

REPUBLIC OF KENYA



COUNTY GOVERNMENT OF SIAYA

**SIAYA COUNTY PUBLIC SERVICE BOARD
DRAFT FEEDBACK AND COMPLAINTS
HANDLING MECHANISM FRAMEWORK**

AUGUST , 2024

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1.0 COMPLAINT HANDLING FRAMEWORK STATEMENT & DIRECTION

The Siaya County Public Service Board upholds the values of accountability, fairness, human dignity, justice, and inclusiveness, as enshrined in Articles 10 and 232 of the Constitution of Kenya, 2010. Resources and decision-making processes are managed transparently and responsibly, ensuring accountability to all stakeholders. This commitment is further supported by adherence to the highest standards, along with flexibility and pragmatism in the implementation of projects.

To ensure that this commitment is lived out and as outlined in the Public Participation Act.

The Siaya County Public Service Board Feedback and Complaints Handling Framework provides the framework through which stakeholders can give feedback and forward complaints on the Board and how they will be heard and handled fairly, efficiently and effectively.

The Siaya County Public Service Board Feedback and Complaints Handling Framework establishes a structured approach for stakeholders to provide feedback and submit complaints regarding the Board's operations. This framework ensures that all feedback and complaints are addressed in a manner that is fair, efficient, and effective, fostering greater transparency and accountability.

1.1 Aspirations of the Complaint Handling Framework:

The Siaya County Public Service Board aspires to operate in an open and responsible manner that builds trust and earns the respect of its people. It is committed to delivering high-quality development and operational programs while actively engaging with the citizens of Siaya County in the most effective way possible.

1.2 Purpose of the Complaint Handling Framework:

The purpose of the Complaint Handling Framework is to ensure the continuous improvement of the Board's operations by actively seeking and addressing feedback from citizens in the form of inquiries, comments, compliments, and complaints.

This framework is designed to:

- I. Enable the Board to respond promptly and efficiently to issues raised by citizens making complaints;
- II. Enhance public confidence in our administrative processes; and
- III. Provide valuable insights that the Board can use to improve the quality of its service delivery.

1.3 Scope of the Complaint Handling Framework:

This framework applies to all staff involved in receiving or managing complaints from the public regarding the service delivery of Siaya County Public Service Board. It encompasses:

1. **Feedback from the Public:** This includes enquiries, comments, compliments, or complaints from members of the public, received through any of the following channels:
 - Letters
 - Email
 - Walk-ins
 - Direct telephone calls to departments
 - County Government Website
 - Public meetings ('Barazas')
2. **Input from Public Participation:** Contributions and feedback gathered through public participation activities.
3. **Media Use:** Guidance on the appropriate media channels to be used for addressing various issues.

This framework does not cover petitions, as the procedure for handling petitions is outlined in the County Government's Public Participation Act, 2014.

1.4 Commitment of the Complaint Handling Framework:

The County Government is dedicated to ensuring that all staff, at every level, are fully committed to handling feedback and complaints in a manner that is fair, effective, and efficient. This framework has been developed to guide and support this commitment, ensuring that every concern raised is addressed with the utmost professionalism and care.

1.5 Objectives of the Complaint Handling framework:

This framework is designed to accomplish the following:

- a) Strengthen transparency and accountability within Siaya County Public Service Board.
- b) Build and maintain public trust in the governance process.
- c) Provide clear guidance to staff on the purpose and procedures for managing complaints and feedback.
- d) Ensure that all feedback and complaints are addressed fairly and promptly.

1.6 Guiding Values and Principles for the Complaint Handling Framework

1.6.1 Guiding Principles: The implementation of this policy shall be driven by the following principles:

- Accountability
- Transparency
- Fairness
- Objectivity
- Equality
- Rule of Law
- Timeliness

1.6.2 Free Access to Complaint Processes: Lodging a complaint within Siaya County Public Service Board shall be free of charge. Access to information from the Board shall be governed by existing laws and regulations.

1.6.3 Zero Tolerance Policy: The Siaya County Public Service Board has zero tolerance for any form of abuse of power, sexual exploitation, fraud, corruption, physical and/or psychological abuse, and any criminal offenses associated with service delivery.

1.6.4 Code of Conduct: The National Government's Public Service Code of Conduct guides all staff in their attitudes, behaviours, and ethical decisions in both their professional and private lives.

1.6.5 Seriousness in Addressing Complaints: The Board takes all complaints seriously and positively, committing to address them promptly and effectively.

1.6.6 Effective and Accessible Procedures: The Board is committed to maintaining an effective procedure for handling and responding to complaints. These procedures shall be simple, easily understood, and widely publicized.

1.6.7 Protection Against Retaliation: No staff member shall retaliate against a complainant for disclosing alleged wrongful conduct. Any staff found to have violated this principle shall face disciplinary action as per regulations.

1.6.8 Right to Challenge and Confidentiality: Both complainants and respondents have the right to challenge decisions and to be properly informed of the basis on which decisions are made. Confidentiality shall be maintained throughout the process.

1.6.9 Support for Complainants: When necessary, it is crucial to ensure that appropriate support is available to complainants.

1.6.10 Continuous Improvement: The complaint handling procedure will be reviewed regularly to incorporate learning and improvement, ensuring that the framework remains effective and responsive.

1.6.11 People Centric Framework

The Siaya County Public Service Board is committed to fostering open engagement with its citizens, operating with transparency and accountability.

When lodging a complaint, the following shall be ensured:

- a. **Guidance on Process:** The complainant will be informed about our complaint handling process, ensuring they understand how their concern will be addressed.
- b. **Multiple Complaint Channels:** The complainant will be provided with information on the various methods available for lodging a complaint, making the process accessible and convenient.
- c. **Respect and Involvement:** The complainant will be listened to attentively, treated with respect by staff, and actively involved in the complaint handling process whenever possible.
- d. **Clear Communication:** The complainant will receive clear explanations for the decision reached regarding their complaint, along with information on possible avenues for redress or review if they are dissatisfied with the outcome.

2.0 IMPLEMENTATION

2.1 Definition of Complaints

A complaint is an expression of concern or dissatisfaction by an individual or group regarding potential misconduct by the Siaya County Public Service Board. Complaints may relate to the Board's operational activities, the conduct of its personnel, interactions with citizens, or instances where Government policies and guidelines are not followed. A complaint may express concern about:

- The management of a service that directly impacts citizens.
- The behaviour or conduct of staff members.
- The quality of program delivery.
- Abuse of power by Board's officers holding positions of authority.
- Corruption or abuse of office.
- Misuse of Government resources.

- Sexual coercion or manipulation by a public officer as a condition for providing services.

2.2 Types of Complaints

1. **Anonymous Complaints:** This refers to complaints lodged without revealing the identity of the complainant. While the Board strongly encourages individuals to disclose their identity to facilitate proper and thorough investigations, it will also accept and act on anonymous complaints accordingly.
2. **Normal Complaints:** These are complaints where the complainant's name and contact information are provided to the Board. The Board assumes that all complaints are made in good faith and are not motivated by personal gain, personal interest, or a grudge. If a complaint is found to be malicious, any ongoing investigation will be immediately halted.

The Board operates under the assumption that all complaints are made in good faith, without the intent for personal gain, personal interest, or as an act of malice. If it is determined that a complaint is made with malicious intent, the investigation will be stopped immediately.

2.3 Complaints that are not covered by this framework

a) General Inquiries and Contractual Disputes:

- General inquiries about Siaya County Public Service Board work or issues arising from formal written contracts do not qualify as complaints under this framework.
- Complaints related to internal staff employment conditions, guidelines, and benefits are not addressed by this complaint mechanism and will be handled through the relevant regulations and manuals.

b) Complaints Under Investigation by Other Authorities:

- This complaints mechanism does not apply to issues that are currently under investigation by regulatory bodies, legal entities, or official authorities. This includes:
 - Matters requiring investigation by a professional or disciplinary body.
 - Incidents requiring an independent inquiry involving national

- governmental authorities.
 - Allegations involving potential criminal offenses.
- **Legal Action:** The complaints procedure will be halted immediately if the complainant initiates legal action concerning the complaint.

c) **Inter-County Relations:**

- Complaints related to the relationship between Siaya County Public Service Board and another County are not covered by this policy.
- If a complaint falls outside the jurisdiction of the County Government of Siaya , it will be referred to the appropriate body for resolution.

2.4 How to Make a Complaint

Complaints can be submitted through the following mechanisms:

- a) **In Person:** One can submit their complaints directly by visiting the Board's office and speak to a representative who will guide you through the process.
- b) **Through a Trusted Intermediary:** If the complainant prefers to have someone else submit the complaint on their behalf.
- c) **Written Memoranda:** By dropping a written complaint in a designated complaints box.
- d) **Email:** By sending an email to a confidential address provided on the official Board's website.
- e) **Hotline:** By calling a designated hotline number, which will be prominently displayed in Board's official website.
- f) **Written Form (including braille):** By submitting a written complaint in any format, including braille for those with visual impairments.
- g) **Social Media:** Through various official social media channels.

***Appendix 1 provides the recommended Complaints Form to be used.**

2.5 Information required when making a complaint.

When lodging a complaint, the complainant must specify whether the complaint is being submitted personally, or on behalf of a third party, group, association, organization, or state organ.

For non-anonymous complaints, the following information should be provided:

- a. **Full Name:** The complainant's full name.
- b. **Sex:** (Optional and for statistical purposes only)
- c. **Age:** (Optional and for statistical purposes only)
- d. **Disability and Type:** (Optional and for statistical purposes only)
- e. **Telephone Number:** A contact number for follow-up.
- f. **Postal Address:** The complainant's mailing address.
- g. **Email Address:** Where available, the complainant's email address.
- h. **Preferred Mode of Communication:** The complainant's preferred method of contact, whether by phone, email, or mail.

This information helps ensure that the complaint can be addressed effectively and that the complainant can be kept informed throughout the process.

2.6 Implementation structure

- a. There shall be established in the County Public Service a County Complaints Handling Committee (CCHC). This Committee shall comprise:
 - a. The County Secretary Who Shall Be The Chairperson
 - b. The County Solicitor Who Shall Be The Secretary
 - c. The County Ombudsman
 - d. The Chief Executive Officer -County Public Service Board.
 - e. The Chief Officer In Charge Of Administration And Coordination
 - f. The Chief Officer In Charge Of Public Service
 - g. The Chief Officer In Charge Of Decentralized Units And
 - h. The Chief Officer In Charge Of Monitoring And Evaluation

- b. The mandate of the committee will be to deliberate and give directions and, or advice in relation to complaints received from the Complaints desk, the Sub-County Complaints Handling Committees or directly from the public. This Team shall meet at least monthly to investigate, review and determine the course of action for each case.
- c. The Director Administration at the Board shall manage the complaints and feedback system, making sure all matters are handled in confidence and with immediacy they deserve.
- d. All other complaints and complaints and complaints that the Board feels is not within its mandate shall be forwarded to the County Attorney for further advisory.
- e. Complaints against the Secretariat officers shall be directed to the Board's Advisory Committee who shall determine the matter within one month and communicate to the complainant.
- f. The Legal Officer shall be writing monthly reports to the Public Service and Transformation Committee detailing the complaints they receive. No complaint shall be allowed to lapse longer than two months before it is investigated and determined.

2.7 Complaints Box

A written complaint may be dropped in a complaint/suggestion box. There shall be a complaint/Suggestion box installed at the entrance to the Board's office.

The complaints will then be extracted, logged and prepared for discussion in the next scheduled committee meeting.

The complaints will be extracted daily and logged into the complaint handling registry and shall constitute the agenda for the next Scheduled committee meeting depending on the urgency of the complaints. The Director Administrator shall be the custodian of the keys of all the Suggestion boxes.

2.8 Response to a complaint

- i. When a complaint is received, the complaints handling officer will study the complaint, log it into the complaints register and write an acknowledgement that the complaint has been received and is awaiting the investigation and deliberation. The acknowledgement must indicate with by what date the complainant should expect a report and in what format.
- ii. At the initial contact with the complainant, the complaints handling officer should find out whether the complainant or anyone else is immediately or potentially at risk. Risks should be addressed, and any security concerns should be referred to the Chief Executive Officer. Adequate and rapid protection and security measures must be provided to the person initiating the complaint, to ensure that he/she is protected from any possible reprisals.
- iii. Confidentiality should be maintained, so that only the staff who are handling the complaint are aware of the complaint. Any breach of confidentiality shall lead to disciplinary action.
- iv. The respective committee shall meet regularly depending on the nature and volume of complaints received from either directly or indirectly from the public. However, there must be a minimum of 2 meetings every Quarter.
- v. A report/minutes of every such meeting shall be sent to the Board's Chair Person within ten days after the meeting.
- vi. Following consideration of the complaint and any investigation into the issues raised, the Board will contact the person making the complaint and advise them on:
 - a) The outcome within 2 working days of the decision being made;
 - b) The reason for the decision;
 - c) The remedy/resolutions that the Board will put in place and;
 - d) Any options for review that may be available to the complainant, such as an internal review, external review or appeal.

- vii. If the Complainant or the Subject of the Complaint is not satisfied on the resolution of the complaint, he/she may lodge an appeal to the County Secretary within 30 days upon receipt of the decision. The County Secretary shall analyze the reasons given and any other new evidences to make a decision whether or not to conduct a new investigation. The appeal shall be considered only once.
- viii. The Board recognizes the confidentiality is critical to a satisfactory outcome as it protects the privacy and safety of the concerned individuals. The facts and nature of the complaint, the identity of the key participants and the investigation records are confidential. Particular care must be taken where the complainant's record contains information provided in confidence by, or about, a third party who is not a Board's employee.
- ix. Disclosure of information provided by a third party outside the Board also requires the express written consent of the third party. If the third-party objects, then the information can only be disclosed where there is an overriding public interest as determined by the Chief Executive Officer.
- x. If the Board has received request for confidentiality/anonymity but is of the opinion that disclosure of the particulars is necessary for resolving the dispute, it shall;
 - a) Inform the complainant of this as soon as the decision is made
 - b) Require the consent of the complainant for the particulars to be disclosed. This consent should be made in writing and signed.
 - c) If the complainant declines to give consent the Board shall decline to process the complainant and mark it as closed.
 - d) The Board shall inform the complainant of the decision not to proceed due to the grounds above.

3.0 HANDLING FEEDBACK

3.1 For purposes of this policy feedback will encompass the following:

- a) Comments and or enquiries from citizens on the operations and services delivered by the county government that have been received through any of the means described in section.
- b) Information shared with the public as a result of a public participation exercise.

3.2 Board 's Officers should not comment on matters that are in a formal dispute, court of law or protected by law. Of an enquiry touch on a matter that meets the above criteria, the citizen should be informed of this and advised on an alternative course of action where possible.

3.3 (1) The Board shall establish and maintain a feedback and complaints handling register. The purpose of this register shall be to capture the pertinent details of a comment or enquiry. These details shall include:

- 1. Date of submission
- 2. Mode of submission
- 3. Name of the citizen
- 4. Contact information for the citizen
- 5. Nature of enquiry
- 6. Action taken
- 7. Action officer

3.3(2) Enquiries or comments received at the Board shall be handled in the same manner as those received and the citizen should be informed of the same and given a date within which they should be able to get a response on the matter. This information should be logged into the complaints and feedback register. When an enquiry is received it should be logged into the register and handle as described in section 3.3 (1) above.

3.3(3) Any officer tasked with responding to an enquiry should purpose to do so within five (5) working days of receiving the enquiry. If it is a matter that requires more time, the same should be communicated to the enquirer and timelines for resolution should be indicated in the communication.

3.4 Handling Feedback from Public Participation

Information gathered during a public participation exercise is crucial to decision and policymaking and should be treated with the seriousness this warrants.

For purposes of accountability and transparency, departments should strive to go back to the public to validate their reports of the exercise. Validation exercises will be guided by the County Public Participation Guidelines.

Once the process of policy making is complete, departments should communicate to the public on how their input was incorporated into the decision/policy.

4.0 MONITORING AND EVALUATION

The use and relevance of the complaint's mechanism shall be monitored by the Chief Executive Officer for Monitoring and Evaluation purpose. The CEO will keep comprehensive records about:

- a) How the Board managed the complaints
- b) The outcomes of the complaint including whether it or any aspect of it was substantiated, any recommendations made to address problems identified and any decisions made on those recommendations and,
- c) Any outstanding actions that need to be followed up.

The Board will ensure that outcomes are properly implemented.

The Board will continually monitor its complaints management system to:

- a) Ensure its effectiveness in responding to and resolving complaints, and
- b) Identify and correct deficiencies in the operation of the system

Monitoring may include the use of audits, stakeholder satisfaction surveys and online data.

4.1 Continuous improvement

The Board is committed to improving the effectiveness and efficiency of its complaint management system. To this end, it will:

- Implement best practices in complaint handling
- Recognize and reward exemplary complaint handling by members of staff
- Regularly review the complaints management policy and data and
- Implement appropriate changes arising from the analysis and also formally review the policy every three years.

APPENDIX 1:

REPUBLIC OF KENYA
COUNTY GOVERNMENT OF SIAYA

COMPLAINT FORM:

Official use only Serial number:				
1. Information for complainants				
A complaint should only be lodged if you have been unable to resolve your issues informally. Complainants may be contacted and asked to provide additional information to support their complaints				
2. Personal Details				
Title	<input type="checkbox"/> Mr.	<input type="checkbox"/> Mrs.	<input type="checkbox"/> Ms.	<input type="checkbox"/> Miss. <input type="checkbox"/> Other.
Name				
Id Number/Personal Number				
Gender	M	F	AGE:	
3. Contact Details				
Postal address				
Email address				
Telephone Number				
Preferred method of contact	<input type="checkbox"/> Telephone	<input type="checkbox"/> Mobile	<input type="checkbox"/> Letter	<input type="checkbox"/> E-Mail
4. Complaint details				
Have you lodged a complaint about this issue before?	<input type="checkbox"/> Yes		<input type="checkbox"/> No	
	If yes, When:			
Have you lodged your complaint to any other agency?	<input type="checkbox"/> Yes		<input type="checkbox"/> No	
	If yes, to whom:			

1. Complaint Summary	
Department/Public Officer Complaint concerns	
Please provide a brief summary of your complaint and attach all supporting documents.	
What action do you want to be taken	

1. Acknowledgement			
All the information provided above is true and correct to the best of my knowledge			
Signature:		Date	

2. Privacy notice
We will use the information collected on this form to resolve your complaint and access will only be given to authorized officers. In the event that your complaint is unresolved and you request an external review your details will be disclosed to the relevant body. Your personal information shall not be disclosed to any organization unless required to do so by law.

Office use only			
Action Officer			
Position		Date	
Notes			