



REPUBLIC OF KENYA

MINISTRY OF FOREIGN AFFAIRS
COMPLAINTS HANDLING FRAMEWORK

OCTOBER 2021

ABBREVIATIONS

CAJ:	Commission on Administrative Justice
MFA:	Ministry of Foreign Affairs
CS:	Cabinet Secretary
PS:	Principal Secretary
HRM & D:	Human Resource Management & Development

DEFINITION OF TERMS

The following definitions shall apply to the Ministerial Public Complaints Procedures:

Ministry: Ministry of Foreign Affairs

Mission: Kenya Diplomatic Missions within and abroad

Commission: Commission on Administrative Justice

Action taken: The intervention measure(s) taken by an institution to resolve a complaint.

Spot check: The systematic and random examination of data, statements, records, operations and performance of a public institution for purposes of compliance with the indicator.

Complainant: A person, group of persons, organization or institution making a complaint within the meaning of this Framework.

Complaint channel: A medium through which a complaint is transmitted to the Ministry.

Complaint issue: The subject matter of the complaint e.g., delay, inefficiency, abuse of power among others.

Complaint: An expression of dissatisfaction by a person, group, institution or organization about an 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 Ministry.

Complaints handling procedures: The steps a complaint goes through in the Ministry from receipt to the day it is actually resolved.

Reporting period: A quarter (3 months) of a financial year.

Resolved complaint: A remedy or solution to the satisfaction of the complainant, or where the complainant remains dissatisfied, the Ministry has taken the complainant through due process and made a just decision to the satisfaction of the Commission.

Corrective action: The improvement to Ministry's processes or system taken to eliminate causes of complaints or other undesirable situations. Further proactive actions may be taken to determine potential risks before they could occur and to ensure that they do not happen.

New complaint: A complaint received less than 30 days to the end of the reporting period and no action has been initiated on it.

On-going complaint: A complaint whose resolution has commenced but not finalized.

Pending complaint: A complaint brought forward from a previous reporting period, which is yet to be resolved.

Root cause: The primary cause(s) of the complaint.

1.0 PREAMBLE

The Ministry of Foreign Affairs serves the general public including its staff, and more than 90 resident and non-resident Foreign Diplomatic Missions as well as 126 Inter-governmental and International Organizations hosted in the country. Even though the Ministry has endeavored to achieve a high degree of satisfaction among its customers, however due to their diversity, varying needs and expectations, there have been some attendant complaints.

In order to mitigate against the complaints, the Ministry has consistently made effort to enhance and manage effectively service delivery and project a good image nationally and internationally. These efforts have been demonstrated through measures such as: - the development and implementation of service delivery charters that spells out the service delivery standards; establishment of complaint handling mechanisms; conducting customer and employee satisfaction surveys.

The development of these documents is very important as it will ensure consistency and uniformity in the complaints management across the Directorates/Divisions/Units and Missions while at the same time ensuring compliance with the Cabinet Secretary (CS) and Principal Secretary (PS) Performance Contracting requirements.

2.0 PURPOSE

The purpose of this Complaints Handling Framework is to provide guidance for effective complaints management in the Ministry. The Framework will ensure consistent, fair and timely resolution of complaints in accordance with the Constitution of Kenya 2010, Commission on Administrative Justice Act 2011, and other relevant laws and policy guidelines. This Framework is informed by the identified needs of the Ministry's internal and external customers as well as acceptable general best practices.

3.0 SCOPE

This Framework provides both the institutional framework and the procedures for handling all complaints received by the Ministry from its internal and external customers. For purposes of these procedures, a complaint may include: -

- Grievances related to internal processes and procedures
 - Dissatisfaction with the quality of services provided
 - Failure to meet standards set out in the Service Charter
 - Conduct of an employee, service provider or an appointed agent.
 - General requests from the public/individuals for the Ministry to intervene on situations of concern and within the Ministry's mandate
- These procedures shall be distributed to all directorates, divisions, units and Missions.

4.0 LEGAL FRAMEWORK & POLICY GUIDELINES

This Complaint Handling Framework is anchored on inter-alia the following laws and policies: -

- The Constitution of Kenya 2010;
- Public Service (Values and Principles) Act 2015;
- Leadership and Integrity Act 2012;
- Commission on Administrative Justice Act, 2011;
- The Fair Administrative Action Act No. 4 of 2015;
- Kenya Vision 2030;
- Kenya Foreign Policy 2014;
- Kenya Diaspora Policy 2015;
- The Ministry of Foreign Affairs Strategic Plan 2018-2022
- The Human Resource Policies and Procedures Manual May 2016
- Cabinet Secretary/Principal Secretary Performance Contracts

5.0 ROLES & RESPONSIBILITIES

a) Cabinet Secretary

- Provide overall leadership and policy direction in the management of complaints within the Ministry.

b) Principal Secretary

- Oversee the implementation of the complaints management within the Ministry;
- Ensure implementation of the Ministry's complaint handling framework;
- Provide resources for complaints handling; and
- Appoint a Complaints Handling and Access to Information Committee.

c) The Complaints Management and Access to information Committee

- Address all complaints from clients related to service delivery standards and staff welfare issues;
- Develop and implement complaint handling guidelines, procedures and appraise the top leadership on quarterly basis;
- Conduct continuous capacity building sessions for complaints handling staff pursuant to CAJ guidelines on complaints management;
- Process and file quarterly reports on complaints addressed to CAJ for Ministerial Appraisal and Certification;
- Conduct awareness creation on Ministerial Service Delivery Charter;
- Promote Access to Information legal requirement by promptly providing proactive and reactive responses to information sought by clients in a prejudicial manner;
- Identify proactive information disclosure gaps in relation to the Access to Information Act, 2016 and provide and advisory to top management on information that needs to be uploaded on the Ministry Website;
- Profile and analyses reactive information requests by clients and report quarterly as per formats provide by CAJ;

- Develop, in consultation with technical officers from CAJ the requisite basic credentials for the **holder of Office of Director of Access to information**; and
- Provide responses to personalized requests by clients on a *without prejudice* basis.

d) Secretary Foreign Service Administration

- Secretariat to the Complaints Handling Committee;
- Prepare and submit quarterly returns to CAJ; and
- Maintain complaints records.

e) Heads of Directorate/ Divisions/Units and Missions

- Maintain records of complaints received and resolve them in line with the complaints handling procedures; and
- Submit quarterly reports to Secretary Foreign Service Administration.

f) Complaints Handling Desk Officer

- Maintain the Directorate/ Divisions/Units and Missions Complaints Register;
- Follow up on complaints received in the Directorate/Division/Unit and Missions and ensure timely resolution as per the laid down procedures;
- Sensitizes staff on the Service Charter and the Complaints handling in the Directorates/ Divisions/ Units and Missions;
- Profile and analyze information requests by clients and report quarterly as per the format provided by CAJ; and
- Compile quarterly returns for submission to Secretary Foreign Service Administration.

g) Commission On Administrative Justice

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;
- Investigating abuse of power, manifest injustice and unlawful, oppressive, unfair or unresponsive official conduct.

6.0 COMPLAINTS HANDLING PROCESS

6.1 LODGING OF COMPLAINTS

A person/s, a group, organization or institution can lodge a complaint in their own name or on behalf of another person. The complaints can be lodged through the office of the Cabinet Secretary, Principal Secretary, Heads of Directorate/ Division/ Unit and Mission.

The Ministry receives complaints through the following channels:

- In person or on behalf of persons unable to lodge complaints;
- Online: via email, web posting, Diaspora Portal;
- Telephone/fax;
- In writing, including Braille;
- Text messages;
- Transparent Suggestion Boxes;
- Official Social media accounts; and
- Any other mode as may be determined by the Ministry

The Ministry shall act on any anonymous complaints with sufficient actionable information. Each complaint shall be handled with the confidentiality it deserves.

6.2 INVESTIGATION EXCLUSION

A complaint will not be investigated under the following circumstances:

- Anonymous complaints that have no material facts;
- Cases where the complaint is outside the purview of the Ministry's mandate;
- Routine requests within timelines provided in the Service Charter unless such a service has been rendered improperly or with undue delay;
- Cases/complaints that are being handled/investigated by other authorities; and
- Cases where an immediate response can be given.

6.3 RECEIPT AND ACKNOWLEDGEMENT OF COMPLAINTS

- All formal complaints shall be acknowledged, registered, and evaluated for further action by initial contact officer;
- The initial contact officer should endeavor to resolve a complaint upon receipt;
- In the event that the initial response by the first contact officer is considered unsatisfactory, the matter shall be escalated to an appropriate higher office for additional review;
- A complaint shall be assessed and assigned priority and if it requires investigations before a response is given. It shall be acknowledged within 14 days;
- If investigation is required, it shall be planned and executed within 21 days;
- The investigation shall resolve factual issues and consider options for complaint resolution as per the findings/outcome;
- The complainant shall be notified of the outcome of the investigation within 14 days; and
- Any systemic issues that arise as a result of the complaint shall be escalated to the appropriate higher rank/office in the administrative hierarchy.

6.4 ASSESSMENT, ACTION AND INVESTIGATION

- Complaints will be assessed as per the nature and gravity to allow for categorization and prioritization;
- After assessment for admissibility of a complaint, the file will be allocated to a Complaints Desk/action officer;
- Where investigation is required, it should be properly planned with a clear indication of the time and resources required;
- The investigation should be for the purposes of establishing/verifying the facts and exploring options for resolution; and
- The Ministry shall endeavor to resolve all complaints received in an amicable manner.

7.0 DURATION TO RESOLVE COMPLAINTS

Where possible, a complaint should be resolved within thirty (30) days from the date of receipt. Appeal of Complaints decisions should be finalized within thirty (30) days from the date of receipt of request for review

If a complainant is not satisfied with the response, they can channel the complaint through the Commission on Administrative Justice (CAJ) or seek legal redress.

8.0 SUBMISSION OF QUARTERLY REPORTS

All Heads of Directorate/ Divisions/Units and Missions shall ensure they submit a quarterly report to Secretary Foreign Service Administration within seven (7) calendar days following the end of each quarter.

9.0 NIL RETURNS

In the event that Heads of Directorate/ Division/Units and Mission regularly submits nil returns on complaints handled directly, the Committee shall conduct spot checks to verify the correctness of the returns submitted.

10.0 CONTACT DETAILS FOR COMPLAINTS

- The address and contact details of the relevant offices to direct a complaint shall be availed to the public or pasted on the public notice board in all our offices and Missions.
- Written complaints may be sent to the Principal Secretary (P.S.) on the address provided: Email: info@mfa.go.ke, Website: www.mfa.go.ke or complaints@mfa.go.ke
- Verbal complaints may be made by phone to: Tel. no. +254 20 3318888-ext 210.

11.0 REVIEW

This Framework shall be reviewed regularly and updated as required to promote good governance and ensure high quality, timely, efficient and effective service delivery to the Ministry's internal and external clients.

12.0 EFFECTIVE DATE

This Framework shall come into effect upon its signature by the Principal Secretary.

Signed:  Date: 20.11.21

Amb. Macharia Kamau, CBS
PRINCIPAL SECRETARY