

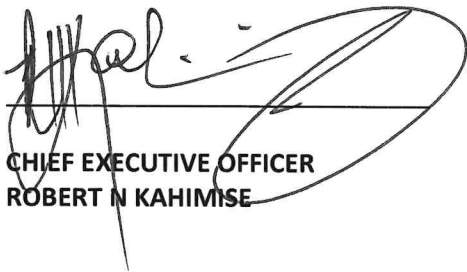


COMPLAINTS HANDLING PROCEDURE

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Signed:



CHIEF EXECUTIVE OFFICER
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Date:

29/05/2024

Issued by:

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COMPLAINTS PROCEDURE

1. INTRODUCTION

1.1 The ECB Complaints Handling Procedure is followed in cases where a person (the Complainant) wishes to make a formal complaint about the service, an action or a decision of -

1.1.1 the ECB or other matter falling within the functions and responsibilities of the ECB; or

1.1.2 a licensee or any other person providing, or otherwise dealing in electricity, whether licensed or not; or

1.1.3 a customer or a consumer or a prospective customer or consumer; or

1.1.4 any other person providing, or dealing with, electricity in any manner.

1.2 In terms of Article 18 of the Namibian Constitution, all administrative bodies and officials must act fairly and reasonably. The ECB strives to comply with the requirements of Article 18 and for this purpose designed a complaint handling policy in order to strengthen the application of Article 18.

1.3 The ECB must designate a specific employee of the ECB to handle complaints in terms of these Complaints Handling Procedure.

2. GENERAL COMPLAINT RULES

2.1 A Complainant who submitted a completed form A may be invited to first discuss the complaint with the ECB verbally to help clarify the nature of the complaint. It is within the discretion of the Complainant to decide if he/she, upon such request, wishes to meet with the ECB in person.

2.2 It is important for a Complainant to note that a complaint must be lodged as soon as possible after the event which gave rise to the complaint as delays are likely to make it more difficult to investigate and resolve the complaint.

2.5 Complaints received more than 12 months after the event giving rise to the complaint without a reasonable explanation for the delay will normally not be investigated and where such a complaint is submitted -

2.5.1 the Complainant must provide good and sound reasons as to why there was such a delay in the submission of the complaint;

2.5.2 it is within the ECB's discretion whether or not to deal with the complaint.

2.6 A complaint may be lodged against -

2.6.1 the ECB in general or against a specific employee, consultant or agent of the ECB, including the CEO or a member of EXCO of the ECB regarding the regulatory functions of the ECB;

2.6.2 a licensee;

- 2.6.3 a customer or a consumer or a prospective customer or consumer;
- 2.6.4 any other person providing, or dealing with, electricity in any manner.
- 2.7 No person may be disadvantaged or discriminated against for lodging a complaint with the ECB.
- 2.8 In accordance with the principles of openness, transparency, professionalism and best practice, in complaints against the ECB or an ECB employee, the ECB will in so far as possible disclose all relevant documents and information to the Complainant. However, it should be borne in mind that some information/documents may be of an internal/confidential nature in which case the ECB reserves the right not to disclose such information/documents.
- 2.9 A complainant may be assisted by an advisor or a representative of their own choice at all or any stage of the complaint. However, it is a requirement that the Complainant should him/herself sign the complaint form.
- 2.10 The ECB shall not make a decision or take a final stance on a complaint without hearing the Complainant, the party complained against (the "respondent") and any other parties involved and giving due consideration to the Complainant's, the respondent's and such other parties' case/responses. The ECB shall always give reasons for its decisions.
- 2.11 The ECB may co-opt any person (whether within or outside the ECB) to assist with dealing with a complaint.
- 2.12 If the ECB considers a complaint to be vexatious, vindictive, unfounded or frivolous, the ECB shall advise the Complainant accordingly together with the ECB's reasons for such conclusion. In such event such complaint will be dismissed as such.
- 2.13 Notwithstanding anything to the contrary in these Complaints Handling Procedure, a person may submit a complaint verbally, if there is good reason to do so, and in such event the ECB will assist such Complainant with the applicable procedures and completion of applicable forms and other written documents in the manner deemed appropriate by the ECB.
- 2.14 Where the complaint is lodged against a person or entity other than the ECB, the Complainant will be required to submit written proof that it had taken steps with the relevant person or entity to have the complaint addressed, and that the complaint has not been resolved by the relevant person or entity, or that the relevant entity or person had failed to investigate the complaint or had failed to do so within a reasonable period of time.

3. COMPLAINTS PROCEDURE

- 3.1 The Complainant must complete the attached complaint form A and submit it to the ECB.
- 3.2 The complaint form must, if completed by hand, be completed in clearly legible handwriting and where there is not sufficient space under an item additional paper for completion of such item may be attached.

- 3.3 The complaint form may also be completed electronically and for this purpose the ECB has made the form available in electronic format on the ECB website. All supporting documents must be submitted in an electronic format. Alternatively, a complaint may also be lodged online by using the Customer Complaints Handling System (link available on website www.ecb.org.na).
- 3.4 The complaint form can be submitted by hand in hard copy to the ECB's offices at **No. 35 Dr. Theo-Ben Gurirab Street** or can be e-mailed to the ECB at the addresses given on the cover page of this Complaints Handling Procedure.
- 3.5 Complaints must be submitted for the attention of the CEO.
- 3.6 The ECB must keep a register of complaints and must allocate a case number to each submitted complaint.
- 3.7 The procedure is divided into the following stages.

STAGE 1

- 3.8 Once a complaint has been lodged on the attached Form A, the ECB will, in writing, acknowledge receipt of the complaint within five (5) working days and provide the case number to the Complainant.
- 3.9 If the complaint is lodged against the ECB or an employee of the ECB, the complaint shall be submitted to the manager responsible for human resources who will investigate the matter and provide its decision to the Complainant within fifteen (15) working days. During this period, the Complainant may be contacted for a meeting with the ECB or for further particulars or for clarification of any particulars, information or facts relating to the complaint. In order to investigate a complaint, the ECB will consult internally first and thereafter externally (if necessary) and will seek information as necessary from anyone likely to be helpful in resolving the matter, including from the Complainant. Information may be sought in writing, verbally, by means of personal interview/meeting or such other manner as the ECB deems appropriate under the circumstances.
- 3.10 If the complaint is against the CEO, the matter shall be submitted to the company secretary who will refer it directly to the Chairperson of the Board of the ECB. The Board will have twenty (20) working days from such referral to investigate the complaint and to make a decision thereon. The Board may appoint an *ad hoc* committee to consider the complaint. During this period, the Complainant may be contacted for a meeting with the ECB Board or the *ad hoc* committee for further particulars or for clarification of any particulars, information or facts relating to the complaint. In order to investigate a complaint, the ECB Board will consult internally first and thereafter externally (if necessary) and will seek information as necessary from anyone likely to be helpful in resolving the matter, including from the Complainant. Information may be sought in writing, verbally, by means of personal interview/meeting or such other manner as the ECB deems appropriate under circumstances. The ECB Board or the *ad hoc* committee appointed by the Board must finalize the investigation and submit a report to the Board for approval within the twenty (20) working days mentioned in 3.10.
- 3.11 If the complaint is against a person or entity other than the ECB, its employees or agents, the ECB will forward the complaint to the person or institution against which the complaint has been lodged for a response within ten (10) working days from the date of receipt of the complaint. The intervention of the ECB may result in the complaint being resolved by the applicable person or entity prior to a formal

investigation. In the event that no response is received, the ECB will issue a non-compliance letter and commence its investigation.

- 3.12 In the event the complaint is not resolved within the period stated in 3.11 above, the ECB will promptly inform the Complainant that the investigation of the complaint has commenced.
- 3.13 In order to investigate a complaint, the ECB will consult as may be required and will seek information as necessary from anyone likely to be helpful in resolving the matter, including from the Complainant. Information may be sought in writing, verbally, by means of personal interviews/meetings or such other manner as the ECB deems appropriate under circumstances.
- 3.14 Where the complaint is not against the ECB as contemplated in clause 2.6.1, the ECB must obtain the written response of the person against whom the complaint is submitted on such complaint during its investigation of the complaint.
- 3.15 The ECB may arrange a meeting between the Complainant and the person or entity against whom the complaint is made in order to address or resolve the complaint.
- 3.16 Once all the necessary information has been gathered, the investigating person or department must submit a written report with a recommendation within 20 working days to the Customer Complaints Committee for review. The Customer Complaints Committee has 10 working days from the day the recommendation submission are made, to consider the report and recommendation and make a recommendation to EXCO for approval.
- 3.17 The decision by EXCO will be the final decision, outcome or recommendation on the complaint. Any decision will be communicated in writing to the Complainant and the Respondent with reasons given for such decision. This notification by the ECB must be made within fifty (50) working days from the date mentioned in 3.11.
- 3.18 The Complainant and/ or Respondent shall be required to indicate to the ECB by completing Form B whether he/she is satisfied with the decision of the complaint investigation in respect of complaints under 3.9, 3.10 and 3.11 within seven (7) working days of receiving the ECB's decision, outcome or recommendation. This indication by the Complainant or Respondent will conclude Stage 1 of the complaint.

STAGE 2

- 3.19 If the Complainant or Respondent is not satisfied with the ECB's decision and only if relevant new evidence is presented by the Complainant or Respondent that was not considered by the ECB when making a decision the Complainant or Respondent may request the ECB to further investigate the complaint, and must submit this new evidence in Form B. The ECB will complete its investigation, this stage will follow the same process in Stage 1 but the process should be finalised within ten (10) working days in respect of complaints against the ECB as stated in 3.9 or the CEO as stated in 3.10, and within twenty (20) working days in complaints against Licensees or other parties as stated in 3.11. This is the second and final stage of the complaint investigation.

- 3.20 Notwithstanding the provision in 3.19, if there is no new evidence presented, the ECB will not proceed to stage 2 of the investigation and the decision under stage 1 will stand.
- 3.21 On completion of the second stage of a complaint investigation, the ECB shall, in writing, notify the Complainant (and any other parties involved) of its decision or the outcome of or its recommendation on the second stage and of any consequential action to be taken including reasons therefor.
- 3.22 The Complainant and the Respondent must inform the ECB within 30 working days regarding progress towards the implementation of the final decision, outcome or recommendation on the complaint.

4. APPEAL

- 4.1 The ECB's decision is final upon completion of the second stage.
- 4.2 Subject to 4.1, where the ECB has reached a final decision, outcome or recommendation on a complaint, a Complainant or respondent may appeal to the Board of the ECB by completing Form C on one of the following grounds:
- 4.2.1 Procedural irregularities;
- 4.2.2 In view of the facts, the ECB reached or made an incorrect decision, outcome or recommendation;
- 4.2.3 Failure by the ECB to investigate the complaint or to reach a decision, outcome or recommendation thereon within the timeframes provided;
- 4.2.4 Any other legitimate basis which must be clearly stated in the appeal.
- 4.3 Appeals must be lodged with the ECB in writing and must be marked for the attention of the CEO and the Chairperson of the Board of the ECB.
- 4.4 An appeal must be lodged by the Complainant within 15 working (15) days after the ECB has notified the Complainant of its decision on, the outcome of, or its recommendation on the investigation of the complaint, or in the event where the ECB without sufficient reasons fails to act on a complaint within 60 days after having been lodged or for 60 days or more do not act on a complaint.
- 4.5 An appeal must specify the detailed reasons for the appeal and substantiate any statements made therein as far as possible.
- 4.6 The Chairperson of the Board will refer the appeal to the Board Committee under whose mandate the subject matter of the appeal resorts. The relevant Committee will consider the appeal, including all the documentation collected during the investigation of the complaint, and will make its final written decision within fifteen (15) working days of the matter being referred to the Committee. The Complainant or respondent must be informed promptly within 5 working days of the decision by the Board Committee on the outcome of the appeal.
- 4.7 The decision on the appeal by the relevant Committee will be the ECB's final decision on the matter and will conclude the complaint.

- 4.8 Management must include any appeal lodged and the final decision of the relevant Board Committee under this clause 4.6 on the agenda of the first ordinary ECB Board meeting following the date on which an appeal was lodged to inform the Board on the outcome of the appeal.
- 4.9 Final decisions of the ECB in terms of clauses 4.1 and 4.7 may be taken on review to the High Court.
- 5. Disclosure of Outcomes**
- 5.1 The ECB will report on the number of complaints and the outcome thereof on the ECB website and in its annual report. Where the complaint involves a principle or is precedent setting, the ECB will report on the matter in a database of complaints on an anonymous basis to provide guidance and direction to the industry.
- 6. Review of the Complaints Handling Procedure**
- 6.1 The Complaints Handling Procedure must be reviewed every three years or shorter period if circumstances require.

COMPLAINT FORM A

ECB File Number: _____

SECTION A PARTICULARS OF THE COMPLAINANT (MANDATORY)

A.1 Full name of the person or body corporate complaining

A.2 Nationality of the complainant, or in the case of a body corporate country of registration and registration number

A.3 In the case of an authority created by law, the name of such authority

A.4 Postal address of the complainant

A.5 Telephone number of the complainant (work/cell number or number where complainant can be reached during the day)

A.6 E-mail address of complainant (if any)

SECTION B PARTICULARS OF COMPLAINT (MANDATORY)

B.1 Briefly state subject matter to which complaint relates and, in so far as available, state the date when, or timeframe within which, the event(s) to which the complaint relates took place

B.2 Describe details and grounds of complaint – it will be useful if complainant can include names of persons involved and relevant dates and attach copies of relevant documents

B.7 Does the complainant consent to the ECB investigating the complaint with the individual/institution concerned (within and outside ECB, if any)?

YES/NO

SECTION C REPRESENTATION (OPTIONAL)

C.1 Will the Complainant be assisted by an advisor/a representative?

YES/NO

C.2 If yes, provide full particulars of advisor/representative (i.e. name, address, contact numbers, e-mail, etc.)

C.3 Why has the Complainant selected to be represented?

C.4 Attach to the complaint form the written authorisation by the Complainant to the advisor/representative to represent him/her.

Signature of the Complainant

Signature.....

Name.....

Date.....

Witnesses

Signature.....

Signature.....

Name.....

Name.....

Date.....

Date.....

COMPLAINT FORM B (MANDATORY)

ECB File Number: _____

A.1 Full name of the complainant or respondent

A.2 Indication of satisfaction with decision, outcome or recommendation in Stage 1

– Yes – No

A.3 If No, Provide reasons for dissatisfaction with decision. Outcome or recommendation

A.4 If No, whether the ECB should proceed to stage 2 of the investigation

A.5 Provide any new information that has not been considered in Stage 1

Signature of the Complainant or Respondent

Signature..... (Complainant or Respondent)

Name.....

Date.....

COMPLAINT FORM C

ECB File Number: _____

A.1 Full name of the appellant

A.1 Appeal against decision, outcome or recommendation in Stage 2

– Yes – No

A.2 If Yes, provide reasons for appeal based on any of the categories below

- Procedural irregularities;
- In view of the facts, the ECB reached or made an incorrect decision, outcome or recommendation;
- Failure by the ECB to investigate the complaint or to reach a decision, outcome or recommendation thereon within the timeframes provided;
- Any other legitimate basis which must be clearly stated in the appeal.

A.3 Provide reasons for this selected ground of appeal.

Signature of the Appellant.....

Name.....

Date.....

For Official Use

Complaint Received By:

Action Taken:

Initial Response (timeline):

Informed Complainant of Initial Action Taken:

– Yes – No

Follow-up (timelines):

Informed Complainant of any further action taken:

File handed on to Compliance Officer

– Yes (name) - No

Signature of Investigating Officer:

Date: