

COMPLAINT HANDLING GUIDELINES & PROCEDURES

APRIL 2022











Dhamana Ya Bima Yako



POLICYHOLDERS COMPENSATION FUND

Dhamana ya Bima Yako

COMPLAINTS HANDLING GUIDELINES & PROCEDURES

APRIL, 2022

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FORWARD

The way an institution response to criticism has a major impact on its operational effectiveness and its image in the public eye. Effective complaints management encourages accountability for a public institution's action.

The Fund is desirous to being counted among accountable public institutions in service provision in the Republic and beyond. To attain this, the Fund shall encourage the publics to lounge complaints against the Fund regarding its service provision among others. The Fund commits to timely resolve these complaints and use them as learning areas to enhance service delivery.

To ensure that complaints lodged directly to the Fund or through the office of the "Ombudsman" are resolved in an effective, fair, transparent and consistent manner, the Fund has developed these guidelines and procedures to streamline and standardise the process of handling complaints in the Fund.

The steps in successful complaints management are clearly explained and templates are provided to ensure all relevant information is captured by the responsible persons.

FCPA Muthoni Wangai,
CHAIRPERSON - BOARD OF TRUSTEES'.



PREFACE

Effective complaints handling is a crucial part of quality service delivery in any institution. Complaints help institutions to identify weak areas and create the motivation for continual improvement.

To ensure that the intended purpose of development of the Complaints handling guidelines and procedures is achieved, the Fund shall publicize the guidelines and relating structures to the public using the website, social media handles as well as physical forums whenever such an opportunity arises.

It is my hope that, implementation of this guidelines will enable the Fund to continually improve its service delivery standards and develop sustainable connection with its publics.

POLICYHOLDERS COMPENSATION FUND

William O. Masita

MANAGING TRUSTEE

ACKNOWLEDGEMENTS

Many individuals have contributed their time and experience to make this guide possible. The Chairman of the Board of Trustees, Ms. Muthoni Wangai, Managing Trustee, Mr. William Masita, Trustees: Lydia Ochako, Dr. Ben Kajwang, Mr. Thomas Gichui and Godfrey Kiptum provided their vision, leadership and policy guidance in establishing the complaint handling guidelines and procedure. Thank you very much!

The Complaints Handling Committee comprising of Mr. Douglas Mburia (Chairperson), Ms. Hope Keah, Mr. Noel Zuma, Mr. Mohamed Khalif and Hilda Sang played a critical role in drafting the policy. The entire Management team actively participated in critiquing the guidelines and therefore we say "asante sana".





ACRONYMS AND ABBREVIATIONS

CAJ Commission for Administrative Justice

MT Managing Trustee

PCF Policyholders Compensation Fund

CMIS Complaints Management Information System



DEFINITION OF TERMS

Complaint An expression of dissatisfaction by a person or persons or a group,

institution or organization about an unsatisfactory or unacceptable

situation, including an act or omission, or about the standard of a

service; whether the action was taken or the service provided by the

person, the institution itself or a body acting on behalf of the public

institution.

Complainant A person, group of persons, organization or institution making a

complaint within the meaning of this guide.

Lodging For the purpose of this guide, lodging is the making of a formal or

official complaint about a public institution or a public officer.

Resolution A situation where an institution has provided sufficient information

or a remedy or solution to the satisfaction of the complainant, or

where the complainant is unsatisfied and the public institution has

taken the complaint through due process and made a just decision.

Complaints For the purpose of this guide, a complaints mechanism refers to the

mechanism institution, procedure and process that has been adopted by a public

institution to handle complaints.

Root cause The primary source or basis of the complaint.

Complaints Any service point at the Fund

desk



CHAPTER 1: INTRODUCTION

1.1 Overview of Policyholders Compensation Fund

The Policyholders Compensation Fund is a State Corporation under the National Treasury and Planning, established within the Insurance Act, Cap 487 Laws of Kenya (herein after referred to as "the Act") to pay compensation to the claimants of an insurer placed under a manager appointed under section 67C (2) or whose license has been cancelled under the Act. The entity is domiciled in Kenya. The vision, mission, core values and core function of the Fund include:

1.1.1 Vision

To be a Highly Respected Policyholders Compensation Fund.

1.1.2 Mission

To enhance confidence in the insurance industry through timely compensation of Policyholders of a company placed under a statutory manager or whose license has been cancelled.

1.1.3 Core values

- a) Integrity: We aim to morally and consistently reflect to do what is right for the Fund and for the public good.
- b) Teamwork: We are a qualified, skilled and committed team striving to al-ways deliver exceptional services to our customers, driven by independence, objectivity, best practices, always acting with integrity and keeping our promises while treating others with respect. We optimize results by working smarter together. We multiply our contribution through partnerships and deliver with speed, trust and respect.
- c) Innovation: Through innovation and guided by clarity and consistency, we deliver simple, elegant and quality solutions to our customers and stakeholders.

- **d) Customer-centric:** We are a vibrant and dynamic team that identifies and responds to emerging issues in an ever-changing globally competitive environment, hence giving our customers a competitive edge.
- **e) Accountability**: We are committed to uphold at all times and are responsible for our actions, behaviors, performance and decisions made.

1.2 Background of the policy

Effective complaints handling is a crucial part of quality service delivery in any institution. Complaints help institutions to identify weak areas and create the motivation for continual improvement. Handling of complaints provides an opportunity for the Fund to understand its customers and ensure that the issues they raise are quickly resolved. Proper handling of complaints will therefore improve the reputation and image of the Fund. Complaints also provide management with information on how its staff treat customers, thus promoting accountability for both the Fund and the staff.

1.3 Purpose

The purpose of this guide is to provide a simplified roadmap to effective complaints handling in the Fund. It aims at providing a system of handling, managing, responding and reporting customer complaints, to ensure that all complaints raised are handled in a fair, responsive, efficient and integrated manner.

1.4 Policy Statement

The Fund recognizes that complaints are inevitable in any organization and must be managed effectively as they provide valuable information such as feedback about the performance of the organization, signals for action, customers giving you a second chance and an opportunity to improve services



1.5 Objective

This guideline aims to achieve the following objectives:

- a) Ensure continuous improvement of the services rendered to consumers
- b) Provide a user- friendly feedback system for the Fund
- c) Promote both internal and external accountability for the Fund
- d) Resolve any issues raised by complainants who are dissatisfied with services rendered by the Fund.

1.6 Scope

Application of this guideline covers all employees (on contract, permanent & pensionable terms and young professionals) interns and customers.

1.7 Legal & Institutional Framework

These guidelines are anchored on existing legislation and organizational policies including:

- a) The Constitution of Kenya (2010)
- b) Commission on Administrative Justice Act No. 23 of 2011
- c) The Fair Administrative Justice Act (2015)
- d) Access to Information Act (2016)
- e) PCF Human Resource Policy & Procedures Manual (2021)
- f) PCF Compensation Guidelines & Procedures (2022)

NB: Should this guideline and procedure come into conflict with any other legislation in the Republic of Kenya or legislation/regulations ratified by the Government of Kenya, the Constitution of Kenya 2010 will take precedence being the supreme law.

1.8 Complaints Management

A complaint can be written or oral depending on the convenience of the customer. A person/s can lodge a complaint in their own name or on behalf of another person. A group, organisation or institution can also lodge a complaint. The Fund will provide designated places/channels where complaints can be lodged including the following:

- a) In person (persons with disability will be assisted to lodge the complaints)
- b) Online via email, website, web posting, or a complaints management information system (CMIS)
- c) Telephone
- d) In writing (letters or emails), including Braille
- e) Text messages
- f) Complaints/Suggestion box
- g) Social media
- h) Any other mode as may be determined by the Fund from time to time

In addition to the complaints lodged through the modes stated above, Fund will also take up the following complaints:

a) Own motion matters

The Fund may consider picking up own motion matters that are relevant to its mandate.

b) Anonymous complaints

Anonymous complaints shall be treated as complaints to the institutions.

c) Complaints originating from reports, including social audits.

Note:

- a) Complaints received must be recorded in a register.
- b) All complaints that are not in writing shall be recorded in writing by the receiving officer.



- c) All complaints received must be acknowledged appropriately within seven working days.
- d) A Fund shall not charge any fee for lodging /receiving and determination of complaints unless expressly permitted to do so by law.

1.9 Types of complaints

- a) Minor complaints: these are complaints which are easily resolved on the spot and require less time to handle. This type of complaints shall be delt with by the frontline/receiving officers.
- **b) Moderate complaints**: these are complaints which can be resolved on the spot if handled properly and requires more time to handle than minor complaints.
- c) Major complaints: these are complaints which require deep analysis and a lot of time to handle.



CHAPTER 2: COMPLAINTS HANDLING GUIDELINES

2.1 Introduction

This Complaints handling guidelines are founded on the basic values and principles of fairness, accessibility, efficiency, responsiveness, confidentiality and flexibility.

2.2 Reporting

Customers can report complaints using any of the channel provided by the Fund

2.3 Fairness/Equity

Every complainant must be treated fairly in terms of how the complaint is received, processed and resolved. This requires a transparent system where the complainant is able to follow the complaint as it goes through the various stages. It also requires a system that provides for impartial non-discriminatory service. Complaints should be treated with an open mind, without the agency being defensive or seeking to disapprove the complainant. Respondents must also be treated fairly by being accorded adequate opportunity to respond to the complaints and being protected from malicious complainants and complaints.

2.4 Accessibility

Members of the public should be made aware of the complaints handling mechanism and the process of handling the complaint. The Fund will publicize its complaints handling mechanism as widely as possible through its website, service charter, posters, radio programmes and public outreach activities among others. In publicizing its complaints handling mechanism, the Fund will among, inform the public on:

- a) How a complaint can be lodged, including where the complaint form can be availed
- b) the timeframe within which the complaint will be addressed
- c) The powers of the mechanism to deal with the complaints
- d) How the decision of the complaint mechanism can be appealed against or reviewed?
- e) The cost implication of the complaint mechanism



- **f)** The impartiality of the system and an encouragement to those dissatisfied to lodge complaints without fear of victimization
- g) The confidentiality safety mechanisms in place
- h) Options available for lodging complaints telephone (toll free number) SMS, email (dedicated address), in person or by post
- i) Indicate the responsible officer or department/office for ease of follow up

2.5 Responsiveness/Flexibility

The complaints system should be responsive to the needs of customers/the public including those with special needs, such as disabled, illiterate persons and culturally disadvantaged groups. Staff should be well trained to handle vulnerable persons, difficult clients including those who are rude, aggressive and stubborn.

2.6 Effectiveness

The complaints handling system must be able to give real solutions for the complaints lodged. The unit charged with the responsibility of managing complaints should be empowered to take action once the complaint is authenticated.

2.7 Efficiency

Complaints should be handled in an efficient manner that ensures clients are not discouraged from complaining or fatigued by long drawn-out processes. The complaints should be resolved immediately or as soon as is practically possible. Simple – complaints should be disaggregated from complex complaints that require more time to resolve. There should be clear guidelines with timed processes dealing with receipt of the complaint, initial assessment, allocation of responsibility to deal with it, investigation, resolution and review, and monitoring system.

2.8 Customer focused

The Fund is committed to effective complaint handling and value feedback through various appropriate channels.

2.9 Confidentiality

Personal information related to complaints will be kept confidential

2.10 Accountability

Accountabilities for complaint handling will be clearly established, and complaints and responses to these complaints monitored and reported to management and other stakeholders

2.11 Transparency

The Fund and the complaints handling officer should exercise openness. In the complaints handling process there will be free sharing and access to information by all parties involved.

2.12 Simplicity

The complaints handling procedure should be simple and straightforward

2.13 Recording

All complaints received must be recorded, assigned case reference numbers and file opened. Once a case is resolved, monitoring and evaluation should be conducted to inform decision making



CHAPTER 3: COMPLAINTS HANDLING PROCEDURE

3.1 Introduction

The Fund is committed to consistent, fair and confidential complaint handling and to resolving complaints as quickly as possible. The Fund aims at making it easy for its customers to make a complaint if they are dissatisfied and the Fund shall treat all customers making a complaint equally.

3.2 Procedure

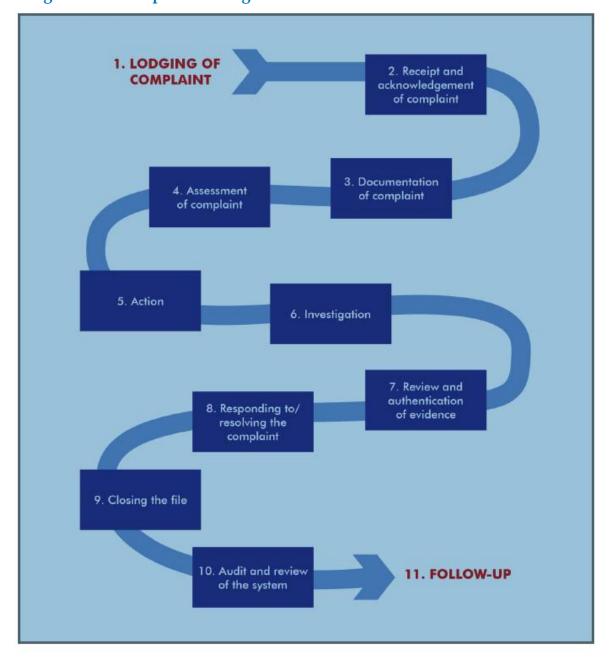
The standard procedure to be applied in addressing complaints is as outlined below:

- a) Once a complaint is received, it shall be recorded by the receiving officers/departments and accorded a case reference number to facilitate follow-up. A record of a complaint shall include the name and contact details of the customer, full details of the complaint including the date, as well as details of all communication with the customer and any actions to resolve the complaint.
- **b)** If the complaint is simple, the receiving officer shall resolve the complaint immediately and update the register.
- c) If the complaint is moderate or major, the receiving officer shall escalate it to the immediate supervisor for further investigations and resolution. The escalation shall be done within one (1) working day of receiving the complaint.
- d) The Fund shall resolve all complaints within thirty (30) working days of receipt (subject to provision of all required documentation). Written complaints shall be acknowledged within two (2) working days.
- e) Where the complaint cannot be resolved immediately, customers shall be informed of the aforementioned timeframe at the time of making their complaint. Customers shall be informed of the progress of their complaint regularly, especially if there are any delays or changes to what has been agreed upon between the complaints officer and the customer.

- - f) The head of communication shall communicate the action to the complainant within one (1) working day from the date the decision is arrived at and update of the records made accordingly.
 - g) Where appropriate, customers who have had a complaint resolved shall be contacted within fourteen (14) working days to find out whether or not they are satisfied with how their complaint was handled.
 - **h)** If the complainant is not satisfied, the case shall be forwarded to the Managing Trustee for further action.
 - i) Where a complaint cannot be resolved by the foregoing complaint handling procedure, it shall be referred to the Board of Trustees and the customer/complainant shall be informed and given an amended timeframe for resolution.
 - j) All heads of directorates/departments shall forward their complaints registers to the Head of communication on a monthly basis for compilation.
 - k) The Deputy Director, Corporate Communication shall compile all complaints (including their status) and forward them to the Complaints Handling Committee on a quarterly basis for analysis during the quarterly meetings.
 - 1) The Complaints Handling Committee shall prepare a report on complaints management in the approved format and forward to the office of "Ombudsman" on a quarterly basis.
 - m) If the Managing Trustee is the subject of the Complaint, the complaint shall be forwarded to the Board Chairman for further action.
 - n) If a Board Member is the subject of a complaint, the complaint shall be forwarded to the Principal Secretary or the Cabinet Secretary, National Treasury and Planning, for further action.



3.3 Stages of the Complaint Management Process



The Fund will act on anonymous complaints as per Procedure (2.0) above after assessing the following:

- a) The seriousness of the matter reported.
- b) The extent to which allegations are specific (e.g. it is clear what is being alleged, dates, times, locations, consequences of wrongdoing, names of witnesses)
- c) The extent to which allegations are based on reliable information, not simply on hearsay.
- d) Reasons to believe that there is justification for the matter being reported anonymously and not through channels that allow for easier scrutiny
- e) Whether the language used is abusive or otherwise suggests a poison-pen letter.

Where the Fund has no way of contacting the person making anonymous complaint, all of the necessary information for decision to take further action must be clearly available.

Anyone making anonymous complaint should be aware that the Fund:

- a) May hand the complaint (s) over to the police or other authorities for their views or with a request to investigate the allegations further if deemed appropriate.
- b) Will provide the person (s) accused or implicated in the alleged wrongdoing with copies of the allegations (s)
- c) Will view VERY seriously any false, carelessly prepared or malicious allegations. inaccurate, malicious or negligent accusations by an employee are considered a matter of gross misconduct.
- d) Is obliged to support employee (s) named in anonymous allegations until such a time as there may be sufficient evidence to justify any action against them.
- e) Will dismiss as malicious complaint that is found to have used a misleading sender name or address



3.4 Complaints Handling Mechanism

To ensure that complaints are given the necessary attention with a view to improving the delivery of services, the Fund shall establish a complaint handling mechanism as follows:

- a) Complaints Desk
- **b)** Committees (standing and ad-hoc)
- c) Complaints Officer and Access to Information Officer

The complaints handling officers will be given adequate independence, authority, resources and necessary support and commitment by the Fund in order for it to be effective. The Fund will put in place measures to protect all complainants from intimidation, enticement and compromise by those against whom complaints are made.

3.5 Access to Information

Access to Information Act (2016) sets out the principles of access to public information, determines the subjects of the law, and regulated procedure for seeking public information. It establishes complaints procedures and confers oversight and enforcement powers on the Commission on Administrative Justice (CAJ).

The Act postulates that every person has rights to request information from the government and it is the duty of the government to provide the requested information unless limitation by law applies

3.6 Procedure on Access to Information

The following procedure will be used in disseminating information sought by clients/customers/citizens:

a) Access to Information Officer (MT) or delegated officer shall record the details of the requested information in the Fund's request to access information register within 24 hours upon receipt

- - b) The officer receiving the request to information access to acknowledge receipt within two (2) working days and advise the applicant how to access the request to access to information form and guide on how to fill it.
 - Processing of urgent requests to be done by the officer within 48 hours upon receipt and ordinary request within twenty-one (21) working days.
 - d) Communication of any transfers of requests to the applicants to be done within seven (7) working days upon receipt.
 - Communication on matters such as applicable fees, mode of payment, process of accessing information and the right of appeal to the CAJ within seven (7) working days from the date of receipt.
 - Upon payment of applicable fees, the applicant to be facilitated to access the requested information within five (5) working days.
 - g) In the event that the information requested is confidential in nature, the applicant will be required to sign the confidentiality agreement form.

Access to Information Request Form is attached as an Annex



CHAPTER 4: ROLES AND RESPONSIBILITIES

4.1 Board of Trustees

- a) Approve the complaints handling guidelines and procedures.
- b) Reinforce Management's commitment and responsibility in identifying areas of complaints and ensure efficient and effective handling, managing, responding and reporting of customer complaints.
- c) Timely address appeal cases directed to the Board.

4.2 Managing Trustee

- a) Work within statutory requirements, ensuring both customers' rights and the Fund's rights are protected.
- **b)** Appoint a complaints officer and access to information officer
- c) Ensure staff members who deal with complaints have the full authority to provide solutions that are acceptable to customers.
- d) When staff members who deal with complaints cannot resolve them, make sure they can refer complaints directly to another person who can.
- e) Appoint members of the complaints handling committee.
- f) Approve budget for the Complaints Handling Committee.

4.3 Complaints Handling Committee

The Committee shall be appointed by the Managing Trustee and will be composed of at least five (5) members as follows:

- 1. A Director from the core mandate function Chairperson
- 2. Deputy Director, Corporate Communication Secretary
- 3. Representative from the Legal Services Department Member
- 4. Representative from the Corporate Services Department Member
- 5. Representative from the Supply Chain Department Member

The functions of the Committee will be to:

- a) Promote the sensitization of staff and other stakeholders on complaints handling,
- b) Advise management on complaints handling,
- c) Receive, process and oversee the resolution of complaints,
- d) Monitor the trends of complaints and recommend remedial action,
- e) Prepare regular reports to management on complaints handling,
- f) Coordinate complaints handling activities in the organisation,
- g) Ensure the integration of complaints handling in the organisation,
- h) Ensure compliance with the guidelines of the Commission on resolution of public complaints, as may be issued from time to time,
- i) Monitor, evaluate and review complaints handling activities in the Fund,
- j) Where appropriate refer complaints to the appropriate authorities including the CAJ.

4.4 Employees

- a) Resolve complaints whenever possible at first contact.
- b) Register complaints details for later analysis.
- c) Speak to the customer in person.
- d) Treat the customer with genuine empathy, courtesy, patience, honesty and fairness.
- e) Respond to complaints quickly.
- **f)** Keep the customer updated on progress, act quickly on promises and inform when an action is completed.

4.5 Complaint Handling Channels

The Fund will gather information on complaints from employees, the public and media, among others. Information can be provided in writing, by telephone or in person to:



The Chairperson

Complaints Handling Committee

Policyholders Compensation Fund

KWFT Center, 6th Floor

P O Box 24203 - 00100

NAIROBI

Telephone Number: 254-0204996238/+254

794582700 Email: complains@pcf.go.ke

Secretary/CEO

Commission for Administrative Justice

West End Building, 2nd Floor

P O Box 20414 - 00200

Westlands, NAIROBI

Tel:+254-20-

270000/2303000/2603765/2441211/8030666

Email: complain@ombudsman.go.ke

4.6 Monitoring and Evaluation

The Fund will provide regular reports, including monthly reports to management, and quarterly and annual reports to stakeholders. Customer service surveys to establish the level of customer satisfaction will be conducted once every two years.

4.7 Review Date

The policy will be reviewed every two (2) years or as need arises in order to address emerging issues.

Appendix 1: Information Request Form

Step 1	Step 2	Step 3	Step 4
Decide if you need	If you need to make	Forward the access	When you receive an
to make an	a formal request	request to PCF	answer to your
informal request or	under the Access to	Information Officer	request, review the
a formal request	Information Act	(Managing	information to
under the Access to	2016, complete this	Trustee). The	determine whether
Information Act	form or a written	address is listed as:	you wish to make any
2016. If it is a	request mentioning	info@pcf.go.ke	further request under
formal request,	the Act. Describe		the Act. You also have
send your request	the information		the right to complain
to info@pcf.go.ke	being sought and		to the office of
	provide relevant		"Ombudsman"
1974 2022 5444	details to assist PCF		should you believe
POLI	find it.	IMPENSATION I	that your have been
	Dhamana ya	Bima Yako	denied any of your
			rights under the Act



Summary of the information being	
sought	
Method of access preferred:	
Receive copies of original	.Examine original in PCF offices
Name of applicant	
Postal Address	City/County
Physical Address	Telephone No
Signature	.Date



Appendix 2: Complaints Lodging Form

Re	f. No
	Complainant's Details (all information given is voluntary) Name (Dr/Mr./Mrs./Ms.)
	ID Number_
	Postal Address_
	Mobile
	Email
	County
	Age
2.	How did you get to know about the Fund's complaints mechanisms?
	Newspaper
	TV/Radio
	Referral by friend
	Others (please specify)
3.	What service are you complaining about?



4.	Please give a brief summary of your complaint and attach all supporting documents (note to indicate all the particulars of what happened, where it
	happened, when it happened and by whom).
5.	What action would you want to be taken?
	Signature
	orginiture
	Date

Appendix 3: Database Form

Re	f No				
1.	Complainant's details				
	Name (Dr/Mr/Mrs/Ms)				
	ID Number				
	Postal Address				
	Mobile				
	Email				
	County				
	Age				
2.	Respondent's details Name (Dr/Mr./Mrs./Ms.)				
	Staff ID				
	Mobile				
	Email				
	County				
	Age				
3.	Details of the complaint				



4.	The facts of the complaint				
5.	Decision reached by the complaints officer				
	Root cause of the complaint				

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Appendix 4: Root cause analysis template

Complaint e.g. non payme nt of claim lodged	Officer/depart ment complained against	Nature of complaint/se rvice issue e.g. delay	Type of cause - physical (e.g. system failure), human (e.g. inefficient officers, slow, unresponsive) or organization (e.g. policies, procedures, regulations)	Remedy granted	Correctiv e/preventi ve action to be taken
			PCF		

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Appendix 5: Monitoring and evaluation template

No. of complaints received	Mode of complaint lodged	No. of complaints resolved	No. of complaints pending	Duration taken to resolve, e.g. spon resolution, 1 day, 7 days, 14 days	Recommendation for system improvement



POLICYHOLDERS COMPENSATION FUND

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Policyholders Compensation Fund -Kenya

Policyholders Compensation Fund, 2022