



Institution/Organization Name:	Competition Authority of Kenya
Affiliations; Ministry / Department/ County/Parent Company:	National Treasury & Planning
Economic Sector Alignment:	Macroeconomic Mandate
Big 4 Alignment:	Manufacturing, Affordable Housing, Universal Healthcare, Food Security.
Accounting Officer:	Wang'ombe Kariuki, MBS.
Period: FY	2021/2022
Process Documentation	
Service Name	Investigation of Consumer Complaints.
Brief Description Document Purpose/Service	This process entails investigating conduct relating to false or misleading representations, unconscionable conduct as well as supply of unsafe, defective and unsuitable goods. The Competition Authority of Kenya also investigates undertakings which do not comply with prescribed Consumer Product



	<p>Safety Standards and prescribed Product Information Standards.</p> <p>The Authority commits to conduct preliminary investigations into consumer complaints within 10 days, and inform the complainant about the outcome within 5 days of the decision.</p> <p>Full investigations will be conducted within 30 days upon receipt of full information and a determination issued within 30 days thereafter.</p> <p>Complex complaints requiring full investigations (including contested matters, cases with large volumes of evidence and involving multiple parties) will be investigated and finalized within 120 days upon receipt of all the requested information & cooperation of the parties involved.</p>
<p>Document Control: Change Record/ Version Number</p>	<p>Issue No:1</p>



Process Owner: Name and Position		Francis W. Kariuki, MBS Director-General	
Process Writer (s); Name and Position		Boniface Kamiti Manager, Consumer Protection.	
Process Reviewer (s) Name and Position		Boniface Makongo Director, Competition & Consumer Protection.	
STEPS/FLOW/SEQUENCE			
Step	Event/Activity/Action	Time/ No. Of Days	Actor
1.	INPUTS <ul style="list-style-type: none"> • Complaint(s) from any person, government agency, Ministry, or consumer body. • Duly Filled Complaint Form • Evidence from the Complainant • Market Intelligence 		



	<ul style="list-style-type: none"> • Meetings & Hearing Conferences • Submissions by Parties • Interviews <p>OUTPUTS</p> <ul style="list-style-type: none"> • Investigation Plan/Diary • Record of Meetings • Record of Interviews • Complaints Analysis Reports • Market Screening Reports • Mystery Shopping Reports • Notice of Investigation • Investigation Reports; • Public Notices; • Notice of Proposed Decision • Report on Findings • Board Pack 		
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	<ul style="list-style-type: none"> • Board Determination 		
2.	Receipt of information or a complaint from any person, Government agency, Ministry, or consumer body.	N/A	<p>Manager, Consumer Protection.</p> <p>Director, Competition & Consumer Protection.</p>
3.	<p>Preparation of the Complaint Analysis Report –</p> <p>i. Advice the complainant that the matter does not lie within the mandate of the Authority;</p> <p>ii. Referral to relevant Government</p>	15 days	<p>Manager, Consumer Protection Department</p> <p>Director, Competition & Consumer Protection</p>



	<p>Agency where applicable;</p> <p>iii. Request for more information</p> <p>iv. Raise a Notice of Investigations</p>		
4.	<p>Initiate full Investigations by issuing a Notice of Investigations, where applicable. This includes providing the accused party ample time to respond to the allegations.</p>	14 days	<p>Manager, Consumer Protection</p> <p>Department/ Director, Competition & Consumer Protection</p>
5.	<p>Prepare A Recommendation Report</p>	14 days	<p>Manager, Consumer Protection</p> <p>Department</p>



			Director, Competition & Consumer Protection
6.	Issue Notice of Proposed Decision.	21 days	Manager, Consumer Protection Department/ Director, Competition & Consumer Protection/Director General
7.	Review written submissions & provide opportunity for oral representation, if any, from the party(s).	28 days	Party(ies)



8.	Preparation of a Progress Report	10 Days	Manager, Consumer Protection Department Director, Competition & Consumer Protection
9.	Where there investigation determines no violation, the case is closed.	7 Days	Manager, Consumer Protection Department Director, Competition & Consumer Protection



10.	In instances where there is violation, a Management Paper is prepared with recommendations and forwarded to the Board.	9 Days	Manager, Consumer Protection Department Director, Competition & Consumer Protection Director-General
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EXCEPTIONS TO THE NORMAL FLOWS

Title	No.	Description	Time	Actor
Trigger 1: Where the Accused fails to respond to the Notice of Investigation	1.	Three (3) Reminders	7 Days for Each Reminder	Manager, Consumer Protection Department. Department.



				Director, Competition & Consumer Protection
<p>Trigger 2:</p> <p>Where the accused party fails to respond to the Notice of Proposed Decision.</p>	1.	Three (3) Reminders	Seven (7) Days for Each Reminder	<p>Manager, Consumer Protection Department</p> <p>Director, Competition & Consumer Protection</p>
<p>Trigger 3:</p> <p>Where the accused party fails to respond to a response letter from the Authority</p>	1.	Three (3) Reminders	Seven (7) Days for Each Reminder	<p>Manager, Consumer Protection Department</p> <p>Director, Competition & Consumer Protection</p>



Trigger 4: Where the complainant fails to avail the requisite information	1.	Three (3) Reminders	Seven (7) Days for Each Reminder	Manager, Consumer Protection Department Director Competition & Consumer Protection
Process Maps/Visuals				

FLOW CHART/MAP FOR INVESTIGATION OF CONSUMER RELATED ISSUES



