9
7.1 Accountabilities	9
7.2 Roles and Responsibilities.....	10
7.3 Rights of ICTA Staff.....	10
7.4 Rights of Complainants.....	10
8.0 Review of policy and Procedures	11
9.0 Commencement	11
Annexures	12
1. ICTA Complaint Processing Form.....	12
2. ICTA Complaints Flow Chart.....	13

FOREWORD

The public sector is publicly funded by citizens who pay direct and indirect taxes and therefore, it is important for public servants to ensure that they deliver the best possible outcome to every citizen of this country.

Handling public feedback is an important part of showing respect to citizens who have trusted us to serve them and continuously providing us with resources. They thus deserve to be served in the best possible way as required by the Constitution of Kenya, 2010 and various laws such as the Public Officers Ethics Act, the Access to Information Act and Administration of Justice Act. This is consistent with African values such as showing respect to others.

There is also need to educate the public so that they are well informed about the Authority's mandate in order to understand which services to seek from us and also give feedback regarding those services.

There is equally the need to pay attention to the promises we have made on the Customer Service Delivery Charter.

I appreciate the efforts by the ICT Authority employees in providing information to the public and to note that the Authority has a friendly reception area as well as a Contact Centre on the 23rd floor. The Authority is also looking at introducing free numbers so that those giving feedback do not incur costs.

Finally, feedback is of no value if we do not respond effectively. It is important that Officers take time to understand feedback, design a response, and address the issue and communicate the result to the complainant to get their concurrence on whether the steps taken by the Authority have addressed the complaint/feedback. This will help in building and maintaining our reputation as public servants as well as learning from our mistakes and recording our learning to avoid repeating mistakes.

I believe that through this Policy, we will streamline and guide the Authority's methodology of handling complaints that occur during the delivery services to the public with the aim of improving and becoming a listening organization.



Katherine Getao, EBS
Chief Executive Officer

1.0 Introduction

1.1 Background and Context

The ICT Authority (ICTA) is a statutory State Corporation established under Legal Notice 183 of August 2013. The principal mandate of the Authority under that legal notice is to set and enforce ICT standards as well as fast-tracking e-government.

The establishment of the ICT Authority, which falls within the Government of Kenya reform process in the ICT sector, also has the objectives of streamlining and implementing critical ICT projects for government.

Good governance is critical for the successful implementation of the functions assigned to the Authority. There is, therefore, need to address citizen concerns and complaints on the services we offer. It is also important to inculcate a listening culture so that feedback from the citizens and business clients is used to improve good governance at the Authority and realise the Authority's vision to use ICT to transform lives. It will also help us to live by our mission statement: To champion and harness ICT to enable efficient and effective access in delivery of public service for wealth creation and well-being of Kenya.

This is also in line with best corporate practice of seeking to understand and address the citizen's pain points and ensure that there is maximum respect for the rights of others as well as quality delivery of public service. For the Authority, the output will be better performance as it seeks to facilitate e-government, business process re-engineering as well as a culture that is driven by integrity, internally. This is in line with our core values of: Integrity, Community, Teamwork and Accountability.

Acronyms

- ICTA** - The ICT Authority
- CAJ** - Commission on Administrative Justice
- CEO** - Chief Executive Officer
- DCI** - Directorate of Criminal Investigation
- ODPP** - Office of the Director of Public Prosecutions

2.0 Definition of Key Terms

In the context of the Authority, the following are key definitions:

Public Complaints: Any expression of dissatisfaction or grievance made to staff by a customer or member of the public in relation to all our services as defined in Legal Notice 183 of 2013.

Complaint: Any oral, written or any other communication made or addressed to either the Authority or Commission on Administrative Justice against the Authority's employees or the Authority itself.

Complainant: Any person or institution who has expressed dissatisfaction as regards to any matter under the mandate of a public institution.

3.0 Purpose

The purpose of this policy is to provide guidance and direction with regards to the management of complaints within the Authority. The policy formalises and communicates the Authority's approach to complaints management so as to minimise reputational risks or litigation against it.

4.0 Rationale

The ICT Authority receives several types of complaints, citizen concerns and feedback through different channels.

However, there has been a gap since there is no policy to guide the way they can be handled.

The policy has, therefore, been designed to guide all stakeholders, who include the Authority's employees on how to handle Public Complaints in a manner that is easy, consistent, fair, with confidentiality and as quickly as possible.

It will help the Authority value feedback in any form and type as it is useful in improving our products, services and customer service.

5.0 Scope of Application

This policy applies to complaints that fall within the Authority's mandate or arise from the different roles and responsibilities of the Board and other employees.

6.0 The Complaints Management Framework

This framework will guide the different processes for managing complaints at ICTA. It highlights the following specific elements:

6.1 Type of Complaints Handled

This will include and, not be limited to, complaints about ICTA employees including the contracted employees. Type of complaints can range from service delays, service failure, staff conduct and those defined in any other policy, for example, the HR Policy. Complaints may come from internal or external stakeholders.

6.2 Guiding Principles

The Authority shall be guided by these principles when handling and resolving complaints:

6.2.1 Access and assistance

Citizens can access information and the Authority's complaints handling process through the website www.icta.go.ke, other digital platforms and through the employees.

6.2.2 Fair and reasonable treatment

The Authority will resolve complaints fairly and efficiently. Anyone making a complaint will be treated fairly, with courtesy, consideration and respect. The Authority will maintain impartiality, confidentiality and transparency when handling all complaints.

6.2.3 Responsiveness

The Authority will recognise that some individuals may have particular needs or require extra assistance in expressing a grievance or making a complaint. There will be flexibility when dealing with complaints and use of methods that help resolve issues as quickly as possible while respecting the rights of every individual.

6.2.4 Efficiency

The Authority will resolve all received complaints within the shortest time possible. If a complaint requires a lot of time to resolve, for example, if it is a very sensitive or complex matter, the Authority will let the complainant know and keep updating on progress until it is completed.

6.2.5 Accountability and reporting

There shall be accountability in handling all complaints as well as documentation of details that show how decisions and actions were taken.

6.3 Procedure/Stages of Handling Complaints

The available channels for making complaints include but are not limited to post, telephone, social media platforms, email address, complaint boxes and direct meetings with relevant staff members.

Internally, the complaints shall be processed in line with the HR manual and procedures.

The Public complaints shall be channelled to the Head of the Communications function, who will consolidate and present them to the Authority's Public Complaints and Access to Information Committee for processing and escalation to the Management and Board. Should there be a more complex case, the Authority will forward it to other relevant bodies such as the DCI, EACC or the Ombudsman.

6.4 Procedures for Handling Referred Complaints

This will include complaints received from other institutions or transferred to other institutions.

- 6.4.1 All complaints made, verbal or written, will be recorded in complaint register at the time the complaint is made, or as soon as possible afterwards. The complaint should be recorded by the staff member who took the details.
- 6.4.2 When taking a complaint, staff will record the name and contact details of the **complainant**, as well as full details of the complaint, including the date. Details of all communication with the customer and any actions to resolve the complaint will be recorded in the same register.
- 6.4.3 Recorded complaints will also be monitored for any ongoing trends by management and efforts made to resolve any ongoing issues.
- 6.4.4 Customers' personal details or details of their complaint will not be divulged to third parties unless we have their written consent.

- 6.4.5 We strive to resolve all complaints within thirty (30) days from the date of receipt. Written complaints will be acknowledged promptly.
- 6.4.6 Customers will be given an approximate timeframe at the time they make their complaint. Customers will be informed of the progress of their complaint regularly, especially if there are any delays or changes to what has been agreed.
- 6.4.7 Customers will be informed of any changes to our services as a result of their complaint.
- 6.4.8 Where appropriate, customers who have had a complaint resolved will be contacted at a later date to see if they are happy with how their complaint was handled.
- 6.4.9 All people making a complaint will be treated with courtesy. Where possible, complaints will be resolved at the first point of contact. If appropriate to the complaint, frontline staff can offer a solution to resolve a complaint immediately. Complaints will still be recorded.
- 6.4.10 If the complaint can't be resolved immediately, the customer will be given a timeframe, a contact person and details of our complaint handling process. Where possible, the staff member taking the complaint details will be the contact person.
- 6.4.11 Management can resolve a complaint by adopting the following steps:**

6.4.11.1 Acknowledgement

We will acknowledge all complaints and tell the complainant the process we will follow. We will also give the complainant the contact details of the person who will handle their complaint.

6.4.11.2 Assessment

We will determine the nature of a complaint and the best way to handle it.

6.4.11.3 Investigation (if needed)

Simple, straightforward complaints can often be resolved on first contact. If this isn't possible, and the complaint is referred to the Client Service Manager, we will investigate to make sure we have all the relevant information. This could include interviewing you and the staff member(s) involved, clearing up any misunderstandings, or seeking advice from the Legal Department.

6.4.11.4 Response

Once we have finished any investigation and made a decision or finding, we will tell you what the outcome is and explain how it came about. We will also tell you what your options are to have our findings reviewed by one of our senior officers, or to pursue your complaint in another place (such as externally).

6.4.11.5 Improvement

If we receive a complaint that highlights a systemic problem that we have, we will use the feedback we receive to review our policies and procedures. We will make some changes if we think we can improve.

6.4.11.6 Escalation of Complaints

If a complaint cannot be resolved by the usual complaint process, it should be referred to the Communications Department and the customer will be informed and given an amended time frame for resolution.

If we cannot resolve the complaint to the customer's satisfaction, we will inform them about where they can take further action (e.g. Commission on Administrative Justice/Office of the Ombudsman).

6.5 Time Frames

The Authority will follow the guidelines by the CAJ on receipt, acknowledgement, resolution and response (including informing complainant of progress). A record of the time taken between submission of a complaint, response and resolution shall be maintained and used to measure the performance of officers involved in complaint resolution in line with the CAJ guidelines.

6.6 Policy Communication

This will be done in line with the procedures in the Authority, which define how all other policies are communicated.

6.7 Legal and Regulatory Framework

This policy is linked to other documents such as the Access to Information Act of 2016, The Commission on Administrative Justice Act of 2011, ICT Authority Strategic Plan (2020-24), ICTA HR Policy, the Customer Service Delivery Charter, the ICTA Communication Policy and the ICTA Stakeholder Engagement Policy.

6.8 Policy Statements

- 6.8.1 The complaints handling policy will be placed in all possible platforms so that all stakeholders and staff can access it.
- 6.8.2 The CEO will appoint a Public Complaints Committee whose composition will be Heads of Departments as well as the Regional Officers. This committee will develop procedures to guide how both internal and public complaints can be dealt with, processed or escalated.

- 6.8.3 The Head of the Communications function, who is secretary of the Complaints Committee, will be responsible for consolidating all complaints and forwarding them to the Committee for processing.
- 6.8.4 There shall be procedures to guide the handling referred complaints received from other institutions or transferred to other institutions.
- 6.8.5 All employees will be trained on service standards and procedures developed by the Complaints Committee and on the Authority's Service Delivery Charter as well.
- 6.8.6 The Communications Department will prepare quarterly reports on complaints received and the progress in dealing with them and present them to the committee for adoption and then forward to the CEO and Board. The Complaints Committee will furnish the CEO with regular updates on complaints received and processed.
- 6.8.7 Any Officer about whom a complaint will be raised will be accorded a chance to defend themselves against it.
- 6.8.8 The disciplining of any Officer who has caused complaints to the Authority will be as per the HR procedures.
- 6.8.9 There shall be an official ICTA form for those dissatisfied with a service or the conduct of one of the employees to launch a complaint. It will be posted on all media platforms and availed at the Headquarters reception and all county offices.
- 6.8.10 All complainants be accorded an equal and fair treatment through a hearing by a Committee selected by the CEO.

7.0 Accountabilities, Roles, Responsibilities and Rights

7.1 Accountabilities

The Authority will be accountable to other public institutions such as the mother Ministry, CAJ and other MDAs. This extends to customers/Kenyan citizens in general, employees, business partners such as the private sector and entire ICT community.

7.2 Roles and Responsibilities

The Heads of Departments are the central players in this Policy as they must endeavour to supervise their role and staff and so minimise on complaints or even cases that require escalation.

The ultimate responsibility for resolution of complaints will lie with the complaints handling committee whose membership will include all HODs so that the Board and CEO are not overburdened with that responsibility.

The other staff have the role of ensuring that they do not become a cause or source of complaints.

7.3 Rights of the Authority's Employees

Every employee has the right to obtain sufficient details about the complaint, right to agree with the complainant on the form the response will take and the right to defend themselves where they feel they have been falsely accused.

7.4 Rights of Complainants

A complainant has the right to withdraw a complaint. Anyone complained against has a right to get written reasons for decisions taken, right to provision of additional information, right to appeal, including appealing externally to CAJ, right to get a written response on the status of a complaint and the right to be assisted to lodge a complaint, especially citizens who are illiterate or persons living with disabilities.

8.0 Review of Policy and Procedures

The Authority is committed to continuous improvement and this policy will be reviewed after every three years.

9.0 Commencement

This policy has been developed and adopted by the Information and Communication Authority on this day of..... 2021.

Annexures

1. ICTA Complaint Processing Form

	Nature of complaint	Date received	Name of complainant	Complaint channel	Date acknowledged	Action taken	Date decision is given to complainant	Remarks & closing of file

2. ICTA Complaints Flow Chart

