



The Public Complaints Management Policy

March 2019

BACKGROUND

The Kenya Industrial Property Institute ('the Institute') is a State Corporation established under the Industrial Property Act, No. 3 of 2001, Laws of Kenya. The mandate of the Institute as provided for under the Industrial Property Act and the Trade Marks Act, Cap 506, Laws of Kenya is to promote inventive and innovative activities, facilitate the acquisition of technology through registration and regulation of patents, utility models, technovations, industrial designs and trade marks.

The functions of the Institute are to:

- (a) consider applications for, grant and registration of industrial property rights;
- (b) screen technology transfer agreements and licences;
- (c) provide to the public, industrial property information for technological and economic development;
- (d) promote inventiveness and innovativeness in Kenya; and
- (e) organize and conduct training, competitions and awards relating to industrial property matters.

The Institute is Strategically focused to resonate the following Vision, Mission underscored in the Motto and the Core values:

Vision

To be a world class institution in administration of industrial property rights

Mission

To protect and promote industrial property rights and foster innovation for sustainable development in Kenya

Motto

Intellectual property is wealth: Akili ni mali

Core Values

(a) Confidentiality

We endeavour to guarantee the privacy and confidentiality of our customers' information.

(b) Customer focus

We strive to understand and meet customer needs and aim to exceed their expectations.

(c) Innovation

We commit to foster an enabling environment that encourages creativity, continuous learning and improvement for efficient and effective service delivery.

(d) Integrity

We endeavour to be honest, fair, and ethical in creating a culture of trust and accountability in all the Institute's activities and decision making.

(e) Professionalism

We shall maintain high standards and professional competence in the discharge of responsibilities and delivery of services. We shall abide to professional considerations on the methods, standards and procedures in our work.

(f) Team work

We create at the Institute a unique atmosphere of collaboration, mutual support and genuine interest in each other's success. Our diverse mix of cultures and experiences provides a variety of perspectives and talents that, when united through teamwork, strengthens our ability to achieve our goals.

INTRODUCTION

Pursuant to the Constitution of Kenya, 2010 and Government policy, the Institute has developed a Public Complaints Policy to establish its complaints handling mechanisms to address public complaints lodged at the Institute. The Policy establishes both institutional and administrative frameworks and encapsulates guidelines on the Institute's complaints handling system for optimal performance. The Policy restates the Institute's commitment to ensuring effective service delivery to its stakeholders.

Stakeholders, including members of the public are encouraged to raise any complaint or concern in relation to any service rendered by the Institute, and are assured that such complaints or issues shall be addressed promptly. The Institute restates its core values that foster a culture that:

- a) treats its stakeholders with utmost respect acknowledging their right to complain and ensuring that their complaints are handled professionally and timely;
- b) encourages and acts upon stakeholder feedback to ensure that at all times, the customer needs are not only met but understood and their expectations exceeded; and
- c) considers a complaint as an opportunity to the Institute to improve its services and customer confidence.

Policy Statement

The Institute is committed to addressing concerns and complaints in circumstances, which include misuse of public office, corruption and unethical conduct, breach of integrity, unfair treatment, discourtesy, incompetence and inefficiency.

Definition

At the Institute, and in line with the Commission on Administrative Justice (CAJ) Guidelines, the following terms used in this Policy shall have the following meanings;

“Committee” means the Complaints Management Committee established under this Policy;

“Complainant” means a person, group of persons, organisations or Institution making a complaint within the meaning in this Policy;

“Complaint” means any expression of dissatisfaction by a complainant about an unsatisfactory or unaccepted situation, including an act or omission or about the standard of the service rendered at the Institute, whether the action was taken or the service provided by the Institute or a person at the time being acting on behalf of the Institute;

“Complaints management system” means the infrastructure, procedure and process adopted by the Institute to address concerns and complaints; and

“Concern” means a matter of interest that is not necessarily a complaint but may become a complaint if not addressed.

Purpose

The Institute seeks to address all stakeholder concerns and complaints as part of the initiatives aimed at continuously improving its service delivery. This Policy seeks to ensure that the concerns and complaints are received, objectively investigated, and judiciously addressed so as to safeguard the Institute’s reputation.

Scope

This Policy encompasses all concerns and complaints raised by the Institute’s stakeholders including internal and external customers.

Guiding Principles

The Institute shall handle concerns and complaints in accordance with the following principles:

- a) **Commitment**-The Institute is committed to establish an efficient and fair complaints management system. Feedback from stakeholders is vital to improving the Institute's services and each stakeholder has a right to raise any concern;
- b) **Fairness**-The Institute recognises the need to deal with all concerns and complaints raised impartially. No decision shall be taken without due process being followed. Those accused or subject to a complaint will be afforded a fair hearing. The Institute will take reasonable steps to ensure that the complainant is treated fairly and is not victimised. Appropriate action shall be taken against any person who victimises a complainant or who makes a false or malicious complaint;
- c) **Transparency**-The Institute shall handle concerns and complaints transparently in accordance with the law. The Policy shall be made accessible to all stakeholders through different platforms including the Institute's website, social media and Library;
- d) **Confidentiality**- All concerns and complaints will be treated with utmost confidence. The identity of a complainant shall not be disclosed unless the complainant expressly consents to such disclosure. The Institute shall keep in confidence all information provided to it, including documents, reports or other detailed information, unless the complainant agrees to such disclosure. Confidentiality, in this context does not mean keeping information secret. It means sharing the information on a need-to-know basis for purposes of finding a solution or getting feedback;
- e) **Responsiveness**-Each concern and complaint received will be acknowledged within the timelines stipulated in the Complaints Handling Procedures except where the contacts are not provided. Concerns and complaints shall be addressed efficiently and in a timely manner as far as it is practicable.

Complainants shall be kept abreast of the status of their complaints throughout the process;

- f) Accessibility -The complaints management system will be easily accessible to all stakeholders; and
- g) Record management -The Institute shall create and maintain credible and authentic record of all concerns and complaints received.

References

The Institute will implement this Policy to complement the following:-

- (a) Constitution of Kenya, 2010;
- (b) Public Service (Values and Principles) Act, 2015;
- (c) Commission on Administrative Justice Act, 2011;
- (d) Industrial Property Act, No. 3 of 2001;
- (e) Trade Marks Act, Cap. 506;
- (f) Fair Administrative Action Act, 2015;
- (g) All relevant laws incidental to or related to complaints handling;
- (h) The Institute's Core Values;
- (i) The Institute's Code of Ethics; and
- (j) The Institute's policies, procedures and practices.

Responsibilities

The Institute's Managing Director shall be responsible for the implementation of this Policy. He will ensure that adequate resources are allocated to effectively implement this Policy.

Complaints Management Committee

There is established a Complaints Management Committee in the Institute. The Managing Director shall appoint members to the committee as per the Commission on Administrative Justice (CAJ) Guidelines on Resolution of Public Complaints to ensure that all concerns and complaints are addressed.

The Committee shall comprise not more than five (5) members. The Committee shall develop an effective complaints management mechanism of addressing concerns and complaints in accordance with the Guidelines.

The Committee's functions shall be to:

- a) receive, acknowledge, register, classify and document all concerns and complaints;
- b) take up concerns and complaints relating to the Institute on its own initiative;
- c) make enquiries on concerns and complaints or referrals to the relevant institutions;
- d) oversee and coordinate, monitor and follow up specific actions on concerns and complaints;
- e) promote alternative dispute resolution mechanisms to speed up the feedback mechanism;
- f) create awareness among the stakeholders on the existence of complaints management system;
- g) analyse the trends of concerns and complaints and recommend ways of improving the system;
- h) propose review of the Policy and Procedures; and
- i) prepare quarterly reports as per the CAJ Guidelines.

Anonymous concerns and complaints

The Institute shall consider anonymous concerns and complaints where sufficient

details have been provided.

Policy implementation

The responsibility of implementing this Policy shall vest in the Managing Director with the support of the Committee and the Heads of Departments, Divisions and Sections.

Ethical Issues

The Institute shall consider ethical issues such as confidentiality and conflict of interest in handling complaints. Where such issues arise, appropriate action shall be taken as stipulated in this Policy and the Institute's governance instruments.

Public Complaints Handling Procedure

The Institute shall formulate a Public Complaints Handling Procedure to define the channels and steps of complaints management.

Monitoring and Evaluation

The Committee shall monitor and evaluate this Policy from time to time with a view to ensuring its effective implementation.

Policy Review

This Policy shall be reviewed from time to time as may be necessary.

For further information, please contact:

**MANAGING DIRECTOR
KENYA INDUSTRIAL PROPERTY INSTITUTE
KIPI CENTRE, OFF WAIYAKI WAY, LAVINGTON
P.O. BOX 51648 - 00200
TEL: +254 020 6002210/1, NAIROBI FAX: +254 020 6006312
MOBILE: 0702002020, 0736002020**

OR

**THE COMMISSION SECRETARY
COMMISSIONER, COMMISSION OF ADMINISTRATIVE
2ND FLOOR, WEST END TOWERS
OPPOSITE AGA KHAN HIGH SCHOOL OFF WAIYAKI WAY - WESTLANDS
P.O. BOX 20414 - 00200
NAIROBI.**