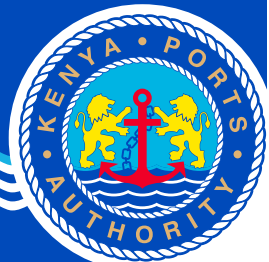


Public Complaints Policy

We value
doing things right



(UNCONTROLLED DOCUMENT)

**(THIS PUBLIC COMPLAINTS POLICY
SHALL COME INTO FORCE ON
12TH FEBRUARY 2021)**

**FOR GUIDANCE AND ADHERENCE BY EMPLOYEES OF KENYA PORTS AUTHORITY
AND OTHER STAKEHOLDERS AND NOT FOR PUBLICATION**

**MADE PURSUANT TO THE LEADERSHIP AND INTEGRITY ACT 2012 AND
PUBLIC OFFICERS ETHICS ACT 2003, LAWS OF KENYA**

ISO 9001:2015 Certified

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FOREWORD

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

In accomplishing this, KPA is committed to;

- Recognizing a customer's right to make complaints, comments or suggestions about the level and quality of services provided.
- Encouraging the submission of any complaints customers or staff may have with the services provided.
- Providing an efficient, fair and accessible mechanism for resolving complaints.
- Ensuring that all complaints are heard and fairly resolved.
- Monitoring complaints in an endeavor to improve the quality of services.
- Providing customers with information about the complaint handling process.
- Promoting a positive attitude towards customers and the commitment to resolving complaints.

To support the complaints handling process, KPA will also actively seek feedback from customers through regular surveys to ascertain general levels of satisfaction.

The policy and related resolution processes/guidelines are equally applicable when dealing with complaints from either external or internal customers.

Rashid K. Salim IEng.IMar Eng
Ag. Managing Director

1.0 INTRODUCTION

Kenya Ports Authority is a Statutory Body established in 1978 by an Act of Parliament (KPA Act Cap 391 of the Laws of Kenya) with the mandate to develop, maintain, operate, improve and regulate all scheduled seaports along Kenya's coastline. Its mandate has been extended to include inland waterways ports. The Authority operates under the Ministry of Transport, Infrastructure, Housing, Urban Development and Public Works.

The Public Service has been undergoing reforms since the early 1990s with a view to fostering a performance-oriented culture that seeks to revamp the processes through which public organizations operate, in order to increase efficiency and effectiveness in service delivery. To engender good governance, efficient and effective service delivery, a results-based approach to management has been adopted that includes performance contracting for all government agencies. The performance contract assesses amongst other indicators, complaints handling and customer satisfaction.

To ensure better response to customer needs, the Ministries, Departments and Agencies (MDAs) of government have developed various complaints handling systems, including institutional ombudsmen.

In 2007, the President established the Public Complaints Standing Committee (PCSC) through Gazette Notice number 5826 of June 2007. Consequently, the Head of Public Service instructed all government institutions to create Public Complaints Standing Committees. With the advent of the Constitution of Kenya 2010, the functions of the PCSC were taken up by the Commission on Administrative Justice which was established by an Act of Parliament in 2011 (Cap 102A).

In compliance, the Authority established a Public Complaints Committee comprising senior officers mandated to mainstream public complaints management.

2.0 OBJECTIVES OF THE POLICY

The purpose of this policy is to provide a simplified roadmap to effective complaints handling at Kenya Ports Authority. The Policy also seeks to standardize the process of handling public complaints lodged against the Authority, with a view to enhancing coordination and collaboration between stakeholders and sections as well as easing the process of monitoring and evaluation. It provides guidelines for complainants and complaint recipients.

The policy specifically aims at providing a system of handling, managing, responding and reporting customer complaints to ensure that all complaints raised are handled in a fair, accessible, responsive, efficient and integrated manner.

3.0 SCOPE

This policy applies to all complaints received by Kenya Ports Authority from both internal and external stakeholders.

The Public complaints policy outlines the complaint handling mechanism within the organization with a view of improving our customer services geared towards actualization of the Authority's vision.

4.0 OUR MANDATE

To develop, maintain, operate, improve and regulate all scheduled seaports along Kenya's coastline and inland waterways. To realize our mandate, the Authority strives to conduct its activities with the highest possible ethical standards.

4.1 VISION

World class ports of choice

4.2 MISSION

To provide efficient and competitive port services to facilitate global trade.

4.3 OUR VALUES

Customer focus

Service excellence is key to our operations and we endeavor to exceed customer expectations

Integrity

We conduct our business with the highest ethical standards and uphold fairness, honesty, professionalism and transparency in all our undertakings.

Team work

We embrace team spirit in all that we do. We are capable, high-performing people who appreciate the privilege of public service. We practice open communication, innovation, collaboration and transparency in all interactions.

Innovation

The Authority will invest and leverage on research, development and innovation to ensure that it stays ahead of the curve in improving efficiency in their processes.

Care

We care for our staff, the communities around us and are sensitive to the environment. We embrace the richness of a diverse workplace and support employee development. We encourage a healthy and diverse organization that enhances our contributions locally and globally. We are responsible stewards of community resources and the environment. We exercise care and wisdom in the use of both financial and natural resources.

5.0 TO WHOM WE ARE RESPONSIBLE

A successful business is measured by amongst other things, its relationship with its customers, employees, business partners, the community in which it operates and all other stakeholders. The Authority aims to tap into the synergy of these relationships and create a collectively beneficial business environment. The Authority's responsibilities are identified as follows: -

Customers

To satisfy the unique needs of our customers by offering innovation, flexibility and service that create value for their businesses as their commercial success is in turn our success.

Employees

To recognize that employees are our greatest asset and to ensure that they have a safe and conducive working environment with equitable and competitive terms and conditions of service. The Authority promotes a culture of trust, the development and best use of human talent and resource.

Business Partners

To cultivate meaningful, mutually beneficial and successful long-term relationship with our partners, suppliers and contractors based on trust and understanding.

Community

To be a responsible corporate citizen and conduct business in a manner that promotes sustainable development for both the Authority and the community. This involves full compliance with laws and regulations, respect for local culture and giving due consideration to social and environmental issues in all commercial decisions

Stakeholders

To safeguard stakeholders' interests and to foster a good working relationship.

6.0 DEFINITION OF TERMS

Complaint

An expression of dissatisfaction by a person(s) 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 to the Authority.

Respondent

A public or state officer or a public institution against which the complaint is made.

Lodging

For the purpose of this policy, lodging is the making of a formal or official complaint to KPA.

Resolution

A situation where KPA has provided sufficient information, remedy or solution to the satisfaction of the complainant, or where the complainant is dissatisfied and KPA has taken the complaint through due process and made a just decision.

Complaints Mechanism

For the purpose of this policy, a complaints mechanism refers to the procedure and process that has been adopted by KPA to handle complaints.

Root Cause

The primary source or basis of the complaint.

6.1 Responsibilities

The responsibility of providing resolution to public complaints rests with the contact staff at the point of service delivery as the first line of complaint resolution mechanism. However, complaints from external customers shall upon receipt be directed to the relevant Heads of Business Units responsible for the service referred to in the complaint. Notwithstanding the above, all external complaints are handled for and on behalf of the Managing Director through delegated authority and therefore staff involved shall exercise utmost care in the best interest of the Authority.

7.0 INTERPRETATION AND APPLICATION

Except to the extent to which the context may otherwise require, this Policy shall be construed in accordance with the following provisions of this sub-paragraph:-

- i. Any word or expression importing any gender, shall include both genders.
- ii. Words importing the singular only also include the plural, and vice versa, where the context requires.
- iii. This policy shall apply only in respect of complaints raised against KPA by both internal and external stakeholders and brought to the attention of the Authority in all ways feasible including written, electronic media, Social media and verbal.
- iv. The provisions of the policy shall be adhered to by all officers of the Authority who have responsibility for the management of public complaints raised against KPA.

8.0 COMPLAINTS-HANDLING MECHANISM

8.1 PRINCIPLES

In handling complaints, the Authority, shall adhere to the following principles: -

- **Fairness** - recognize the need to be fair to both the complainant and the officer/ department against whom the complaint is made.
- **Resources** - provide adequate resources with sufficient levels of delegated authority to ensure complaints received are addressed and concluded in a timely manner.
- **Visibility** - promote the Authority's Public Complaints Handling Policy and Guidelines to all external and internal stakeholders.
- **Access** - ensure the complaint process is available to all customers and employees of the Authority.
- **Responsiveness** - deal with complaints quickly, treat complainants with courtesy and wherever possible resolve complaints at the first point of contact.
- **Assistance** - provide assistance for complainants in the formulation and lodgment of complaints if requested.
- **Data Collection** - collect and record data on complaints lodged and outcomes achieved, to assist in the identification of systemic and recurring problems and/or potential improvements to service delivery and customer relations.
- **Reviews** - regularly review the complaints handling process to ensure it is efficiently delivering effective outcomes.

8.2 RIGHTS OF COMPLAINANTS

I. FAIRNESS – COMPLAINANTS HAVE RIGHTS TO:

- Be heard.
- Know whether the Authority's relevant service guidelines have been followed.
- Withdraw a complaint.
- Provide and request all relevant material to support the complaint.
- Be informed of the criteria and processes, including the avenues for further review and appeal, applied by the Authority in dealing with complaints.
- Be informed of the response of the officer or part of the Authority complained against.
- Be informed of the Authority's decision and the reasons for that decision
- Know that the complaint is being reviewed independently, if considered necessary.
- To be assisted to lodge a complaint (for the illiterate and disabled).
- Confidentiality, if requested.

II. RESPONSIVENESS – COMPLAINANTS SHALL BE:

- Advised on how long it will take to deal with the complaint (by agreement where possible).
- Be kept informed of progress by telephone advice, correspondence or interview.

8.3 RIGHTS OF KPA OFFICER RESOLVING A COMPLAINT

8.3.1 DEALING DIRECTLY WITH THE COMPLAINANT - ORAL

A KPA OFFICER HAS THE RIGHT TO:

- Obtain sufficient details about the complaint to enable a proper investigation and response to the complaint.
- Request additional information and supporting documents to resolve the complaint.
- Record complaint details, timing and the form of response for reporting purposes (to Supervisor/Manager/Managing Director).

8.3.2 WRITTEN COMPLAINTS AGAINST A KPA EMPLOYEE

KPA EMPLOYEE AGAINST WHOM A COMPLAINT HAS BEEN MADE HAS THE RIGHT TO:

- Assemble sufficient detail about the complaint to enable the officer to properly respond to the complaint.
- Place all relevant material before the committee /reviewer investigating the complaint.
- Provide oral and/or written submissions regarding the complaint.
- Be informed of the decision and the reason for the decision.

9.0 ROLES AND RESPONSIBILITIES

9.1 MANAGING DIRECTOR SHALL:

- Appoint and empower officers to resolve complaints quickly and effectively.
- Chair the Management Executive Committee (EXCOM) and ensure all outstanding complaints are resolved.
- Provide sufficient resources to ensure the efficient and effective management of complaints.

9.2 MANAGEMENT EXECUTIVE COMMITTEE SHALL:

- Continuously build capacity for officers handling Public Complaints.
- Receive and deliberate on complaints status reports on quarterly basis.
- Ensure compliance by departments to CAJ Guidelines and Performance Contracting Obligations.

9.3 PUBLIC COMPLAINTS AND ACCESS TO INFORMATION COMMITTEE SHALL:

- Coordinate and manage complaint resolution in liaison with Ethics and Integrity Department.
- Receive complaints status reports from departments.
- Hold monthly meetings for review and discussion of departmental complaints status reports.
- Support departments to deal with complaints in line with CAJ Guidelines and Performance Contract.
- Monitor progress of the complaints handling process.
- Develop and maintain an appropriate complaint recording mechanism.
- Compile and analyze complaints.
- Prepare and present summary of complaints status report to EXCOM.
- Create awareness on CAJ Guidelines and compliance to KPA stakeholders.

9.4 HEADS OF DEPARTMENTS SHALL:

- Receive and resolve complaints affecting respective department in a timely manner.
- Submit monthly status reports on complaints to the Public Complaints Committee.
- Propose sufficient resources within their area of control to ensure the efficient and effective management of complaints.

10.0 COMPLAINTS HANDLING PROCEDURES

10.1 LODGMENT OF COMPLAINTS

I. Oral Complaints

- Oral complaints (in-person or by telephone) may be made by any customer (complainant) directly to an officer over a public counter, at any personal or official meeting or by telephone.
- Where possible, all oral complaints should be dealt with and resolved at the first point of contact.
- The attending officer will document the nature of complaint(s) in the complaints register.
- Where the complaint is unable to be resolved at the first point of contact, the complaint must be referred immediately to a relevant officer or agency with authority to resolve the complaint.

II. General Written Complaints (including letter or email)

General written complaints may be made by the complainant about the quality of any service provided by the Authority. It shall be addressed to the Managing Director – Attention to the officer responsible for the specific service(s).

III. Specific Written Complaints (Personal)

Specific Written Complaints may be made by a customer (complainant) about the unsatisfactory performance of an individual, Department, officer, or group of officers. All complaints directed against the performance of a specific officer or group of officers shall be addressed to the office of the Managing Director (or to the Chairman where the Managing Director is indicated as part of the complaint).

10.2 RECEIPT AND ACKNOWLEDGEMENT OF COMPLAINTS

When a complaint is received, the focal person will write on behalf of the Managing Director an acknowledgement letter to the complainant as per KPA Customer Service Charter and CAJ guidelines. The letter of acknowledgement is generally a letter to the complainant telling her/him that the Authority has received the complaint and summarizing the actions it will take. The letter states the following:-

- i. When and how the Authority received the complaint.
- ii. Who in the Authority is responsible for acting on the complaint
- iii. Who the complainant should contact regarding questions or feedback.

The acknowledgement letter should be concise and clear.

10.3 CONFIDENTIALITY

Confidentiality shall be maintained, so that only the staffs who are handling the complaint are aware of the complaint and the information surrounding the complaint. Any breach of confidentiality shall lead to disciplinary action according to the HR manual and Regulations.

10.4 FEEDBACK

The outcome of the investigation will be communicated to the Complainant, where possible within 30 days after the acknowledgement of the complaint. In case for justifying reasons this timeline is not feasible, the complainant shall be immediately informed.

10.5 MONITORING AND EVALUATION

The Public Complaint Officer will review all complaints received and action taken on quarterly basis and make a report as per CAJ Guidelines.

11.0 MAKING A COMPLAINT IN WRITING:

I. The Managing Director

P. O. Box 95009 – 80104

MOMBASA

Telephone: MD - 041-2113497

II. Head of Ethics and Integrity

MOMBASA

Telephone: 041-2113646/3650

PublicComplaints@kpa.co.ke

stopcorruption@kpa.co.ke

External

Commission for Administrative Justice (CAJ)

“Office of the Ombudsman”

Nairobi Office

West end Towers 2nd Floor

Waiyaki way -Westlands

P.O Box 20414-00200, Nairobi

Tel. +254 -020-2274046

Email.complain@ombudsman.go.ke

Mombasa Office

Mombasa Trade Center, 2nd floor,

North Wing Nkrumah Rd.

P.O. Box 80979-80100, Mombasa

Tel: 254-731-011116

Email: Mombasa@ombudsman.go.ke

Website: www.ombudsman.go.ke

12.0 REVIEW OF THE POLICY

This policy may be subjected to periodic reviews after every three years upon the approval of the management.

13.0 ADOPTION

This policy has been developed and adopted by Kenya Ports Authority

Issued this 12th February 2021

APPENDIX I

COMPLAINT FORM

This form should be completed by the person wishing to lodge a complaint or documented by a third party. All information must be held securely, and confidentiality must be maintained at all times.

File Number: _____

A: GENERAL DATA

1. Name of the person lodging the complaint _____ Sex _____ Age _____

2. Address: _____

3. Tel: _____ email: _____

4. Name of the person you wish to lodge a complaint against (if known): _____

5. Date of incident _____ Time of incident _____

6. Place of incident _____

7. Date of reporting _____ Time of reporting _____

B. WHAT IS THE COMPLAINT? (STATE THE NATURE AND KEY ISSUE OF THE COMPLAINT)

C: Brief description of the incident or concern (State what happened in the space provided below), follow the sequence of events from start to finish; If the incident location is not well known, describe the location based on your memory of it; Give a description of the 'subject of complaint' if you do not know her/his name;

D: Name of witnesses (if any) supply the names of witnesses and where they can be contacted, if known; or attach evidence.

E: State what kind of a response you expect from Kenya Ports Authority and how you wish to see the matter resolved.

Name and Signature of Complainant: _____ Date: _____

Case referred to: _____ Date referred: _____

Name and signature of Kenya Ports Authority staff responding to the complaint(s):

Describe action taken: i.e. Complaint has been lodged and acknowledged, matter under investigation, matter has been finalized and the complainant responded to, matter has been solved and closed, received an appeal on the matter, the issue to be re-evaluated and closed.



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