

JUNE 2016

NTSA CUSTOMER COMPLAINT HANDLING PROCEDURE



COMPLAINTS HANDLING PROCEDURE

(i) Introduction:

This policy provides guidelines for handling complaints. While most complaints should be resolved informally with the relevant employee and the public, there are provisions for the use of formal procedures depending on the nature and seriousness of the complaint.

(ii) Objectives of the Procedure:

The National Transport and Safety Authority (NTSA) seeks to resolve difficulties, grievances and complaints in a prompt, impartial and just manner. This Complaints Handling Procedure reflects the Authority's commitment to dealing with such complaints as timely, effectively and fairly as possible. Our aim is to resolve issues of dissatisfaction as close as possible to the level at which they arise and to conduct thorough and fair investigations of complaints so that, where appropriate, we can make evidence-based decisions based on the facts of each individual case.

We believe firmly on quicker, simpler and more streamlined complaints handling with local, early resolution by empowered and well trained staff. Resolving complaints early saves time and contributes to the overall efficiency of the Authority. Complaints should address staff / public dissatisfaction by providing a quick, fair and considered response to complaints, explaining clearly the reasons for any disagreement with the NTSA, and using the lessons learned from complaints to improve service delivery issues.

Concentrating on achieving an early resolution of a complaint as close to the point of contact as possible frees up the time of our staff and ultimately contribute to the continued positive experience of those in receipt of services from the Authority.

These guidelines provide information for handling complaints including how to make a complaint, how to deal with a complaint and how to support the people involved.

Often it may be necessary to use this document for guidance when making or receiving a complaint, or establishing how to manage a complaint.

(iii) Applicability:

All NTSA staff including the NTSA stakeholders.

(iv) Policy Context

The Director-General and the Cabinet Secretary have certain legislated responsibilities and functions which include ensuring provision of safe and sustainable road transport system. This policy is one tool to assist in meeting these requirements. Under the specific legislative

provisions, the National Transport and safety Authority was established through an Act of Parliament; Act Number 33 on 26th October 2012.

(v) Responsibilities and delegations

The Director General, Directors, Deputy Directors, Managers, Senior Officers and Supervisors are responsible for the effective management of suggestions, complaints and allegations.

All staff need to be aware of their responsibility to comply with the NTSA Code of Conduct and act in a manner which promotes a productive and harmonious working environment.

(vi) Monitoring, evaluation and reporting requirements

All senior executives, senior officers, managers and supervisors are responsible for monitoring and evaluating the operation of this policy within their area of responsibility. They will comply with all mandatory reporting requirements detailed in the guidelines to this policy.

ORGANIZATION

The National Transport and Safety Authority recognizes that there may be occasions when an employee or a member of public is aggrieved and feels that the level of service or treatment that they have received from the Authority has fallen short of what might reasonably be expected. The complainant is urged to forward the complaint to the Complaint Handling Officer of the NTSA for resolution.

You can lodge your complaint to NTSA as below:

Online : <http://www.ntsago.ke>

Email : complaints@ntsago.ke

Tel : +254 020 6632000

1. WHAT IS A COMPLAINT?

For the purpose of this procedure, a complaint may be defined as 'an expression of dissatisfaction by one or more individuals about the standard of service, action or lack of action by or on behalf of the Authority.

A complaint may therefore relate to:

- a) The quality and standard of service;
- b) Failure to provide a service;
- c) The quality of facilities or resources;
- d) Treatment by or attitude of a staff member or contractor;
- e) Inappropriate behaviour by a staff member or contractor;
- f) The failure of the authority to follow an appropriate administrative process;
- g) Dissatisfaction with the authority's policy, although it is recognized that policy is set at the discretion of the authority.

Although the above list is not exhaustive, not every concern raised with the Authority can be categorized as a complaint. For example, the following are not complaints eligible for pursuing under this Procedure:

- a) A routine, first-time request for a service;
- b) A request for confidential information;
- c) An issue which is being, or has been, considered by a court or tribunal;
- d) An attempt to have a complaint reconsidered where the authority's procedure has been completed and the authority's decision has been issued;
- e) A grievance by a member of staff which is eligible for handling through the appropriate human resources grievance procedure;

A complaint which involves a combination of issues and which may be potentially relevant to other Authority processes will be assessed on a case-by-case basis. The Authority will normally determine an appropriate sequence in which the constituent matters will be investigated and responded to. The integrity of each individual process will typically be preserved.

a) How a complaint may be made:

Where a complaint is about a particular service or employee conduct, you may wish to address your complaint to an appropriate member of the department/sector, orally, or in writing. Where possible, complaints should be made in writing so that the details of the complaint are clear and complete. Complaints may be lodged by:

- Telephone
- person
- Writing
- Email

Complaints must include the name, address and contact number of the complainant and a brief description of the issue. Anonymous complaints will be noted and resolved where possible but may not be fully actioned. Any member of staff can receive a complaint and must follow the procedures set out in this policy to record and action/refer the complaint.

b) Information required when making a complaint:

When making a complaint, the following information must be provided:

- Name, position and contact details
- Relationship with NTSA (i.e. the nature of your engagement with NTSA)
- The nature of the complaint
- Details of the NTSA employee involved (if applicable)
- Copies of any documentation supporting the complaint.

c) Assistance with making a complaint:

If you need assistance in formulating or lodging a complaint, please contact a staff member that you are comfortable with. If this is not appropriate, please contact the human resource representative.

d) Acknowledgement of complaints and timeframe:

We are committed to acknowledging all complaints immediately upon receipt. Once a complaint has been received, we will undertake an initial review of the complaint.

We will endeavor to resolve complaints within **five days to four weeks** of receiving the complaint, depending on the nature of the complaint but this will not be possible for every situation. Where the process exceeds four weeks, we will contact you to inform you of the

reasons for the delay, and indicate to you when we expect to be in a position to complete our review of the complaint

e) Your rights during the complaint process

You have the right to enquire as to the status of your complaint by contacting the employee who has been identified to you as handling your complaint.

f) Further action/ Appeal

Within 14 days of receiving the decision/response, the complainant, if not satisfied, has a right to (once only) appeal. The appeal should be addressed to **info@ntsa.go.ke**. It will be forwarded to the Director General within three (2) working days. A review of the decision made regarding the complaint will be done by a committee before making a final decision.

1.1 Who can make a complaint?

This Procedure covers complaints from anyone who receives, requests or is affected by the services offered by the Authority. The Authority recognizes that some individuals may be unable or reluctant to make a complaint on their own. In these instances the Authority will accept complaints brought by a representative of the person who is dissatisfied with the Authority, as long as the individual affected has unequivocally given their explicit written consent for a representative to act on their behalf. As with anonymous complaints, sufficient information must also be provided by the representative to enable the Authority to investigate the concerns raised. Complaints made by a representative under the written authority of the individual originally affected will be dealt with according to the same timescales outlined within this Procedure.

1.2 Anonymous Complaints:

Complaints submitted anonymously will only be considered if there is enough information provided in the complaint submission to enable the Authority to make further meaningful enquiries. If, however, an anonymous complaint does not provide sufficient information to enable further action, the Authority may decide not to pursue the complaint further. However, the Authority may give consideration to the issues raised, and if appropriate the complaint will be recorded in order for corrective action to be taken where appropriate.

A decision not to pursue an anonymous complaint will be authorized by a senior Authority's officer. If an anonymous complaint contains allegations that are serious in nature, it will be referred to a senior Authority officer immediately.

1.3 Complaints involving more than one Department

If a complaint relates to the actions of two or more Departments, the staff member receiving the complaint will confer with the other area(s) to decide who will take the lead on the complaint. The complainant will be told to whom the complaint is being passed and given their contact details. Coordination may still be required between different areas of the Authority to ensure that the complaint is fully addressed in a single response.

1.4 Complaints involving other organizations or contractors who provide a service on behalf of the Authority

If an individual complains to the Authority about the service of another organization, but the Authority has no involvement in the issue, the individual will be advised to contact the appropriate organization directly.

Where a complaint relates to both the Authority's service and that of another organization, the complaint will be handled through this Procedure. In particular, the same timescales will apply. This relates to complaints that involve services provided on the Authority's behalf (such as by partners and contractors).

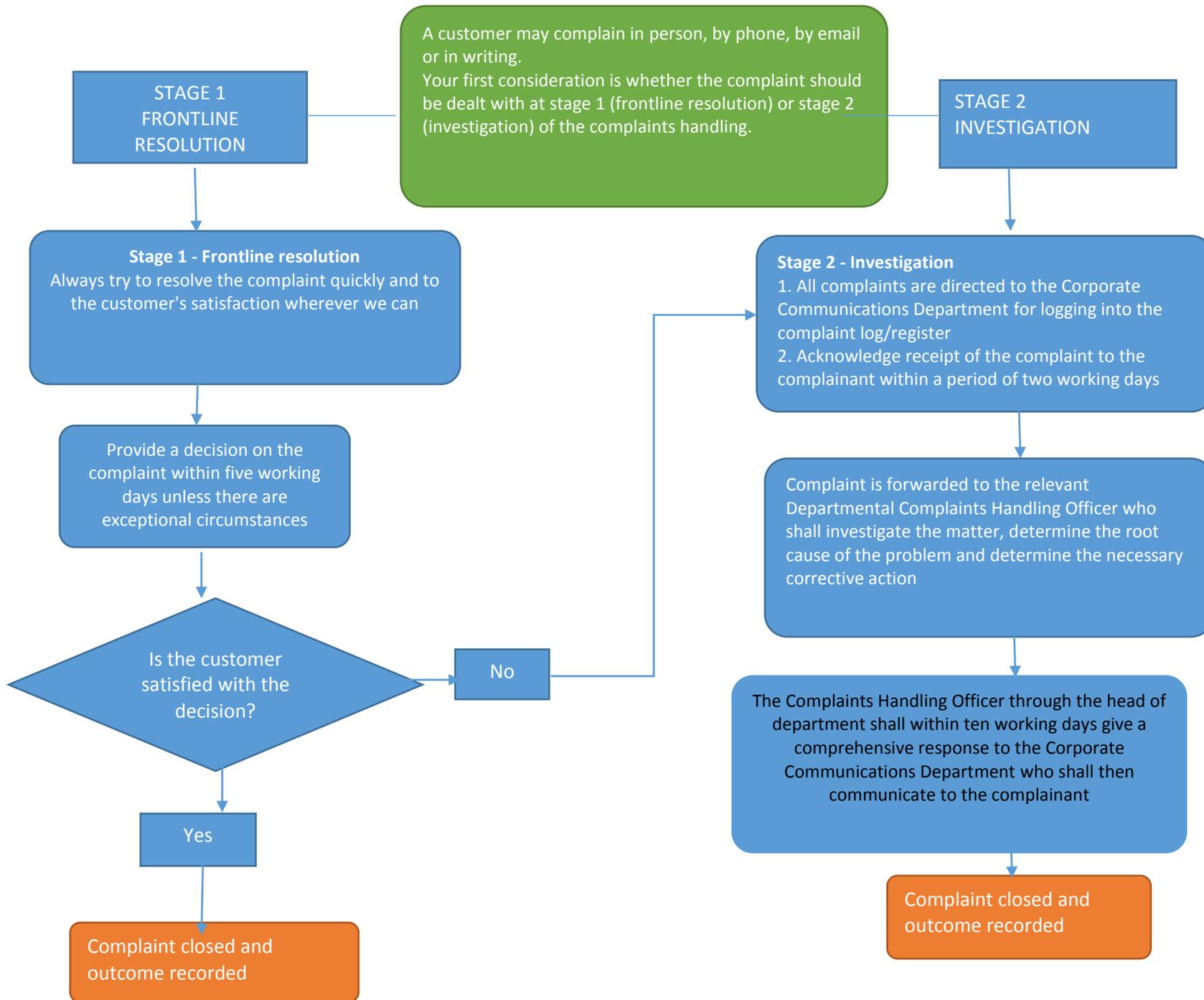
1.5 Time limit for making complaints:

Complaints should be raised with the Authority as soon as problems arise to enable prompt investigation and swift resolution, which is in the interests of all parties. This Procedure sets a time limit of six months to raise a complaint with the Authority, starting from when the complainant first became aware of the problem, unless there are special circumstances for requesting consideration of a complaint beyond this time.

Beyond the six-month time limit, the Authority will exercise discretion in the way that the time limit is applied. This will take account of the time limit within which a member of the public can normally ask the Commission on Administrative Justice to consider complaints.

2. THE COMPLAINTS HANDLING PROCESS:

The figure below illustrates the Authority's complaint procedure.



This Procedure is intended to provide a quick, simple and streamlined process with a strong focus on early resolution by empowered and well-trained staff.

The procedure involves up to two stages:

- a) **Frontline resolution** seeks to resolve straightforward complaints swiftly and effectively at the point at which the complaint is made, or as close to that point as possible/ point of contact if at all possible.
- b) **Investigation** is appropriate where a complainant is dissatisfied with the outcome of frontline resolution, or where frontline resolution is not possible or appropriate due to the complexity or seriousness of the case.

2.1 STAGE ONE: FRONTLINE RESOLUTION – To be completed within 5 working days

As a matter of course, any staff member being presented with a complaint (regardless of whether that complaint has been submitted in writing, in person or by telephone) should attempt to resolve the issue that has been raised.

A crucial part of the work at the frontline resolution stage is to identify that a complaint is being made. There should be a clear distinction made between complaints and requests for a particular service to be provided.

Examples of issues suitable for frontline resolution

- A service that should have been provided has not been provided
- A service has not been provided to an appropriate standard
- A request for a service has not been answered/actioned
- A complaint that a staff member was rude or unhelpful
- A staff member or contractor failed to attend a scheduled appointment

Anyone who has a complaint is encouraged to raise it initially at the point of, or as close to the point of, becoming aware of it as possible and to raise it with the Department in which the issue arose. Complaints at this stage may be made face-to-face, by phone, in writing or by email. The purpose of frontline resolution is to attempt to resolve as quickly as possible complaints which are straightforward and require little or no investigation. Complaints at this stage of the process may be addressed by any relevant member of the Authority's staff and may be handled by way of a face-to-face discussion with the complainant, or by asking an appropriate member of staff to deal with the complaint.

Members of staff to whom complaints are made will consider the following key questions:

- a) Is this a complaint or should the individual be referred to another procedure?
- b) What specifically is the complaint (or complaints) about and which area(s) of the Authority is/are involved?
- c) What outcome is the complainant hoping for and can it be achieved?
- d) Is this complaint straightforward and likely to be resolved with little or no investigation?
- e) Can the complaint be resolved on the spot by providing an apology/explanation/ alternative solution?
- f) Can another member of staff assist in seeking a frontline resolution?
- g) What assistance can be provided to the complainant in taking this forward?

Resolution may be achieved by providing an on-the-spot quick apology or explanation for a service failure where this is evident and, where possible, what will be done to stop this happening in the future.

If responsibility for the issue being complained about lies in the staff member's area of work, every attempt will be made to resolve the problem at source. If responsibility lies elsewhere, the staff member receiving the complaint will liaise with the relevant area in an attempt to resolve the issue promptly.

2.1.1 Closing the complaint at the frontline resolution stage

The outcome will be communicated to the complainant. This may be face-to-face, by phone, in writing or by email. The response to the complainant will address all the topics for which the Authority is responsible, explaining therein the reasons for the Authority's decision. There is no requirement for the Authority to send out further written communication to the complainant following the issuing of such a response. Once a decision has been issued, the record of the complaint will be updated on the recording system, detailing therein the decision reached. The complaint will then be closed.

2.2 STAGE TWO: INVESTIGATION – To be completed within 20 working days.

These complaints may already have been considered at the frontline resolution stage, or they may be complaints identified upon receipt as appropriate for immediate investigation.

2.2.1 Procedure

1. All complaints are directed to the Corporate Communications Department for logging into the complaint log/register that indicates the date the complaint is received, the name and ID number of the complainant, brief description of the details of the complainant, the form of complaint communication channel.
2. The Corporate Communications Department shall acknowledge the receipt of the complaint to the complainant within a period of two working days.
3. Where the response is readily available, the Corporate Communications Department shall promptly inform the complainant accordingly as regards his/her complaint.
4. In all other cases, the complaint shall immediately be forwarded to the relevant Departmental Complaints Handling Officer who shall investigate the matter, determine the root cause of the problem and determine the necessary corrective action. The complaint shall also be copied to the Head of Department.
5. The Complaints Handling Officer through the head of department shall as soon as possible but no later than ten working days (2 calendar weeks) communicate in writing to the Corporate Communications Department a comprehensive response which shall include action to be taken or is being taken and the expected time frame. The complaints handling officer shall in writing promptly indicate to the Corporate Communications Department of any delays experienced and the subsequently reviewed time frame for completion.
6. The Corporate Communications Department shall communicate the information to the complainant within three working days from the date of receipt.
7. Once the necessary corrective action has been effected, the action is documented and the complainant informed accordingly.

8. The Corporate Communications Department shall maintain a record of all complaints received and the action taken.

If a complainant remains dissatisfied after the two stages and wishes to escalate their original complaint within the Authority, they should contact:

The Director General
National Transport and Safety Authority
P.O. Box 3602 – 00506,
NAIROBI;
Email: info@ntsa.go.ke;
Telephone: +254-(020)6632000;
Physical Address: Hill Park Plaza, Upper Hill Road.

If a complainant is not further satisfied with the response of Director General, one may refer the complaint to the commission secretariat;

The Commission Secretary/Chief Executive
Officer Commission of Administrative Justice
2nd floor, West End Towers
Opposite Aga Khan High school off Waiyaki Way
P.O. Box 20414 – 20200,
NAIROBI;
Email: certificatepc@ombudsman.go.ke;
Telephone: +254-(020)2270000/2303000/2603765/2441211/8030666;

2.2.1 Closing the complaint:

The outcome of the investigation will be communicated to the complainant in writing. The decision, and details of how and when it was communicated to the complainant, will be recorded on the Authority's system for recording complaints.

3. GOVERNANCE OF THE COMPLAINTS HANDLING POLICY

3.1 Roles and Responsibilities

All staff - Under this Procedure a complaint may be made to any member of staff. All staff will therefore be aware of:

- a) The Authority's complaints handling procedure;
- b) How to handle and record complaints at the frontline resolution stage;
- c) Who they can refer a complaint to if they are unable to handle the matter personally;
- d) The need to try and resolve complaints early and as locally (within their respective department) as possible; and
- e) Their clear authority to attempt to resolve any complaints they may be called upon to deal with.

Senior management will ensure that:

- a) The Authority's final position on a complaint investigation is signed off by an appropriate senior Authority officer in order to provide assurance that this is the definitive response of the Authority and that the complainant's concerns have been taken seriously;
- b) It maintains overall responsibility and accountability for the management and governance of complaints handling within the Authority;
- c) It has an active role in, and understanding of, the Authority's Complaints Handling Procedure (although not necessarily involved in the decision making process of complaints handling);
- d) Mechanisms are in place to ensure a consistent approach to the way complaints handling information is managed, monitored, reviewed and reported at all levels in the Authority; and
- e) Complaints information is used to improve services,

The Director General: The Director General provides leadership and direction to the Authority. This includes ensuring that there is an effective complaints handling procedure with a robust investigation process which demonstrates that organizational learning is in place. The Director General may delegate responsibility for the procedure, but will receive assurance of complaints performance by way of regular reporting through appropriate internal channels. The Director General will also ensure that complaints are used to identify service improvements for implementation in the wider organization as appropriate.

Complaints Handling Committee: There shall be a complaint handling committee appointed by the Director General that will handle complaints escalated to communications department from various departments. The complaints committee comprises of complaints handling officers from various departments.

Complaints Handling Officer: Every Department will have a Complaints Handling Officer who is a suitably trained staff member responsible for the conduct of the complaints investigation and is involved in the investigation and the co-ordination of all aspects of the response to complaints. This may include preparing a comprehensive written report, including details of any recommended procedural changes to service delivery. Each Complaints Handling Officer has a clear remit to investigate effectively and reach robust decisions on more complex complaints, with appropriate support from senior management on the extent and limits of discretion and responsibilities in investigating and resolving complaints, including the ability to identify failings, take effective remedial action and apologize, where it is appropriate to do so.

3.2 Complaints about senior Authority staff:

When serious complaints are raised against senior staff, it is particularly important that the investigation is conducted by an individual who is independent of the situation. Complaints against senior staff will normally be handled by the Board of Directors:

4. RECORDING, REPORTING, PUBLICISING AND LEARNING

Valuable feedback is obtained through complaints. One of the objectives of this Procedure is to identify opportunities to improve provision of services across the Authority. Staff will record all complaints so that we can use the complaints data for analysis and management reporting. By recording and using complaints information in this way, the causes of complaints can be identified, addressed and, where appropriate, training opportunities can be identified and improvements introduced.

4.1 Recording complaints:

To collect suitable data, it is essential that all complaints are recorded in sufficient detail. The minimum recording requirements are as follows:

- a) Name and contact details of the complainant and date of receipt of the complaint
- b) How the complaint was received
- c) Category of complaint
- d) Staff member/s responsible for handling the complaint
- e) Department or unit to which the complaint relates
- f) Action taken and outcome at frontline resolution stage
- g) Date the complaint was closed at the frontline resolution stage
- h) Date the investigation stage was initiated (if applicable)
- i) Action taken and outcome at investigation stage (if applicable)
- j) Date the complaint was closed at the investigation stage (if applicable)
- k) Underlying cause and remedial action taken (if applicable)
- l) Response times at each stage

4.2 Learning from complaints:

Each Complaints Handling Officer will always ensure that all parties involved understand the findings of the investigation and any decisions made. These procedures will also facilitate:

- a) Using complaints data to identify the root cause of complaints;
- b) Taking action to reduce the chance of similar cases happening again;
- c) Recording the details of corrective action in the complaints file;
- d) Systematically reviewing complaints performance reports to improve performance.

The analysis of management reports detailing complaints performance will help to ensure that any trends or wider issues which may not be obvious from individual complaints are quickly identified and addressed.

4.3 Maintaining confidentiality:

Confidentiality is an important factor in conducting complaints investigations. The Authority will always have regard to any legislative requirements and also internal policies on confidentiality and the use of complainant information. Complaints will be handled with an appropriate level of confidentiality and information released only to those who need it for the purposes of investigating or responding to the complaint. No third party will be told any more about the investigation than is strictly necessary in order to obtain the information required from them.

In making a complaint, complainants should accept that limited disclosure of all or part of their submission will be required to enable investigation of their complaint to proceed. Complainants have the right to expect that everyone who responds to or investigates a complaint will do so impartially. No individual will be permitted to act in any manner in a case in which they have a material interest or in which any actual or potential conflict of interest may arise.

Where a complaint has been raised against a member of staff and has been upheld, the complainant will be advised of this. However, it would not be appropriate to share specific details affecting specific staff members, particularly where disciplinary action is taken.

4.4 Managing unacceptable behaviour:

It is recognized that people may act out of character in times of trouble or distress. The circumstances leading to a complaint may result in the complainant acting in an unacceptable way. Complainants who display difficult behaviour may still have a legitimate grievance, and the Authority will therefore treat all complaints seriously and assess them accordingly.

The actions of complainants who are angry, demanding or persistent may result in unreasonable demands on time and resources or unacceptable behaviour towards Authority staff. Unacceptable behaviour includes (but is not limited to):

- a) Aggressive or abusive behavior, including inflammatory statements and unsubstantiated allegations.
- b) Unreasonable demands, the result of which is that the complainant takes up an excessive amount of staff time and in so doing disadvantages other complainants.
- c) Unreasonable use of the complaints process - when the effect of repeated complaints is to harass or to prevent the Authority pursuing a legitimate aim or implementing a legitimate decision.

The threat or use of physical violence, verbal abuse or harassment towards Authority staff is likely to result in the termination of all direct contact with the complainant. The Authority may report such behaviour to the police (this will always be the case if physical violence is used or threatened) and disciplinary proceedings may be initiated should the complainant be a member of staff. Where a complainant has exhibited such behaviour, the Authority reserves the right to refuse to consider the complaint or future complaints from such individuals.

4.5 References:

- a) The Citizen service Delivery Charter
- b) Human Resource Policy and Procedure Manual
- c) The strategic Plan
- d) Communication Policy
- e) Commission and Administrative Justice Act. 2011