

# **REPUBLIC OF KENYA**

# THE NATIONAL TREASURY AND ECONOMIC PLANNING

THE NATIONAL TREASURY

# DRAFT NATIONAL TREASURY WORKPLACE POLICY ON RESOLUTION OF PUBLIC COMPLAINTS

APRIL 2023



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#### FOREWORD

The National Treasury recognizes that effective complaints handling is a critical part of quality service delivery. It also acknowledges that responding to complaints and criticism has a key impact on its operational effectiveness and the image of the institution. Effective complaints handling and management emboldens answerability for the institution's action.

The National Treasury aims to be amongst public institutions in service provision that are efficient and accountable in the Republic and beyond. To achieve this, the institution shall create awareness and encourage the public to lodge complaints regarding its service provision. The institution is committed to timely resolution of all complaints and look forward to enhancing public service delivery.

Therefore, this workplace policy will ensure a harmonised process of handling complaints received directly or indirectly through the office of the "Ombudsman" and access to information are resolved in a fair, effective, timely, transparent and consistent manner.

PROF. NJUGUNA NDUNG'U, C.B.S CABINET SECRETARY NATIONAL TREASURY AND ECONOMIC PLANNING

#### ACKNOWLEDGEMENT

The National Treasury **Workplace Policy on Resolution of Public Complaints 2023** is prepared with the guidance of the Gazette Notice number 5826 of June 2007, where the President established the Public Complaints Standing Committee (PCSC). As a result, the Head of Public Service gave orders for Public Complaints Standing Committees to be established in every government agency. Following the adoption of the Kenyan Constitution in 2010, the Commission on Administrative Justice, which was created by an Act of Parliament in 2011 (Cap 102A), assumed the PCSC's responsibilities. In compliance, the National Treasury established a Resolution of Public Complaints Committee comprising senior officers mandated to mainstream public complaints management.

This policy aims to provide a clear framework for effective handling of public complaints at the National Treasury. This policy envisages to standardize the process of handling public complaints lodged against the Ministry directly or indirectly channelled through the Commission on Administrative Justice (CAJ), with a view to facilitating the implementation and effective follow up of issues relating to service delivery and access to information.

We wish to appreciate all the Heads of Directorates and Departments, staff and stakeholders whose inputs enormously contributed towards the development of this policy. We also wish thank the Resolution of Public Complaints Committee members of National Treasury Chaired Mr. Denis Kirui, Senior Deputy Director, Administration, supported by the Tob Kimenye (Secretary), Evans Musa, Catherine Njoroge, Argwings Owiti, Joseph Kiragu, Esther Sau, Lottan Mwangi, Lukas Ndiku, Winfred Ngare, Gladys Mugambi, Robert Maina and Moses Omare as well as the guidance of technical officers from the Commission on Administrative Justice (Ombudsman) for their exceptional commitment, dedication and continuous effort to prepare and finalize this plan.

DR. CHRIS KIPTOO, C.B.S PRINCIPAL SECRETARY NATIONAL TREASURY MR. SAMSON WANGUSI PRINCIPAL ADMISTRATIVE SECRETARY NATIONAL TREASURY



#### LIST OF ACRONYMS/ABBREVIATIONS

- CAJ Commission on Administrative Justice
- COMP Complaints
- MDAs Ministries Departments Agencies
- PCSC President established the Public Complaints Standing Committee
- PwD Persons with Disability
- TNT The National Treasury
- TNT&EP The National Treasury and Economic Planning

#### **DEFINITION OF TERMS**

**Complaint:** It's an expression of dissatisfaction or grief by a person or persons about an unsatisfactory service offered.

**Complainant:** A person, group of persons, organization or institution making a complaint in respective to service delivery.

**Resolution**: A situation where an institution has provided adequate information to the satisfaction of the complainant, or where the complainant is unhappy and the institution has taken the complaint through due process and made a just decision.

Root cause: The primary source or basis of the complaint.

Complaints desk: Refers to any service point at the institution

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

**Information:** Refers to all records held by the institution, regardless of the form in which the information is stored, its source or the date of production.

**Exempt information:** Refers to information that may be withheld by a public entity in accordance with section 6 of Access to Information Act, 2016.

**Information access officer:** means any officer of the Authority designated under section 7 of the Access to Information Act 2016.

**Customer Focus:** is realized when an organization is open to feedback and committed to seeking appropriate resolution of complaints and addressing policy and process inadequacies highlighted by customers.

**Feedback:** Refers to opinions, comments and expressions of interest or concern, made directly or indirectly, explicitly or implicitly, to or about the institution services.

Policy – this refers to the Workplace.

**Work place -** includes any land, premises, location, vessel or thing, at, in, upon, or near which, a worker is, in the course of employment

#### **INTRODUCTION**

The National Treasury and Economic Planning (TNT&EP) was established under the Executive Order No. 1 of January 2023 to oversee the Country's economic policy and public finance management in addition to national and sectoral development planning. The Ministry is responsible for formulating and implementing policy measures that facilitate prudent financial management and economic growth. It is also responsible for mobilizing and managing public resources as well as stimulating investment and protecting consumer welfare.

Since the early 1990s, the Public Service has undergone changes aimed at developing a performance-oriented culture that tries to restructure the procedures by which public entities conduct their business in order to improve efficiency and effectiveness in service delivery. A results-based approach to management was adopted by all government agencies, including performance contracting, in order to foster good governance, efficient and effective service delivery. Indicators such as how complaints, access to information are handled and customer satisfaction are evaluated in the performance contract.

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

Through Gazette Notice number 5826 of June 2007, the President established the Public Complaints Standing Committee (PCSC). As a result, the Head of Public Service gave orders for Public Complaints Standing Committees to be established in every government agency. Following the adoption of the Kenyan Constitution in 2010, the Commission on Administrative Justice, which was created by an Act of Parliament in 2011 (Cap 102A), assumed the PCSC's responsibilities.

In compliance, the National Treasury established a Resolution of Public Complaints Committee comprising senior officers mandated to mainstream public complaints management.

#### **PURPOSE OF THIS POLICY**

The purpose of this policy is to provide a clear framework for effective handling of public complaints at the National Treasury. This policy envisages to standardize the process of handling public complaints lodged against the Ministry directly or indirectly channelled through the Commission on Administrative Justice (CAJ), with a view to facilitating the implementation and effective follow up of issues relating to service delivery and access to information.

Specifically, this policy aims at providing a mechanism of handling, managing, and actively responding and reporting customer complaints to ensure all complaints raised are handled in a timely, fair, accessible, responsive, efficient and unified manner.

#### POLICY STATEMENT

TNT recognizes complaints as an expression of dissatisfaction from its clients therefore, the policy intends to provide a framework for handling complaints associated with our mandate. This Policy sets out the process to manage, investigate and resolve complaints from all stakeholders with a view to improving service delivery.

#### SCOPE

This policy is applicable to all complaints that TNT receives from internal and external stakeholders within its mandate. In order to improve our customer services and work toward the realization of the Ministry's mission and vision, this policy describes the organization's complaints handling mechanism.

#### Our Mandate, Mission, Vision and Core Values

To oversee the Country's economic policy and public finance management in addition to national and sectoral development planning. To effectively execute its mandate and guide operations, the National Treasury and Economic Planning (TNT&EP) developed the Fourth Generation Strategic Plan that is based on the Medium-Term Plans of the Kenya Vision 2030, and other Government priority initiatives.

#### Vision

Socio-economic transformation for well-being of all Kenyans

#### Mission

To provide leadership in economic management; public financial management; and national development planning for national well-being through formulation, implementation and monitoring of economic, financial and national development policies.

#### **Core Values:**

- i. **Customer focus:** We put our customers first and continuously provide timely and quality services that match or exceed their expectations.
- ii. **Results oriented:** The National Treasury and Planning shall relentlessly pursue timely attainment of targeted results at all levels.
- iii. Stakeholder participation: We adopt a participatory approach to policy formulation, planning, budgeting, monitoring and evaluation to facilitate inclusiveness, ownership and consensus.
- iv. **Professionalism and Ethical Practices**: All staff shall uphold high moral standards and professional competence in service delivery.
- v. **Transparency and Accountability**: We uphold transparency and accountability in service delivery.
- vi. **Teamwork and commitment:** We embrace team work and commitment through collaborative efforts of all actors to achieve common goals.



#### **OBLIGATIONS**

TNT is committed to resolve all public complaints received directly or from CAJ. In order to achieve this, the TNT shall:

- i. Appoint resolution of public complaints committee
- ii. Establish complaints handling and management infrastructure;
- iii. Ensure the development and implementation of citizens service delivery charter and ensure the charter has provisions for internal and external redress mechanisms
- iv. Develop and display complaints handling policy and procedure within the various departments and Units
- v. Conduct capacity building for top management, complaint-handling officers and other staff members
- vi. Create awareness on the existence of complaints handling system using all possible communication channels; and
- vii. Ensure that all complaint received are acknowledged and resolved.

#### **Guiding Principles**

The development of this policy is guided by the following principles of complaints management

- i. **Customer Focus.** TNT is committed to seeking and receiving feedback and complaints about its services, systems, practices, procedures, and complaint handling from its customers
- ii. **Transparency and accessibility.** TNT is committed to ensuring that its complain handling mechanism is transparent, easily accessible to its staff and all other stakeholders.
- iii. **Responsiveness.** TNT is committed to managing the public's expectations and will acknowledge receipt of complaints, assess and respond to them in accordance with the applicable guidelines and procedures
- iv. **Flexibility and effectiveness.** TNT shall address complaints promptly and will adopt cost-effective and flexible approaches to service delivery and problem solving to enhance accessibility for people making complaints and/or their representatives.
- v. **Fairness.** TNT will address each complaint with integrity and in an equitable and impartial manner

- vi. **Confidentiality.** TNT will protect the identity of people making complaints where this is practical and appropriate and that personal information will only be disclosed or used as permitted under the relevant privacy laws, rules and regulations
- vii. **Professionalism.** TNT shall handle every complaint with the utmost skill and expertise as guided by various relevant laws and regulations
- viii. **Innovativeness.** TNT will adopt an innovative approach towards management and resolution of complaints

#### TO WHOM WE ARE RESPONSIBLE

A successful firm is measured by amongst other firms, its relationship with its customers, employees, business partners, the community in which it operates and all other stake holders. The National Treasury aims to provide leadership in economic and public finance management, and development planning for shared growth formulation implementation and monitoring of economic, financial and development policies. TNT responsibilities are as identified as follows:

#### • CUSTOMERS

To satisfy the unique needs of our customers by offering innovation, flexibility and service that create value for their business as their commercial success is in 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 condition of service. TNT promotes a culture of trust, the development and best use of human talent, skills and resource.

#### BUSINESS PARTNERS

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

#### • COMMUNITY

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

#### • STAKEHOLDER

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

#### 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 TNT.

#### 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: -

- 1. Any word or expression importing any gender, shall include both genders.
- 2. words importing the singular only also include the plural, and vice versa, where the context requires
- 3. The Provision of the policy shall be adhered to by all officers of the TNT who have responsibility for the management of public complaints raised against TNT.

#### LINKING THE POLICY WITH OTHER EXISTING POLICIES/PROCEDURES

This section highlights various legal and policy instruments guiding the formulation and implementation of this policy.

#### Legal and Regulatory Framework

This policy is guided by the following legislative and policy documents

- i. Constitution of Kenya, 2010
- ii. Public Finance Management Act, 2012
- iii. Commission of Administrative Justice Act, 2011
- iv. Fair Administrative Action Act, 2015
- v. Leadership and Integrity Act, 2012
- vi. Public Officer Ethics Act, 2003
- vii. Public Procurement and Asset Disposal Act, 2015
- viii. Human Resource Policies and Procedures Manual, 2016
- ix. The Anti-Corruption and Economic Crimes Act, 2003

#### **RIGHTS OF TNT OFFICER RESOLVING A COMPLAINT**

# DEALING DIRECTLY WITH THE COMPLAINTS- ORAL

#### TNT OFFICER HAS THE RIGHT TO:

- 1. Obtain sufficient details about the complaint to enable a proper investigation and response to the complaint.
- 2. Request additional information and supporting documents to resolve the complaint
- 3. Record complaint details, timing, and the form of response for reporting purposes.

#### WRITTEN COMPLAINTS AGAINST A TNT EMPLOYEE

# TREASURY EMPLOYEE AGAINST WHOM A COMPLAINTS HAS BEEN MADE HAS THE RIGHT TO:

- 1. Pace all relevant materials before the committee.
- 2. Assemble sufficient details about the complaint to enable the officer to properly respond to the complaint.
- 3. Provide oral and / or written submissions regarding the complaint
- 4. Be informed of the decision and the reason for the decision.



#### **ROLES AND RESPONSIBILITIES The Principal Secretary shall:**

- i. Appoint, advise and empower Resolution of Public Complaints committee to resolve complaints timely and effectively.
- ii. Ensure provision of sufficient resources for efficient management of complaints.
- iii. Establish complaints handling and management infrastructure.

#### Chairperson of the Resolution of Public Complaints Committee shall:

- i. Chair committee meetings
- ii. Provide overall leadership to the Committee
- iii. Ensure Committee meetings are held at least once every quarter
- iv. Ensure that a record of proceedings of all committee deliberations and activities is kept
- v. Maintain qualitative lines of communication between the Committee, Senior Management, lead agencies and other stakeholders

#### **Resolution of Public Complaints Committee Shall:**

- i. Continuously build capacity for officers handling Public Complaints.
- ii. Hold quarterly meetings to receive and deliberate on complaints status reports
- iii. Ensure compliance by departments to CAJ Guidelines and Performance Contracting Obligations.
- iv. Coordinate and manage complaint resolution in liaison with Ethics and Integrity Committee.
- v. Receive complaints status reports from departments.
- vi. Support departments to deal with complaints in line with CAJ Guidelines and Performance Contract.
- vii. Monitor progress of the complaints handling process.
- viii. Develop and maintain an appropriate complaint recording mechanism which will allow for compilation and analysis of complaints.
  - ix. Prepare and present summary of complaints status report to the Principal Secretary.

- x. Create awareness to stakeholders on the TNT Complaints Handling Mechanism and CAJ Guidelines.
- xi. Submit quarterly progress reports to the Principal Secretary
- xii. Submit quarterly/annual performance reports to the CAJ in the prescribed format

#### Heads of Department Shall:

- i. Receive and resolve complaints falling under their departments in a timely manner for efficient and effective service delivery.
- ii. Submit quarterly status reports on complaints to the Resolution of Public Complaints Committee.
- iii. Allocate sufficient resources within their area of control to ensure the efficient and effective management of complaints.
- iv. Establish and maintain departmental complaints register.

#### **Procedure of Handling Complaints**

- i. Lodging of Complaints
  - a) 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 officer receiving the complaint, 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.

#### b) Written Complaints (including letter or email)

Written complaints may be made by the complainant about the quality of any service provided by TNT. They shall be addressed to the Principal Secretary.

#### c) Specific Written Complaints (Personal)

Personal complaints may be made possible by a complainant about a dissatisfying performance of a person, department, office, or group of officers. All complaints administered against the performance of a specific officer or group shall be addressed to the office of the managing director.

#### ii. Receipt and Acknowledgement of Complaints

When a complaint is lodged, the focal person will receive and record on behalf of the managing director an acknowledgement letter to the complainant as per TNT customer service charter and CAJ guidelines. The letter of acknowledgement is usually a letter to the complainant telling him/ her that TNT has received complaint and summing up the actions it will take. The letter indicates:

- 1. When and how TNT received the complaint;
- 2. Who in the TNT is responsible for acting on the complaint; and
- 3. Who the complainant should contact regarding questions or feedback.

#### CONFIDENTIALLY

Privacy shall be maintained to ensure that the only persons who are aware of the complaint and the information surrounding the complaint is the staff only. Any infringement of confidentiality shall lead to disciplinary actions according to the HR manual and regulations.

#### iii. Feedback

After the complaint is processed, the outcome will be communicated to the complainant after the acknowledgement.

# iv. Maintaining Confidentiality

Confidentiality shall be maintained throughout the complaint handling process. Any breach of confidentiality shall lead to disciplinary action according to the HR manual and Regulations.

#### v. Monitoring and Evaluation

TNT Resolution of Complaints Committee, will analyse all complaints received and actions taken on quarterly basis and submit a report to the Principal Secretary and CAJ.

# vi. Funding/Resources

TNT will allocate sufficient resources to ensure the efficient and effective management of complaints.

S/N	Indicator	Details of Implementation
Inter	rnal	
1.	Physical Location and Postal Address	Treasury Building,
		Lt. Tumbo Road, Off Harambee Avenue,
		P.O. Box 30007 – 00100, Nairobi
2.	Overall National Treasury Complaints	Ms. Catherine Njoroge – Head of Public Communications,
	Desk Officer	National Treasury
		Treasury Building, 14 floor
		Tel. 0202252299 Ext. 33568
	Complaints Liaison Officer, Pensions	Mr. Michael Obonyo – Public Relations Officer, Pensions
	Department	BIMA House, 6 <sup>th</sup> floor
		Tel. 0202252299 Ext. 33802
	Complaints Liaison Officer, Regional	Ms. Esther Sau – Principal Accountant
	Offices	Treasury Annex Building, 10 <sup>th</sup> floor
		Tel. 0202252299 Ext. 33816
3.	Name of Information Access Officer	Ms. Catherine Njoroge – Head of Public Communications,
		National Treasury
		Treasury Building, 14 floor
		Tel. 0202252299 Ext. 33568
4.	Chairman, National Treasury Complaints	Mr. Denis Kirui – Senior Deputy Secretary
	and Access to Information Coordination	Treasury Annex Building, 6th floor
_	Committee	Tel. 0202252299 Ext. 33305
5.	Complaints Desk Email	complaints@treasury.go.ke, communications@treasury.go.ke,
6		integrity @treasury.go.ke
6.	Telephone Numbers	(+254) 020 2252299
		0728338111 (Safaricom) 0733660606 (Airtel)
7.	Email Addresses of:	Regional Offices Liaison - (+254) 020 2252299Ext. 33816
1.	Cabinet Secretary to the National	Cabinetsecretary@treasury.go.ke
		Calification of the secretary with the secretary with the secretary with the secretary with the secretary
	Treasury Principal Socretury (Accounting Officer)	ps@treasury.go.ke, pstreasury01@gmail.com
	Finepar Secretary (Accounting Officer)	ps@treasury.go.ke, pstreasuryor@gmain.com
	Complaints Desk Officers	<u>complaints@treasury.go.ke</u> , <u>michael.obonyo@treasury.go.ke</u>
	Complaints Desk Officers	tob.keva@treasury.go.ke, emusau@treasury.go.ke
	Compraints Committee Secretary	too.keva@treasury.go.ke, entusau@treasury.go.ke
8.	Website	www.treasury.go.ke
Exte		
9.	Commission for Administrative Justice	Nairobi Office
	(CAJ)	West End Towers 2nd Floor
	Office if Ombudsman	Waiyaki way- Westlands
		P.O Box 20414-00200, Nairobi
		Email: complain@ombudman.go.ke
		Tel: +254-20-2270000 /2303000 / 2603765 / 2409574/0777
		125818/ 0800221349 (Toll free)

# MAKING A COMPLAINT IN WRITING:

# **POLICY REVIEW**

This policy will be reviewed after every three years or as need may arise in line with emerging national and global trends.

# POLICY IMPLEMENTATION

Implementation of this Policy shall be vested in the office of the Principal Secretary, National Treasury and comes into effect on this 1<sup>ST</sup> July 2023.

Ammanal and Daview	Deteile
Approval and Review	Details
Approval Authority	
Advisory Committee to Approval	
Authority	
Effective Date of the Policy	
Administrator(s) or Responsible Office	
Review Date	



S. No. TNT/COMP/.....

#### **REPUBLIC OF KENYA**

#### THE NATIONAL TREASURY AND ECONOMIC PLANNING

PUBLIC COMPLAINTS FORM

**Dear Esteemed Customer**, The National Treasury and Economic Planning has availed this form and should be completed by the person wishing to lodge a complaint or document by a third party. All information availed will and must be held securely, and confidentiality must be maintained at all times.

A) GENERAL DATA Date/
1. Name of the person lodging the complants
3. Age Range: below18 19-35 36-60 Above 60 *PwD Sex:
4. Address:
5. Tel:: ID:: ID:
6. Name of the person/officer you wish to lodge a complaint against (If known)
7. Date of incident: Time of incident
8.Place of the incident
7. Date of reporting Time of reporting
B) WHAT IS THE COMPLAINT? (Indicate in writing the nature and the main issue of the complaints)

**C**). **Brief description of the incident or concern** (Kindly indicate what happened in the space provied below). Flow the sequence of event from the staer of the incident and the end of the incident. If the location of the incident id not well known, kindly decribe the location based on your memory. Give a description of the subject of complaint if your do not know his/her name)

**************************************
F) State what kind of response you wish to recieve form the National Treasury and
Economic Planning and how you wish your the maater resolved.
**************************************
Case referred to date referred:
Name and signature of the TNT&EP staff/officer responding to the complaint(s):
Name:Signature:

Describe action take: Complaint has been lodged and acknoledged, matter under investigation, matter has been finalized and the complaint responded to, has the complaints been refered, solved or closed.



S/N	ACTIVITY	TIMELINES	RESPONSIBILITY
	POLICY		
1.	Finalize and share the draft Policy	5 <sup>th</sup> May,2023	Secretariat
2.	Receive comments from member by	12 <sup>th</sup> May,2023	Secretariat
3.	Incorporate members comments	17 <sup>th</sup> May,2023	
4.	Virtual meeting by members to discuss final draft	18 <sup>th</sup> May,2023	
5.	Circulate the draft policy to heads of departments and units	22 <sup>nd</sup> May,2023	Committee Chair
6.	Receive feedback from Departmental heads and units	2 <sup>nd</sup> June,2023	
7.	Solicit feedback from staff and other stakeholders through purposeful and/or stratified sampling	7 <sup>th</sup> June.2023	Secretariat
8.	Refine the policy document to incorporate the additional input and share to members	9 <sup>th</sup> June,2023	Secretariat
9.	Convene committee meeting to review and adopt amended draft	20 <sup>th</sup> June,2023	All Members
10.	Submit the policy to the top management for approval	23 <sup>rd</sup> June,2023	Chair
11.	Share staff and website OTHER AREAS		
12.	Submit revised updated Q3 reports to the CAJ		Chairman/Secretariat