

<p>REPUBULIKA Y'U RWANDA</p>  <p>REPUBLIC OF RWANDA</p>	 <p>Rwanda Inspectorate, Competition and Consumer Protection Authority</p>
<p><b>TITLE: PROCEDURE FOR HANDLING COMPLAINTS AND APPEALS RELATED TO ENFORCEMENT OF TECHNICAL REGULATIONS AND SPS MEASURES</b></p>	<p>ID: DGO/PRO/009</p>

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<b>SIGNATURE</b>	RICA/DIRECTOR GENERAL/2945/2024		
<b>DOCUMENT CONTROL</b>			
<b>ISSUED TO</b>	<i>General public</i>		
<b>CONTROL STATUS</b>	Draft	Controlled	Obsolete
<b>PROTECTION</b>	Read only		

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## 1. RECORD OF CHANGES AND DISTRIBUTION

### 1.1. Record of changes

Copies of this procedure are controlled in their entirety including updates and revisions as per Document Control Procedure, DGO/PRO/001.

### 1.2. Distribution

The controlled versions of this procedure are distributed as per Document Control Procedure, DGO/PRO/001. The obsolete versions are kept in accordance with Document Control Procedure, DGO/PRO/001.

## 2. PURPOSE

This procedure establishes a process to deal with complaints and appeals to ensure customer satisfaction through providing complainants and appellants with an open, effective and easy-to-use complaint and appeal handling process.

## 3. SCOPE

This procedure covers the reception, transmission, orientation, handling and closure of complaints and appeals related to enforcement of technical regulations and SPS measures within RICA mandate. This scope excludes complaints and appeals on aspects not regulated by RICA.

## 4. TERMINOLOGY

### 4.1. Interpretation

For the purpose of this procedure the following terms mean:

- 4.1.1. **Appeal** - request for reconsideration of a decision related to enforcement of technical regulations and SPS measures within RICA mandate.
- 4.1.2. **Appeal handling committee** - a team of competent personnel assigned by the Regulatory Authority to handle appeals when deemed necessary.
- 4.1.3. **Complainant/appellant:** An individual or organization making a complaint/appeal to RICA.
- 4.1.4. **Complaint** - expression of dissatisfaction, other than appeal, by any person or organization to RICA about the process, product or service where a response is expected. This dissatisfaction must be in relation with enforcement of technical regulations and SPS measures.
- 4.1.5. **Customer satisfaction** - Customer's perception of the degree to which his/her requirements have been fulfilled.
- 4.1.6. **Customer** - any person or organization that receives a product or service from the provider with a certain agreement.

- 4.1.7. **First level appeal** - Appeal against a decision made by RICA or any appeal filed after unsatisfactory results of the resolution of a complaint.
- 4.1.8. **Process** - Set of interrelated or interacting activities which transforms inputs into outputs.
- 4.1.9. **QUASAS** - RICA staff who is in charge of ensuring the establishment, implementation, maintenance and improvement of RICA management system.
- 4.1.10. **Second level appeal** - request to RICA Board of Directors to review and reconsider a decision taken against a previously lodged appeal.
- 4.1.11. **The relevant office** - The office assigned to handle a complaint.

## 4.2. Abbreviations and acronyms

- 4.2.1. **RICA** - Rwanda Inspectorate Competition and Consumer Protection Authority
- 4.2.2. **DG** - Director General
- 4.2.3. **QUASAS** - Quality Systems & Accreditation Specialist
- 4.2.4. **ISO** - International Organization for Standardization
- 4.2.5. **DGO** - DG Office
- 4.2.6. **WTO** - World Trade Organization
- 4.2.7. **TBT** - Technical Barrier to Trade
- 4.2.8. **SPS** - Sanitary and Phytosanitary Measures
- 4.2.9. **TF** - Trade Facilitation
- 4.2.10. **AfCFTA** - African Continental Free Trade Area

## 5. REFERENCES

- 5.1. Law N° 36/2012: Competition and Consumer Protection Law
- 5.2. ISO 17020: Conformity Assessment – Requirements for the operation of various types of bodies performing inspection
- 5.3. ISO 9001: Quality management systems – Requirements
- 5.4. ISO 10002: Quality management – Customer satisfaction – Guidelines for complaints handling in organizations
- 5.5. WTO /TBT-SPS-TF Agreements
- 5.6. AfCFTA agreement

## 6. GENERAL PRINCIPLES

- 6.1. **Commitment:** The Top Management of RICA is committed to effectively and efficiently manage complaint and appeal arising from RICA activities. Information about how and where to complain is well publicized to clients, personnel, and other interested parties.
- 6.2. **Accessibility and openness:** A complaints and appeals handling procedure is easily accessible to all complainants/appellants at RICA offices and website. The complaint and appeal handling process and supporting information is easy to understand and use. The information is in clear language. Information and assistance in making a complaint is available at the Customer Care Desk
- 6.3. **Responsiveness:** Complaint and appeal are addressed promptly in accordance with their urgency. The complainants/appellants are treated cautiously and are kept informed of their complaint and appeal resolution progress.
- 6.4. **Impartiality:** RICA avoids any bias in dealing with the complainant/appellant, the person complained/appealed against, or the Unit. The process is designed to protect the person complained against from any biased treatment. Emphasis is placed on solving the problem and not on assigning blame.
- 6.5. **Confidentiality:** the process is designed to protect the complainant's/appellant's and client's identity and information, as far as reasonably possible.
- 6.6. **Equitability:** RICA gives equal treatment to all people.
- 6.7. **Accountability:** RICA Top Management ensures that accountability on actions and decisions regarding the handling of complaint and appeal is clearly established.

## 7. RESPONSIBILITIES

### 7.1. RICA Top management

- 7.1.1. Makes complaint and appeal handling a priority for the institution;
- 7.1.2. Identifies and allocates resources needed for an effective and an efficient complaint and appeal handling process;
- 7.1.3. Ensures the promotion of awareness of the complaint and appeal handling process and the need for a client focus throughout the organization;
- 7.1.4. Periodically reviews the complaint and appeal handling process to ensure that it is effectively and efficiently maintained and continually improved.

## **7.2. Directors of Units**

- 7.2.1. Ensure that the complaint or appeal handling process is implemented in their respective units;
- 7.2.2. Liaise with QUASAS on complaint handling in their respective units;
- 7.2.3. Ensure that action is taken to correct a problem, prevent its recurrence in the future, and that the event is recorded.

## **7.3. QUASAS**

- 7.3.1. Ensures the adequacy of complaint and appeal handling procedure;
- 7.3.2. Ensures that information about the complaint and appeal handling process is easily accessible;
- 7.3.3. Ensures that complaint and appeal handling data are available for RICA Top Management Review; this data may include actions and decisions, quality and timeliness, monitoring and evaluation;
- 7.3.4. Ensures that there is a process for rapid and effective notification to top management of any significant complaint and appeal;
- 7.3.5. Ensures that monitoring of the complaint and appeal handling process is undertaken and recorded;
- 7.3.6. Propose recommendations for improvement.

## **7.4. Central secretariat office**

- 7.4.1. Behave professionally when dealing with clients;
- 7.4.2. Help clients gain information to the complaint and appeal handling process;
- 7.4.3. Treat customers in a courteous manner and promptly guide/support them accordingly.

## **7.5. All personnel (RICA staff)**

- 7.5.1. Be aware of this procedure and what information to give to complainants/appellants
- 7.5.2. Implement this procedure;
- 7.5.3. Report on potential complaints and appeals which have a significant impact on RICA activities;
- 7.5.4. Handle and resolve customer complaint and appeal.

## 8. PROCEDURE DETAILS

### 8.1. Receipt of complaint and appeal

- 8.1.1. A complaint is received through different channels including but not limited to verbal, hotline, email, hard copy documents and e-portal.
- 8.1.2. An appeal is received through email, e-portal and/or by hard copy documents.
- 8.1.3. A complaint received verbally or hotline is recorded on the Complaint Reception Form, DGO/FRM/039 by the staff who receives it or the Staff managing the hotline respectively and submits it to central secretariat for being recorded and transmitted to QUASAS.
- 8.1.4. Written hard copy complaint or appeal is received by the central secretariat staff who transmits it to QUASAS.
- 8.1.5. When a complainant comes to RICA office without written document, he/she is facilitated by the Central Secretariat Office to fill the Complaint Reception Form, DGO/FRM/039, which will later be transmitted to QUASAS.

### 8.2. Acknowledgement of complaint or appeal

- 8.2.1. The receipt of the complaint or appeal is acknowledged to the complainant or appellant immediately upon reception.
- 8.2.2. When the relevant office/appeal handling committee identifies impossibility to meet the turnaround time (as specified in 8.8.1.) for handling the complaint/appeal, it notifies the complainant/appellant on the progress, reason(s) for delay and way forward.

### 8.3. Initial assessment and orientation of a complaint/appeal

- 8.3.1. QUASAS gathers information necessary to evaluate the credibility of the complaint, its severity, safety implication, complexity, impact, the need and possibility of immediate action, thus determining the relevance of complaint.
- 8.3.2. QUASAS determines whether the complaint is relevant to RICA sector regulation or other sector regulators' scope.
- 8.3.3. QUASAS assigns a complaint or appeal a registration number and records it in the Customer Complaints Register, DGO/RGT/010 or Customer Appeals Register, DGO/RGT/006 accordingly.
- 8.3.4. When the complaint is found relevant to other sector regulator's scope, it is transferred to that regulator. In this case, the complainant is notified by RICA on findings and the complaint is marked as *closed*.
- 8.3.5. When the complaint is found relevant to RICA, QUASAS orients it to the relevant office for handling.

8.3.6. QUASAS retransmits the appeal to the DG for redressing.

#### 8.4. Investigation of complaints

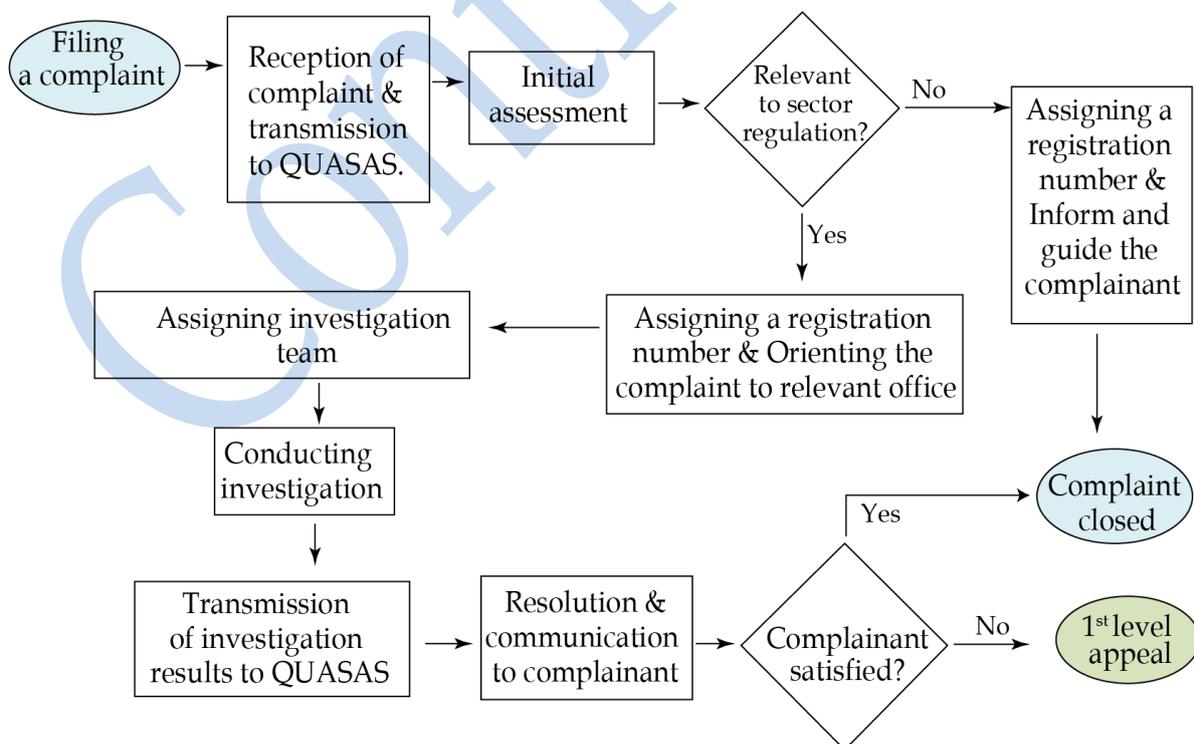
8.4.1. The Head of relevant office assigns a staff/team to follow up the complaint.

8.4.2. The assigned staff/team in 8.4.1. elaborates a detailed investigation plan by filling the Complaint/Appeal Investigation Plan Form, DGO/FRM/015 that is approved by the Head of relevant office prior to conducting a thorough investigation aimed at identifying the root cause of the complaint and gathering additional evidences.

8.4.3. In case assigned staff/ team in 8.4.1. identifies the missing information, he/she/it requests that information using the Complaint Information Request Form, DGO/FRM/043.

8.4.4. In case the complainant is unable to provide requested information during investigation, within seven (7) working days from notification, the complaint will be dealt according to available information unless the complainant has requested for additional time but not exceeding thirty (30) days.

8.4.5. The output of the investigation including the proposed resolutions are reported by the staff/team in 8.4.1. to the Head of relevant office using the Complaint/Appeal Investigation Report Form, DGO/FRM/016, who will later transmit investigation results to DG Office through QUASAS.



**Fig: 1:** Complaint handling flowchart

## 8.5. Redress of appeal

8.5.1. A request for appeal or review is submitted as follows:

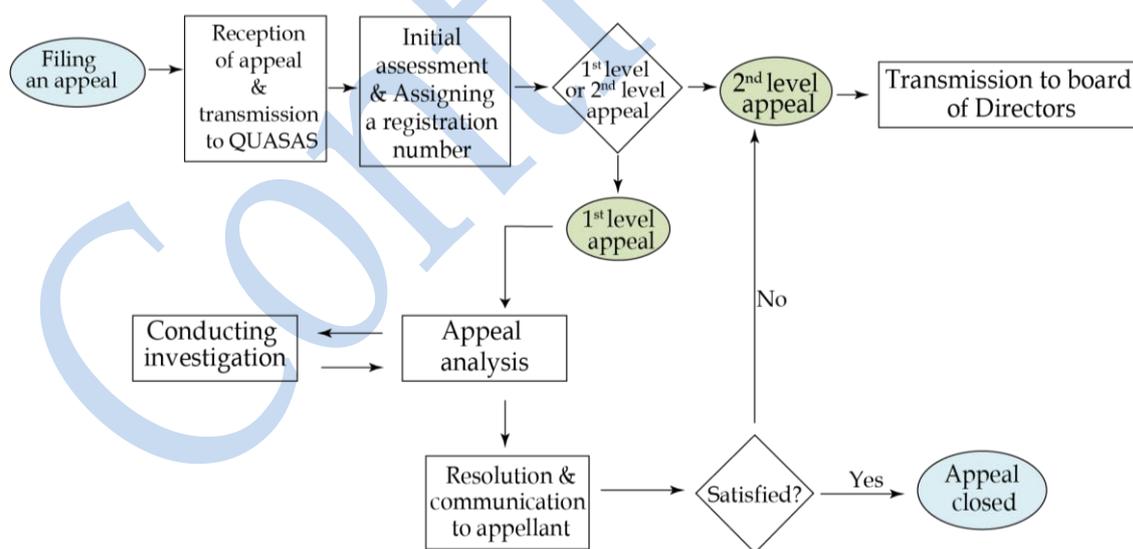
8.5.1.1. Without prejudice to other legal provisions, the appellant files a first or a second level appeal in not more than 15 working days after the receipt of the inspection decision/appeal resolution or notification of complaint resolution.

8.5.1.2. If no second level appeal is received within this timeframe, the decision becomes final and the appeal is recorded as closed by the QUASAS.

8.5.2. QUASAS conducts the initial review and decides whether it is the first or second level appeal and transmits it to DG. This time the appeal is analyzed for appellant feedback. When the appeal is found at second level, it is transmitted to Board of Directors.

8.5.3. When deemed necessary, for the first level appeal, QUASAS assigns the appeal to the Appeal Handling Committee to proceed with investigation. In this case the Complaint/Appeal Investigation Plan Form, DGO/FRM/015 and the Complaint/Appeal Investigation Report Form, DGO/FRM/016 are filled. The report is submitted to QUASAS for consideration.

8.5.4. QUASAS considers the investigation report in 8.5.3. and submits it to DG for consideration and communicating the decision to the appellant.



**Fig: 2:** Appeal redress flowchart

## 8.6. Resolution of complaint or appeal

8.6.1. Based on the output of the investigation of a complaint/appeal, the Relevant office/ Appeal Handling Committee recommends to the DG the resolution/decision to resolve the complaint/appeal.

8.6.2. The resolution/ decision of a complaint/appeal includes a decision to take action and implementation of that decision (*taking any corrections, corrective and/or preventive actions*) as well as maintaining the previously taken decision or to change it.

### **8.7. Communicating the decision/resolution for complaint/appeal**

8.7.1. The DG communicates the complaint or appeal resolution/decision to the complainant/appellant using official communication channels.

### **8.8. Closing a complaint or appeal**

8.8.1. Under normal circumstances, the final decision/resolution of the complaint/appeal is communicated to the complainant/appellant within 10 working days from the date of its receipt.

8.8.2. When the complainant/appellant is communicated and accepts the resolution, the decision is executed, then QUASAS records and brands the complaint/appeal as *Closed*.

8.8.3. When the complaint/appeal is not yet closed, QUASAS continues to monitor its progress until all reasonable internal and external options are exhausted or the complainant/appellant is satisfied.

### **8.9. The tracking of complaint and appeal**

8.9.1. QUASAS ensures that a complaint or appeal is adequately tracked, recorded and kept in the respective registers. The QUASAS ensures the filing/keeping of all filed complaints and appeals.

8.9.2. QUASAS updates the complaints and appeals registers as their handling processes take place.

### **8.10. Impartiality**

8.10.1. Any individual or team involved in activities which the appellant is appealing against, cannot be assigned to handle this appeal.

8.10.2. Any operational level involved in activities/services delivery which the complainant is complaining, cannot be assigned to handle this complaint.

8.10.3. Any individual or team involved in the reception, investigation and redress of complaint or appeal does not take part in decision making concerning the resolution of the said complaint or appeal.

8.10.4. Any staff to be involved in the investigation and redress of complaint or appeal who identifies any conflict of interest in relation with that complaint or appeal, declares that conflict by filling the Impartiality Risk Declaration Form, DGO/FRM/067.

**8.11. Evaluation, review and improvement of complaint or appeal handling process**

The QUASAS reports to the Top Management on the status of complaint or appeal handling process on a quarterly basis for review and evaluation.

The complaint or appeal handling process undergoes several audits including internal and external audits as part of compliance with the requirements of ISO 9001 and other national and international trade frameworks giving rise to the requirements with which RICA is compelled to comply.

The results of the evaluations, reviews and audits provide the basis for the Management Review to initiate the improvement of the implementation of this process.

END

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