

CP2C: Develop accessible communication channels to receive consumer complaints

REGULATORY FUNCTION: CONSUMER PROTECTION REGULATION		CP2C
OBJECTIVE CP2 There are mechanisms to monitor and review information received about consumer protection rights	ACTION CARD CP2C <h2 style="margin: 0;">DEVELOP ACCESIBLE COMMUNICATION CHANNELS TO RECEIVE CONSUMER COMPLAINTS</h2>	
COST: Medium FREQUENCY: One time TARGET GROUPS: Regulators, service operators, consumers		
DESCRIPTION Collecting consumer feedback and relevant data about service provision usually requires appropriate mechanisms to receive complaints. Since the resolution of potential conflicts between consumers and operators lies primarily with regulators, such mechanisms become their most important tool when protecting consumer interests. Generally conceived as online platforms, this process allows regulators to conduct an initial analysis of submitted complaints, and where it is considered necessary, request clarification from operators or from claimants to better understand the situation. Regulators should also establish clear and transparent procedures to deal with complaints, including later analysis.		
EXPECTED OUTCOMES <ul style="list-style-type: none"> • There is a clear and transparent procedure for consumer complaints. • There is a database for regulators that is easy to manage and administer. • There is a knowledge base for policy decisions. 		
EXAMPLE 1: TANZANIA In Tanzania , the regulator ZURA (Zanzibar Utilities Regulatory Authority) established an online mechanism to receive complaints, which must be submitted with a specified time limit to enable service providers to be accountable. The main reason for setting a time limit is to enable the authority to collect evidence which will help in resolving the matter with integrity. The authority issues guidelines to consumers on how to initiate a complaint, the rights, obligations of consumers, and how to complete a complaint form. The authority also maintains a complaints register for all regulated sectors. A similar model is used nationally in Zambia by its regulator NWASCO (see figure).		
Consumer complaints procedure <pre> graph TD A[Consumer complains to water company] --> B{RESPONSE IS SATISFACTORY} B -- NO --> C[Consumer complains to NWASCO] C --> D[NWASCO investigates complaint with provider] D --> E{RESPONSE IS SATISFACTORY} E -- NO --> F[NWASCO publicises failure by provider and/or penalises the provider] B -- YES --> G[COMPLAINT RESOLVED SATISFACTORYLY BY WATER COMPANY] E -- YES --> G </pre>		
EXAMPLE 2: HONDURAS The Drinking Water and Sanitation Services Regulator (ERSAPS) is responsible for regulating and monitoring the provision of drinking water and sanitation services on all of the national territory. Pursuant to its powers, the ERSAPS Board of Directors adopted the Special Regulation on the Response to User Requests and Claims, which defines the concept of the Local Supervision and Monitoring Unit (USCL) as a unit that is affiliated with the municipality and represents ERSAPS before it, with participation from civil society and the duty to oversee compliance with service provision conditions, including the resolution of user requests and claims that are not addressed by the providers.		

The Regulation therefore establishes the user claims procedure, which includes the obligation of providers to have accessible user service offices which are independent from the commercial department and receives, records, processes and responds to oral or written petitions or claims, functioning as the sole channel for receiving such claims, requests or complaints.

Likewise, the Regulation establishes that when the complaint is not resolved by the provider, it may be presented before the USCL, which shall intervene in accordance with its competence in the matter. To this end, providers must provide the USCL with all the information corresponding to each claim (reason, date of presentation, channel used, time taken to reach a resolution and the response given to the user), with the aim of preventing the user from having to present all the documentation again, this time before the USCL.

EXAMPLE 3: ECUADOR

The Government of Ecuador issued an executive order establishing the function of the Water Regulation and Monitoring Agency (ARCA): to process, investigate and resolve complaints and conflicts arising between sector actors, including the users.

Accordingly, ARCA offers a service addressing petitions, complaints, conflicts and reports pertaining to regulated public utilities in matters such as water quality and/or quantity issues, oversight of drinking water and sanitation service provision (when the provider has not resolved the user's requirements), tariff-related issues, compliance with improvement plans, requests for technical information, technical assistance, and other matters.

In order to access this service, the interested parties may submit their request on the ARCA website, which contains online forms for the respective petitions, complaints, conflicts or reports. In any event, these may also be sent by e-mail or submitted in person, as long as the regulator's information requirements are met.

LINKS

Tanzania : ZURA web page: <http://www.zura.go.tz/complaints-register/>

NWASCO web page: <http://www.nwasco.org.zm/index.php/consumer-service/water-watch-groups>

Honduras: Special Regulation on the Response to User Requests and Claims: <https://www.ersaps.hn/normativa-u.html>

Ecuador: Decree 310 of 2014 and Online Customer Service Channel: <http://www.regulacionagua.gob.ec/atencion-a-peticiones-quejas-controversias-y-denuncias-pgcd-servicios-que-ofrece-la-arca/> and <http://www.regulacionagua.gob.ec/wp-content/uploads/downloads/2015/05/Decreto-310.pdf>

INTERNAL CAPACITIES NEEDED AND THE ROLE OF PARTNERS

The establishment of consumer complaints mechanisms require regulators to have solid IT, administrative, and procurement abilities. Whereas consumer associations, research institutions, operators and national ombudsmen could play roles in supporting this action, the required capacity building training could be sustained by development actors. Regulators' staff must be trained on how to manage an online platform, how to inquire about complaints, and how to proceed with regulatory steps.