

FOLD

FOLD

- In writing to the Director-General or visit the Head Office or any of our regional offices
- Providing copies of all documents pertaining to the complaint
- Providing an indication of how the consumer would like the complaint to be resolved

Definition of a Public Complaint

A public complaint, as defined by the Commission on Administrative of Justice (CAJ), is an expression of dissatisfaction by one or more members of the public about an action, lack of action or about the standard of a service provided by a public institution.

They include, but are not limited to, complaints against staff or the institution regarding corruption, lack of services, unethical conduct, mal-administration, inefficiency or ineptitude, an unfair decision, misuse of office, abuse of power, breach of integrity, delay, misbehavior, misconduct, inattention, incompetence, injustice and discourtesy .

This means that members of the public who are not satisfied with services offered by the the Authority have the right to make a complaint.

How to file a public complaint with the Authority

Any member of the public who finds that, despite their best efforts cannot obtain the required assistance with regard to access to services that are offered by the Authority, has the right to make a complaint. A complaint means an oral, written or any other communication made or addressed to either the Commission or a public institution or taken up by the Authority or a public institution against a public officer or public Institution. There are options available to the complainant to make the complaint and the staff in contact with the customer/member of the public at the time is required to inform the complainant as follows;

- The complainant can report to the staff handling the complaint.
- The complainant can report to the respective Head of Department where service was being sought
- The complainant can report the complaint to the Authority's Public Complaints handling office (which is the preferred option) or;
- The complainant can report the complaint to the Commission on Administrative Justice (CAJ).

Where the complainant opts for either (i), (ii) or (iii) above, the following steps shall be taken, based on the mode of submission selected by the complainant

- In the event that the complainant is within the Authority premises, the complainant shall be referred to the Consumer Affairs Division located in Wing A on 3rd Floor CA Centre. This shall only be done after confirming that at least one officer is at the public complaints desk.
- Where the complainant makes a telephone call to the Authority, the staff contacted shall:
 - Note the name and contact information of the complainant
 - Transfer the call to extension 420, 426, 424, 415, 545, 535, or 552.
 - In the event the transfer is unsuccessful, record the complaint details.
 - Request the complainant to send the complaint to complaints@ca.go.ke
- Where a complainant opts to report to the Commission on Administrative Justice, the complainant shall be advised to address the complaint to:

**The Commission Secretary,
Commission on Administrative Justice,
2nd Floor, West End Towers, Waiyaki Way - Westlands
P.O. Box 20414, City Square
Nairobi 00200
Tel:+254020 2270000
Email: complain@ombudsman.go.ke
Web: www.ombudsman.go.ke**

Procedure followed by the Authority upon receipt of a public complaint

1. Each complaint - whether by telephone, e-mail, mail, fax or visit - shall be entered into a public complaints register managed by the Consumer Affairs Division (CA) and each complaint shall be acknowledged by the Division before an action is taken:
2. The Authority's public complaints desk shall investigate the complaint and inform the complainant of the outcome within 30 days.

Note:

A complaint is deemed to be resolved in a situation whereby an institution has provided sufficient information, a remedy or a solution, to the satisfaction of the complainant, or where the complainant remains dissatisfied, but to the satisfaction of the Commission for Administrative Justice.

Disclaimer: While every effort has been made to ensure that the information included in this document is accurate, it is intended ONLY as a guideline towards providing information that would enable consumers make better decisions in the use and purchase of mobile /internet services and should not be regarded as (or used in lieu of) legal advice.

The Communications Authority of Kenya (CA) will not therefore accept any liability for the consequences of the actions taken or decisions made upon the information offered

Acknowledgements: This brochure was developed as part of the Consumer Education Outreach Programme of the Communications Authority of Kenya.

Head Office
CA Centre, Waiyaki Way, P.O. Box 14448, Nairobi 00800
Mobile: 0703042000, Email: infocomplaints@ca.go.ke
020-445 5555, 0714 455 555, 0737 455 555

CA Western Regional Office
1st Floor KVDA Plaza
P.O. Box 2346
Eldoret 30100
Mobile: 0703042105
Email: wro@ca.go.ke

Central Regional Office
Ground Floor, Advocates Plaza
P.O Box 134
Nyeri 10100
Mobile : 0703042181
Email : cero@ca.go.ke

CA Coast Regional Office
3rd Floor, NSSF Building
P.O. Box 8041
Mombasa 80100
Mobile: 0703042152
Email: cro@ca.go.ke

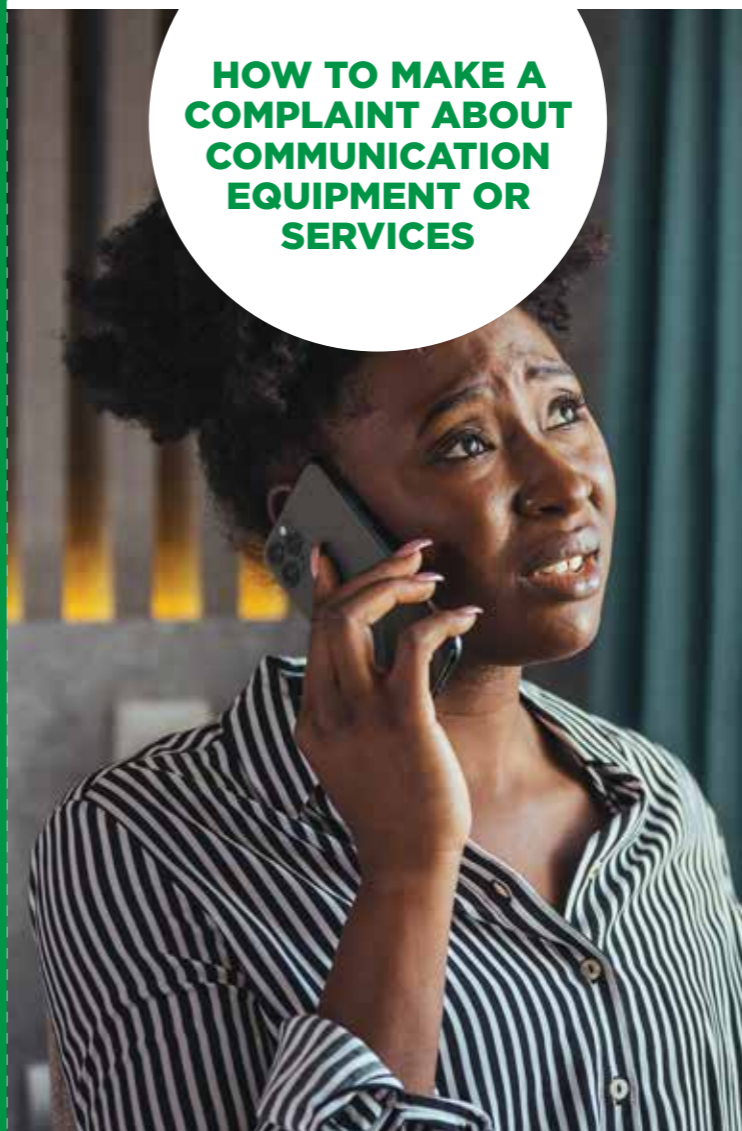
Nyanza Regional Office
2nd Floor Lake Basin Mall,
P.O Box 2016
Kisumu 40100
Mobile: 0703042130
Email: nro@ca.go.ke

CA/PEA/CEP/ENG/B/3/2020



www.ca.go.ke

HOW TO MAKE A COMPLAINT ABOUT COMMUNICATION EQUIPMENT OR SERVICES



FOLD

FOLD

This brochure has been developed as part of the Consumer Education Program of the Communications Authority of Kenya (CA). It has been compiled with information from various sources and provides information on how to lodge a complaint to the Authority in relation to the supply of telecommunications equipment or services.

Introduction

It is inevitable that complaints will arise in relation to the purchase of communication equipment and services. As a result, consumers can find themselves in disputes with vendors or service providers. There are, however, right and wrong ways to complain. There are also a number of regulations that have been specifically designed to protect the interests of the consumer.

Which body regulates all complaints against the communications industry?

In its mandate, the Communications Authority of Kenya is charged with the responsibility of ensuring that the provision of telecommunication services is conducted in such a manner as to confer optimum benefits, both to the citizens of Kenya, and to the economy of the nation. To this end, the Authority is empowered to handle all complaints that are made against those organizations which it has licensed to operate and to assist in the resolution of any disputes that may arise.

How is the consumer protected in Kenya?

In Kenya, the rights of the consumer are enshrined in The Consumer Protection Act, 2012. They are designed to ensure that the consumers are provided with full information regarding the price and quality of any product or service they may purchase, and to ensure that such goods are manufactured to safe and acceptable international standards. One such Act is The Sale of Goods Act, which is specifically designed to protect the consumer against unfair practices.

The United Nations Guidelines for Consumer Protection-In 1985, the United Nations issued its endorsement of eight specific 'consumer

rights.' These are now internationally recognized and should be taken into consideration whenever problems arise between consumer and suppliers.

What the consumer should do if he / she believes they have been misled

Should the consumer believe that he/she has been misled by the terms or contents of an advertisement, they should:

- Point out the error and demand that the vendor match the claims made in the event advertisement
- Refuse to complete the sale
- Report the trader to the appropriate regulatory Authority
 - The terms of payment, delivery, guarantees; warranties or after-sales service
 - The conditions related to return, exchange, cancellation or refund

The terms of the trader's privacy policy, means redress and dispute resolution the online consumer should also ensure that their own internet security is in operation with relation to the protection of sensitive personal data - such as credit card information.

The importance of prompt action in relation to complaints

In the event that a product or service proves defective or otherwise unsatisfactory, it is important for the consumer to complain as soon as possible. This is due to the fact that if a consumer continues to use a faulty product or service they may be considered to have accepted it as such. Some contracts or warranties stipulate time-limits for the raising of a complaint, but even in the absence of such stipulations it

makes good sense for the consumer to complain as soon as any defects become apparent - not least because the facts surrounding the complaint will be fresh in their minds.

When not to complain

- Once a purchase has been made, the consumer cannot take action against the vendor if:
- He/she was aware of the defects at the time of purchase
- He/she has changed their mind about the purchase -or found a cheaper alternative
- He/she has not followed the instructions on how the item should be used
- A malfunction or failure is the result of long-term use ('normal wear and tear').

Proof of purchase

It is the responsibility of the consumer to prove that they purchased the goods or services about which they wish to complain. Ideally this proof should be offered in the form of the sales receipt. In the absence of such, and if the consumer paid by credit or cheque, the credit card slip or statement, a cheque stub or bank statement will suffice.

Complaints and warranties

Some items are sold along with a warranty, which serves as a guarantee from the vendor of the fact that the item or service will perform according to certain standards. Consumers are advised to study the terms of the warranty before they complete a purchase. Here are some useful questions, which may assist the purchaser in ensuring that the warranty they are offered meets their needs:

How long is the warranty?

* Does it commence at the time of purchase? Is it supplied in writing? Is it dated?

- Who is issuing the warranty, the manufacturer or the authorized sales agent/dealer?
- In the event the item does not function according to the terms specified-will it be repaired? Or will it be replaced?

If the item is to be repaired - where is this repair to be carried out? Which organization is to carry it out? During what period of time can the purchaser expect the repair to be carried out?

* Does the warranty cover the cost of any replacement parts that may be required? Does it cover the cost of the labor required to repair the item?

- What actions by the purchaser will mean that the warranty is no longer valid?

Note: Warranties can cover the supply of replacement parts. They can also cover the provision of such labor as will be required to repair the item. Consumers should note that in some cases the warranties differ in terms of the duration of the warranty, the replacement parts supplied and labor provided.

Where to start when making a complaint

It is advisable to commence the complaints procedure by telephoning or speaking to the vendor of the item of service. This gives them the chance to react in the correct manner and make immediate efforts to resolve the complaints amicably and swiftly.

If initial contact with the vendor does not deliver the required results, the next complaint should be delivered in writing. At this stage it is useful to check if the vendor has a specific route for consumer's complaints - a specific complaints department, or complaints form.

When making a written complaint:

- State ALL the facts clearly and concisely
- Remain objective and truthful - do not exaggerate
- Keep a copy of the correspondence
- Attach copies of all relevant documents to your complaint (Receipts, warranties/guarantees)

How do file a complaint with the Communications Authority of Kenya?

In the event that repeated requests to a vendor or a service provider for assistance are not met satisfactorily- in whatsoever terms are pertinent - then the consumer is entitled to approach the Communications Authority of Kenya. This should be done as follows:

