

## KENYA ROADS BOARD

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### COMPLAINTS HANDLING AND RESOLUTION POLICY

		Date	Signature
Prepared by:	Complaints Management Committee.	12/1/2017	
Approved by:	Executive Director	16/1/2017	

## **FOREWARD**

Kenya Roads Board (KRB) is a public institution established by an act of parliament of 1999. The purpose and objective for which the Board was established is to oversee the road network in Kenya and thereby co-ordinate its maintenance, rehabilitation and development funded by the fund and to advise the Minister on all matters related thereto.

This policy is designed to provide guidance on the manner in which KRB receives and handles complaints made against the organization and its employees. The objective of this policy is to assist KRB and employees to resolve complaints in an efficient, effective and professional manner. It provides guidelines for dealing with complaints and also includes a process for internal review of complaints handling.

The resolution of complaints shall be guided by the tenets of best organizational practice and shall be open, honest, accurate, timely, consistent, clear, jargon free and prioritized. English language shall be the official mode of communication except in special circumstances as determined from time to time.

This policy recognizes the constitution that gives every citizen the right to access information held by the state and information held by another person and required for the exercise or protection of any right or fundamental freedom.

**ENG. JACOB Z. RUWA, OGW**  
**EXECUTIVE DIRECTOR**

## BACKGROUND

The Commission on Administrative Justice (CAJ) was established through the Commission on Administrative Justice Act, 2011 (Cap 102A of the Laws of Kenya).

The Commission is mandated to enforce administrative justice in the public sector by Addressing maladministration through effective complaints handling and alternative dispute resolution; promoting good governance and efficient public service delivery by enforcing the right to fair administrative action; and by investigating abuse of power, manifest injustice and unlawful, oppressive, unfair or unresponsive official conduct. In addition, the Commission has a constitutional mandate to safeguard public interest by promoting constitutionalism, securing the observance of democratic values and principles, and protecting the sovereignty of the people of Kenya.

The Commission also performs an oversight role across the public sector acting as a check on processes, systems and procedures involved in service-delivery. It plays a critical role in the process of implementing performance contract in the public service.

It does this by monitoring an indicator, '**Resolution of Public Complaints,**' and receives quarterly performance reports from all government agencies. In turn, the Commission issues a certificate to public institutions that have complied fully with its requirement to address public complaints.

## APPLICATION

Kenya Roads Board being one of the public institutions is committed to promoting good governance and efficient public service delivery by establishing an effective complaints handling mechanism.

In order for KRB to have an effective complaints handling mechanism, there is need to have a complaints handling and Resolution Policy in place. The policy adopts an open, honest, proactive and timely approach to complaints resolution and ensures the satisfaction of KRB stakeholders.

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## 1.0 INTRODUCTION

KRB is committed to handling complaints, originating both internally and externally, in a clearly defined, effective and expeditious manner. Our core values (Excellence, Customer Focus, Integrity, Staff Focus, Diversity, and Good Corporate Citizenship) foster a culture that:

- Treats beneficiaries, employees and other stakeholders with respect by acknowledging their right to complain and have their complaints handled professionally
- Actively solicits and acts on stakeholder feedback
- Acknowledges that a complaint received gives KRB the opportunity to maintain confidence in our work as well as enhancing relationships within and outside KRB.

KRB seeks to maintain its reputation as an organization delivering high quality and accountable services and is committed to maintaining its responsiveness to the needs and concerns of beneficiaries, staff and other stakeholders.

Handling complaints effectively is every employee's responsibility. Everyone working within KRB must understand this policy. Efficient management of complaints enables KRB to identify problems and continuously improve quality and delivery of service.

## 2.0 DEFINITIONS

### **What is a complaint?**

Beneficiaries, staff and other members of public may be dissatisfied or have concerns about the level or quality of services provided by KRB and may wish to lodge a complaint. A valid complaint is one where KRB and or KRB staff may appear to have failed to respond appropriately. This policy is intended to address complaints made to KRB.

A complaint shall be defined as follows:

*An expression of dissatisfaction by a person(s), a group, institution or organization about unsatisfactory or unacceptable situation, including an act or omission or about the standard of service, whether the action was taken or the service was provided by the person(s) the institution itself or body acting on behalf of the public institution.*

Below are examples of areas where wrongful conduct may potentially occur within KRB.

Breaches in Code of Conduct; Abuse of office; unfair treatment; inefficiency or ineptitude at work place, oppressive systems, maladministration; misbehavior, Lack of accountability to beneficiaries; Suspected Theft or Fraud; Misappropriations; Conflict of Interest; Misuse of Organizational Assets; Illegal activities; Corruption; Non-compliance with Program; Harassment & Exploitation of Beneficiaries.

Any person or organization with any concern about inappropriate or improper conduct or non-compliance with KRB's policies, procedures or applicable laws by any KRB employee or management is invited to lodge a complaint which shall be dealt with in accordance with this complaint handling policy, and any other relevant KRB policy. KRB staff can also lodge their complaints as per the grievance handling procedure stipulated in the Human Resource Manual.

**NB:** KRB will not accept complaints that are already the subject of legal proceedings.

**Complainant:** A person, group of persons, organization or institution making a Complaint.

**Complaint Channel:** A medium through which a complaint is transmitted to its intended audience or Organization

**Administrative Action:** means any action relating to matters of administration and includes:-

- A decision made or an act carried out in the public service.
- A failure to act in discharge of a public duty required of an officer in public service.

**Action taken:** Refers to the intervention measure(s) taken by an institution to resolve a specific complaint received.

**Public Institution:** a public institution means, any Performance Contracting National or County Government, Constitutional or statutory commission, tribunal, bodies or committee, a parastatal or state corporation or any other institution, if the institution is funded directly from the consolidated fund or receives money by Parliament.

**Resolved:** This is 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, the public institution has taken the complainant through due process and made a just decision to the satisfaction of the Commission.

**On-going:** This is a situation whereby a complaint resolution process has commenced but has not been finalized.

**New:** This is a situation whereby a complaint has been received less than 30 days to the reporting period and no action has been initiated on it.

**Complaint issue:** This is the subject issue of the complaint e.g., delay, inefficiency, abuse of power among others.

**Complaints Handling Procedures:** This refers to the steps a complaint goes through in an institution from receipt to the day it is actually resolved.

### **Anonymous complaints**

KRB cannot fully investigate anonymous complaints as it may not be in a position to determine the validity and nature of the complaint when the source of the complaint is unknown nor seek additional information when investigating the complaint. An anonymous complainant may not be provided with reasons for any decision made about their complaint.

- KRB will not disclose the identity of complainant(s), should the complainant request their details remain confidential at the time the complaint is lodged.
- KRB encourages complainants to provide full contact information when lodging complaints.
- In the event that an anonymous complaint is received KRB will take note of the issues raised and, where necessary, try and resolve them appropriately. However, for the reasons outlined above, issues raised in anonymous complaints may not be fully actioned.

### **3.0 RELATED POLICY DOCUMENTS**

- Human Resource policies and procedures
- Code of Conduct
- Internal Communication Policy
- Whistle blower mechanism
- Any other applicable KRB/National policy.

### **4.0 SCOPE**

The scope of this policy shall apply to KRB Staff and its Stakeholders.



## 5.0 OBJECTIVES AND PURPOSE OF THE COMPLAINTS HANDLING POLICY

This Policy is designed to provide guidance on the manner in which KRB receives and handles complaints made against the organization, its partners and its employees. The objective of this policy is to assist KRB its partners and employees to resolve complaints in an efficient, effective and professional manner. It provides guidelines for dealing with complaints and also includes a process for internal review of complaint handling.

## 6.0 GUIDING PRINCIPLES OF EFFECTIVE COMPLAINTS HANDLING

KRB will handle complaints in accordance with the following principles:-

- a) **Commitment** - KRB is committed to efficient and fair resolution of complaints. Feedback from beneficiaries and other stakeholders is welcome. It is the stakeholders' right to raise a concern.
- b) **Fairness** - KRB recognizes the need to deal with all complaints in an impartial manner. No decision and subsequent action will be taken until a full investigation is complete. The respondents/subjects of complaint have a right to know all the allegations made against them and be given the opportunity to fully respond.
- c) **Visibility and access** - This Policy will be promoted externally to KRB stakeholder using various media for example the KRB Website, Display on KRB Boards, verbal information, KRB publications, KRB Resource Centre, KRB Corporate Activities etc. The policy will also be distributed to all employees and shall be promoted internally in a variety of ways for example inclusion in the KRB's orientation pack, during ongoing human resource and other KRB policies and procedures training, KRB Website and intranet, inclusion in shared drives and other knowledge management and learning tools or any other sensitization forums.

d) **Confidentiality** – Complainants identity will be actively protected from disclosure unless the complainant expressly consents to its disclosure. KRB will keep in confidence all information provided to it in the course of the complaints review, including but not limited to: documents, reports or other detailed information, unless the complainant agree to their release or where it is necessary to do so in order to investigate the complaint.

Confidentiality, in this principle, does not mean keeping information secret. It means sharing the information only on “need to know basis”.

e) **Responsiveness** – Receipt of each complaint is acknowledged to the complainant within 2 days (with exception of anonymous complaints). Complaints will be handled in an efficient and effective manner. Complainants will be treated courteously and kept informed of the progress of their complaint throughout the complaint handling process.

f) **Resources** – KRB will allocate sufficient resources for complaints handling (from receipt of complaint to resolution and feedback)

g) **Accountability** – All KRB employees shall be responsible and accountable for effective complaints handling

h) **Continual improvement/Review and audit** – In order to ensure the continued suitability, adequacy and effectiveness of the complaints handling policy and to identify areas for improvement, the policy will be reviewed periodically, with a view to identifying and rectifying systemic or recurring problems having regard to: internal factors (such as change in KRBs organizational structure); analysis of the records contained in the complaints register and feedback from complainants.

## **7.0 PROCEDURES FOR COMPLAINTS HANDLING AND RESOLUTION.**

KRB has established a Complaints handling committee to ensure that all complaints received from its stakeholders both internal and external are resolved. The committee mandate is as stipulated in the Terms of Reference for Complaints Handling Committee.

#### **a. How a complaint may be made**

All internal and external complains should be addressed to the Executive Director through;

- Telephone
- In person
- Anonymous Platforms like Electronic Complaints System.
- Email: info@krb.go.ke
- Letters

Complaints must clear and precise and should include the name, address and contact number of the complainant and a brief description of the issue. As indicated above, 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, please provide the following information:

- Your name, position and contact details
- The nature of the complaint
- Details of the KRB employee involved (if applicable)
- Copies of any documentation supporting the complaint.

#### **c. Acknowledgement of complaints and timeframe**

KRB is committed to acknowledging all complaints received within two days of receipt. Once a complaint has been received, KRB will undertake an initial review of the complaint and endeavor to resolve the complaints within **30 days** of receipt. Although more complex issues may not be resolved within set time frame, the complainant is to be made aware the matter is under investigation.

#### **d. Response to a complaint**

Once KRB has reviewed complaints, it will provide a response (Written or verbal). The following are the steps followed from reception to conclusion.

1. Recording of the Complaint:

This is done in the complaints register for tracking purposes (which is kept confidential)

2. Acknowledgement of receipt of the complaint.

3. Categorization of complaints.

The complaints received in KRB whether in the form of letters, emails or telephone shall be categorized as follows;

- i. Complaints addressed to KRB and relevant to its mandates.
- ii. Complaints copied to KRB and are relevant to KRB mandates
- iii. Complaints addressed to KRB but are not relevant to its mandates
- iv. Complaints copied to KRB but are not relevant to its mandate
- v. Internal complaints

- All complaints shall be recorded in the complaints handling register and responded to appropriately. They shall be acknowledged and forwarded to the relevant Authority/relevant officers or complainant directed appropriately.
- For expediency, Verbal/telephone complaints shall be forwarded to the relevant department / section for immediate response or action. However, the receptionist will note down and forward complaint to Complaints Desk Officers shall be required to revert back to the custodian of the complaints register to give feedback on the answers/instructions given to the caller or any other way forward. This shall be recorded in the complaints register.
- All complaints shall be resolved within 30 working days after receipt as per the KRB Resolved Service Charter and CAJ guidelines.
- The Complaints Handling Committee will meet on a quarterly basis to review progress and status of resolution.
- All complaints received every quarter shall be consolidated as per reporting templates issued by CAJ and forwarded to them within fourteen (14) days after end of the quarter.
- Customer complaints shall be analyzed annually and report forwarded to the management for information and implementation of any recommendations.

#### **e. Appeal**

If the complainant is not satisfied, he/she has a right to appeal. The appeal should be addressed to the **Executive Director**.

A review of the decision made regarding the complaint will be done by the complaints management committee and a final decision reported back to the **Executive Director**.

### **8.0 POLICY REVIEW**

For continual improvement, this policy shall be reviewed and updated after every 2 years. However KRB may update this policy at any time in its complete discretion/when there is change in national policies related to this policy.

