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GENERAL NOTICE

NOTICE 174 OF 2011

NATIONAL CONSUMER COMMISSION

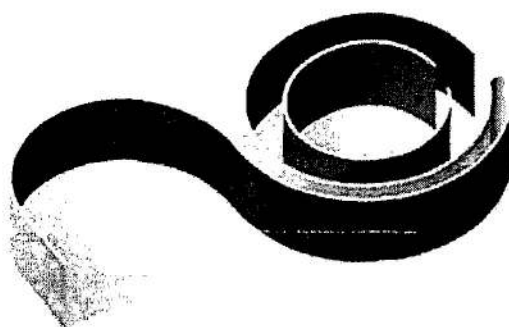
I, Mamodupi Mohlala, Commissioner of the National Consumer Commission, hereby publish draft guidelines for the accreditation of Ombud-Schemes pursuant to the provisions of Section 82 (6) of the Consumer Protection Act, 2008 (Act No 68 of 2008).

Interested persons may submit their comments on the draft guidelines in writing on or before **07 April 2011**, quoting the following reference number (NCC/GN/0003) to: The National Commissioner, National Consumer Commission c/o Ms Prudence Moolwa P O Box 30251 Sunnyside, Pretoria, 0132 or per fax to (012) 394 2544 or email to pmoolwa@thedti.gov.za



Ms. M MOHLALA

COMMISSIONER: NATIONAL CONSUMER COMMISSION



NATIONAL CONSUMER COMMISSION

**Guidelines for the Accreditation of Ombud-
Schemes in terms of the Consumer Protection
Act. (No. 68 of 2008)**

1. Section 82(6) of the Consumer Protection Act. No 68 of 2008 states that:

If a proposed industry code provides for a scheme of alternative dispute resolution;
and:

- a) the Commission considers that the scheme is adequately situated and equipped to provide alternative dispute resolution services comparable to those generally provided in terms of any public regulation,
- b) the Commission, when recommending that code to the Minister, may also recommend that the scheme be accredited as an accredited industry Ombud".

2. Establishment of the Ombud Office

The industry code of conduct may propose the establishment of an Ombud scheme;

- a) Must also provide for the name, and general purpose of the Ombud in line with the provisions of the Act.
- b) Detail powers of the Ombud scheme in handling of complaints both from consumers and suppliers in the industry;
- c) Types of complaints (jurisdiction of Office of Ombud
- d) Matters outside jurisdiction of Ombud.

3. Independence of the Industry Ombud

The industry code must have provisions that guarantee the independence of the Industry Ombud, including the mechanisms which deal with threats to its independence.

4. Process for the Appointment of an Industry Ombud

- a) Public invitations for application for appointment as Ombud (provision making publication of invitation to apply mandatory);
- b) Transparent process to appoint Ombud (provision to ensure transparent and accountable; identification of appointment body/entity; requirements, qualification and disqualifications for appointment);
- c) Appointment of Ombud (provisions for appointment, including terms and conditions of employment);

5. Guidelines for Complaints Handling

The Ombud-schemes must follow the following guiding principles when handling complaints:

5.1. Visibility

Information about how and where to complain should be well publicized to consumers, suppliers, staff and other interested parties.

5.2. Accessibility

A complaints-handling process should be easily accessible to all complainants. This means that the process should be easy to understand and use. The information and assistance in lodging a complaint should be in clear language.

5.3. Responsiveness

Receipt of each complaint should be acknowledged immediately. Complaints should be addressed promptly in accordance with their urgency. The complainants should

be treated with courtesy and be kept informed of the progress of their complaint through the complaints-handling process.

5.4. Objectivity

Each complaint should be addressed in an equitable, objective and unbiased manner through the complaints-handling process.

5.5. Charges

Access to the complaints-handling process should be free of charge to the complainant

5.6 Confidentiality

Personal information of the complainant should be available where needed, but only for the purpose of addressing the complainant within the organization and should be actively protected from disclosure, unless the complainant expressly consents to its disclosure.

5.7. Customer-Focused Approach

The Ombud should adopt a customer-focused approach, should be open to feedback including complaints, and should show commitment to resolving complaints by its actions.

5.8. Accountability

Ensure that accountability for and reporting on the actions and decisions of the Ombud with respect to complaints handling is clearly established.

5.9. Continual Improvement

The continual improvement of the complaints-handling process and the quality of the service should be a permanent objective of the Scheme.

6. Complaints –Handling Process

6.1. Communication

Information concerning the complaints-handling process should be made readily available to consumers,

Examples of such information are as follows:

- a) Where and how complaints can be made;
- b) Time periods associated with various stages in the process;
- c) The complainant's options for remedy;
- d) How the complainant can obtain feedback on the status of the complaint.

6.2. Receipt of a Complaint

Upon receipt of the initial complaint, the complaint should be recorded with the supporting information and a unique identifier code. The record of the initial complaint should identify the remedy sought by the complainant and any other information necessary for the effective handling of the complaint.

6.3. Tracking of Complaint

The complaint should be tracked from initial receipt through the entire process until the complainant is satisfied or the final decision is made. An up-to-date status should be made available to the complainant upon request and at regular intervals.

6.4. Acknowledgement of Complaint

Receipt of each complaint should be acknowledged to the complainant immediately in writing.

6.5. Initial assessment of the Complaint

After receipt, each complaint should be initially assessed in terms of criteria such as severity, safety implications, complexity, impact and the need and possibility of immediate action.

6.6. Investigation of Complaints

Every reasonable effort should be made to investigate all the relevant circumstances and information surrounding a complaint.

6.7. Response to Complaints

The scheme should offer a response following the investigation.

6.8. Communicating the Decision

The decision or any action taken regarding the complaint should be communicated to the complainant as soon as the decision or action is taken.

6.9. Closing the Complaint

If the complainant accepts the proposed decision or action, then the decision or action should be carried out and recorded. If the complainant rejects the decision or action, the complaint should be informed of alternative courses available.

7. Maintenance and Improvement

7.1. Collection of Information

The scheme should record the performance of its complaints-handling process. The scheme should establish and implement procedures for recording complaints and responses and of using these records and managing them while protecting any personal information and ensuring the confidentiality of complainants.

7.2. Analysis and Evaluation of Complaints

All complaints should be classified and analyzed to identify systematic, recurring incidents and trends

7.3. Complaints-Handling Process Survey

There should be regular surveys conducted to determine the levels of satisfaction of complainants with the complaints-handling process.

This Guidelines on accreditation of Ombuds-Schemes is based on the South African Bureau of Standards (SABS) SANS 1002:2005
