

TANZANIA COMMUNICATIONS REGULATORY AUTHORITY



TCRA GUIDELINES FOR CONSUMER COMPLAINT HANDLING

1.0 Introduction

The Tanzania Communications Regulatory Authority issues these guidelines for handling consumer complaints in accordance with Section 40 of Part VIII of the Tanzania Communications Regulatory Authority Act, 2003.

It is very important to note these guidelines apply to complaint by a consumer of postal and electronic communications goods or services against a supplier of goods or services related to postal and electronic communications except complaint of broadcasting content nature.

The complaint must first be presented to the operator by the complainant and the operator must be given a maximum of thirty (30) days to solve the problem before referring the problem at the TCRA. The TCRA shall not accept a lodging of a complaint unless the complainant is not satisfied with the solution presented by the operator. However, if a complaint is presented at the TCRA at first instant, it will be referred to the concerned operator.

2.0 Complaint procedure

- 2.1 A consumer of communication goods or services may submit a complaint to a supplier of goods or services in relation to any matter connected with the supply, possible supply or purported supply of the goods or services.
- 2.2 The supplier shall be required to respond to the complainant stating action taken or to be taken, and in any case resolve the complaint within thirty (30) days.
- 2.3 Where a consumer is not satisfied with supplier's action to resolve the complaint, he or she may refer the complaint to the Authority. The consumer will be required to fill a complaint form issued by the Authority and attach previous correspondence with the operator on the complaint.
- 2.4 The Consumer Complaint Unit (CCU) established by the Authority shall follow-up on complaints raised by consumers.

- 2.5 The CCU shall investigate the complaint if:-
- a. The complainant has an interest in the matter to which the complaint relates; and
 - b. The complaint is not frivolous or vexatious.
- 2.6 If during investigation it appears that the supplier has not considered the complaint, or has not considered it adequately, the CCU may refer the complaint to the supplier with the request that the supplier should consider or reconsider the complaint.
- 2.7 The CCU will attempt to resolve the complaints between the consumer and supplier amicably during the investigation.
- 2.8 If the complaint is not resolved to the satisfaction of a complainant within sixty (60) days after being received by the Authority, the complainant may in writing and signed by him request the CCU to refer the complaint to a Complaint Committee of the Authority for decision.
- 2.9 When a complaint is referred to the Complaint Committee for decision, the complainant and supplier shall be parties to the complaint, which will now be known as reference and hearing of the complaint will begin.
- 2.10 The Committee shall hear all evidence, arguments and documents presented by the parties, and make a decision on the complaint within 30-60 days.
- 2.11 The Committee shall make a ruling/decision on the complaint requiring action to be carried out by the Division/Department concerned.
- 2.12 The Committee may in accordance with section 41 of the Tanzania Communications Regulatory Authority Act, 2003 make an order requiring any of the following action be carried out by the supplier of good and services:
- (a) Requiring a party to supply goods or services for specified periods;
 - (b) Requiring a party to supply goods or services of specified terms and conditions;
 - (c) Requiring a party to pay the costs of another party or of a person appearing at the hearing or producing documents;
 - (d) Dismissing a complaint;
 - (e) Imposing fines depending on the nature of the case;
 - (f) For specific performance;
 - (g) For refunds;
 - (h) Appointing trustees;
 - (i) Setting escrow accounts; and
 - (j) For such other relief as may be deemed necessary or reasonable

- 2.13 Where a party is not satisfied with an award ordered by the Committee, may only appeal to the Fair Competition Tribunal within twenty one (21) days if:
- (a) The aggrieved party been ordered to pay money exceeding the amount specified in the Consumer Protection Regulations, 2005;
 - (b) The aggrieved party has been ordered to supply goods or services whose market value exceeds the amount specified in the Consumer Protection Regulations, 2005.
 - (c) The aggrieved party has been ordered to both pay money and supply goods or services whose market value exceeds the amount specified in the Consumer Protection Regulations, 2005.
- 2.14 The aggrieved party may appeal only on the following grounds:-
- (a) The award was not based on evidence
 - (b) There was an error in law
 - (c) The procedures or other statutory requirements applicable to the Authority were not complied with and non-compliance materially affected the award.
 - (d) The Authority did not have power to make the award.
- 2.14 The Fair Competition Tribunal shall after hearing the appeal:-
- (a) Dismiss the whole or part of the appeal; or
 - (b) Set aside the whole or part of the award and refer any outstanding matters to the Authority for re-determination.
- 2.15 The aggrieved party may in other cases other than those mentioned in 2.13 apply for review of the decision to the Internal Review Committee within fourteen (14) days in accordance with section 34 of the Tanzania Communications Regulatory Authority Act, 2003.

3.0 Lodging Procedures

3.1 Receipt of complaints

- (a) All complaints shall be referred in accordance with the prescribed complaint form which shall be made available in all TCRA Offices, web site and shall be handled by CCU official.
- (b) The Complaints form shall be lodged in three copies; one copy should be sent to the respondent (operator).
- (c) The Registry Officer at TCRA offices shall receive and direct all complaints to a CCU official.
- (d) The Registry shall stamp on the complaint indicating the date as an acknowledgement of its receipt.
- (e) In order to keep correct records of complaints, there shall be kept one register at the Registry and one register at the CCU, which shall be used to record every complaint received.

- (f) The CCU shall open file for each complaint.

3.2 Mode of lodging complaints

3.2.1 The complainant may deliver a complaint through the following means:

- (a) by hand/dispatch; -Tanzania Communications Regulatory Authority, Mawasiliano House, Ali Hassan Mwinyi/Nkomo Road, Dar es Salaam.
- (b) by post; -Tanzania Communications Regulatory Authority, P.O. Box 474, Dar es Salaam.
- (c) by fax; - 2116664 or
- (d) by web-site/on line. – www.tcra.go.tz

3.2.2 The CCU will acknowledge receipt of all complaints delivered as well as providing information on the complaint process at the TCRA.

4.0 Time frame

The time frame for the period of handling complaints shall be counted from the time of delivery of the complaint for CCU and from the time the complaint has been referred to the Complaint Committee.

5.0 Complaint Form

The complaint form contains the following headlines:

- (a) Date stamp
- (b) Complaint number
- (c) Type of complaint (predefined keywords)
 - High prices
 - Insufficient supply
 - Poor service quality, coverage and reliability
 - Slow repairs
 - Inaccurate and incontestable bills
 - Corrupt practices in allocating scarce services
 - False and misleading advertisement
 - Inaccurate bills and redress
 - Intrusion of privacy
 - Unclear and incomplete information about rates, tariffs, terms and
 - conditions for available and proposed products
 - Health and safety
 - Consumer-care services
 - Damage of postal articles
 - Poor Broadcast reception
 - Broadcast cut offs without public information
 - Others (specify)

- (d) Particulars:
 - Name of Complainant
 - Address of Complainant
 - Physical address
 - P.O Box Number
 - Telephone number
 - E-mail address
 - Fax
 - Occupation of Complainant
 - Name of Respondent (Operator/Service Provider)
 - Address of Respondent
 - Telephone Number
 - P.O Box Number
 - Telephone number
 - E-mail address
 - Fax
- (e) Nature/Facts of the Complaint
- (f) Relief sought
- (g) Verification
- (h) Signature of the Complaint
- (i) Name of Receiver of the complaint at TCRA
- (j) Name of Receiver of the complaint at the Respondent (Operator/Service Provider)
- (k) Date of reception of the Complaint at the Respondent