
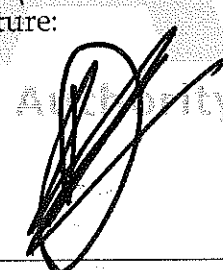






TITLE:	PREPARED BY:	REVIEWED BY:
PROCEDURE FOR COMPLAINTS AND DISPUTES RESOLUTION  EPRA/ECP/CDR – 0	SSEO/MSE	DDSE / Ag. DDCSP
	REVISION NO:	NO. OF ANNEXES:
	3 (THREE)	1 (ONE)
<b>AUTHORIZATION:</b>		
This Procedure is issued under the authority of:		
Confirmed by:	<b>Cyprian Nyakundi</b> Director Public Education, Advocacy and Consumer Protection	Signature: 
Approved by:	<b>Daniel Kiptoo Bargarua</b> Director General	Signature: 
DATE:	12 <sup>th</sup> January 2022	
ISSUE DATE: 13 <sup>th</sup> January 2022		
Printed copies of this document are deemed uncontrolled except for the master copy.		
<b>NOTE:</b>		
<ol style="list-style-type: none"> <li>1. Write amendments on the page provided (Clause 8.1)</li> <li>2. The controlled copy of this document will be in the EPRA file server.</li> </ol>		

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**A. PROCESS RESOURCE MATRIX**

Sources of Input	Inputs	Activities	Output	Receivers of Output
<ul style="list-style-type: none"> <li>▪ Internal Departments</li> <li>▪ Relevant Government Agencies</li> <li>▪ General public.</li> <li>▪ Complainant</li> <li>▪ Respondent</li> <li>▪ Government printer.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Resources</li> <li>▪ Energy Act 2019.</li> <li>▪ Applicable Regulations</li> <li>▪ Complaint and/or dispute documents</li> </ul>	<ul style="list-style-type: none"> <li>▪ Receive and appraise complaint.</li> <li>▪ Acknowledge the complaint</li> <li>▪ Communicate and encourage engagement between parties</li> <li>▪ Appoint persons skilled in alternative dispute resolution</li> <li>▪ Facilitate and conduct mediation</li> <li>▪ Determine dispute and present verdict to Authority for ruling.</li> <li>▪ Authority gives ruling</li> <li>▪ Write to parties involved in the dispute about the Authority's decision.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Minutes</li> <li>▪ Signed resolution/agreements</li> <li>▪ Complaints register.</li> <li>▪ Correspondences.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Complainant</li> <li>▪ Respondent</li> <li>▪ Relevant Government Agencies</li> <li>▪ Media</li> <li>▪ The Public</li> </ul>

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## B. PROCEDURE

### 1. PURPOSE

The purpose of this procedure is to define the process used in resolution of complaints and disputes in accordance with relevant statutory and regulatory requirements.

### 2. SCOPE


The procedure covers the process of receipt, investigation and resolution of complaints and disputes between parties over any matter in the Petroleum, Electricity and Renewable Energy sub-sectors.

### 3. REFERENCES

Energy Act 2019, Petroleum Act 2019, Consumer Protection Policy, Energy (Complaints and Disputes Resolution) Regulation, 2012, Relevant Kenya Standards, ISO 9001:2015 Standard

### 4. ACRONYMS AND DEFINITIONS

- CPO** : Consumer Protection Officer
- DPEACP** : Director Public Education, Advocacy & Consumer Protection
- DG** : Director General
- EPRA** : Energy and Petroleum Regulatory Authority
- DDCSP** : Deputy Director Corporate Strategy & Performance
- QMS** : Quality Management System
- RMIS** : Regulatory Management Information System
- MSE** : Manager Surveillance & Enforcement
- SSEO** : Senior Surveillance and Enforcement Officer

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## 5. RESPONSIBILITIES

The DPEACP is responsible for ensuring that this procedure is implemented.


## 6. PROCESS DESCRIPTION

### Complaints

- 6.1 DPEACP shall receive and review complaints relating to the Energy and Petroleum sector and forward to MSE.
- 6.2 MSE shall forward the complaints to CPO,s for necessary action.
- 6.3 CPO,s shall record into the Complaints Register EPRA/ECP/CP-3.01 and RMIS Complaints Database.
- 6.4 CPO's shall action on all complaints within thirty (30) days from the date of receipt as per the Authority's Customer Service Charter and advise the complainant accordingly

### Disputes Resolution

- 6.5 In the event that any complaint is not resolved to the satisfaction of the complainant, after exhausting the Complaints Handling Procedures established pursuant to Regulation 5, the parties may declare a dispute and both or any one of them may refer it to the Authority for recourse.
- 6.6 DPEACP shall initiate mediation and advise the CPOs to provide the parties with Mediation Commencement Form EPRA/ECP/MC-1.02 to fill and update in the Disputes Register EPRA/ECP/CP-3.02 and RMIS.
- 6.7 CPO shall forward the duly filled form to DPEACP.
- 6.8 DPEACP shall propose name(s) to the DG for appointment as mediator(s) who shall assist the parties to reach a settlement within 60 days from the date of such appointment.

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6.9 The parties shall present the mediation Authorization forms EPRA/ECP/MA/1.01 dully filled.

6.10 If the dispute is successfully resolved through mediation, the parties shall sign and file their settlement through Mediation Settlement Agreement Form EPRA/ECP/MSA/1.03 and update in the Dispute Register and RMIS and close the dispute.

6.11 If the mediation under paragraph 6.5 does not result into a resolution of the dispute, the DPEACP shall refer it to the DG for further action and close the dispute.

## 7. RECORDS, LIST OF FORMS AND REGISTERS

### 7.1. List of Forms


S/No.	Description	Form No.
1.	Mediation Authorization form	EPRA/ECP/MA/1.01
2.	Mediation Commencement form	EPRA/ECP/MC/1.02
3.	Mediation Settlement Agreement form	EPRA/ECP/MSA/1.03

### 7.2. List of Registers

S/No.	Description	Form No.
1.	Complaints Register	EPRA/ECP/CP-3.01
2.	Dispute Register	EPRA/ECP/CP-3.02

### 7.3. List of Records

- a) Complaint files
- b) Pleadings of the parties.
- c) Orders and decisions of the Authority
- d) Correspondence between the parties and the Authority

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e) Attendance Register

## 8. APPENDICES

### 8.1. Revision Status Form

Section	Date	Details of Change		Authorization Name and Signature
		Page	Sub-Clause And Comment	
All	02-03-2020	All	<ul style="list-style-type: none"> <li>Reviewed and updated the entire process</li> <li>Incorporated the transition from ERC to EPRA</li> </ul>	DG
All	20-09-2021	All	<ul style="list-style-type: none"> <li>Reviewed and updated the entire procedure</li> </ul>	DG
All	12-01-2022	All	<ul style="list-style-type: none"> <li>Updated the titles, functional description, organogram as per the approval by the Board in its meeting dated meeting held on 27th October, 2021</li> </ul>	DG

Energy & Petroleum Regulatory Authority

