



Communications Sector Consumer Complaint Procedure

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DEFINITIONS

Consumer: Means a natural person who is, was or may, in the future, be a user of communication services.

Service provider/Operator: An entity that provides services to other entities and individuals.

Communications Sector: A segment encompassing all communication participants such as service providers, consumers, licensed radio communication users, licensed spectrum users and other stakeholders.

Authority: Lesotho Communications Authority.

Station: A radio or television broadcaster.

1.0 INTRODUCTION

The aim of this complaint procedure is to empower consumers to take direct action against any service provider who offers poor service, quality or other issues. The primary emphasis is to provide users with sufficient relevant information so that they can deal with their service providers and to ensure that operators have adequate procedures in place to address consumer issues including complaints. Consumers can contact the Authority for information but it cannot act on a consumer complaint until the operator's complaint handling processes are exhausted. The primary responsibility for complaint resolution rests with the service providers, as they have the direct relationship with the consumer.

2.0 CONSUMER PROTECTION

Consumers have a right to the following:

- a) Be protected from unfair business practices;
- b) To receive quality and timely service that offers value for money;
- c) To receive bills on time and such bills should be clear and understandable;
- d) To know about service provider's complaint handling procedures;
- e) To receive service related information from a service provider; and
- f) To bind themselves to contracts written in the official language they understand.

3.0 CONSUMERS HAVE OBLIGATIONS ON THE FOLLOWING:

- a) Prompt payment of bills for services consumed;
- b) Adhere to contractual obligations with the service providers;
- c) When lodging complaints, to provide proof to support such complaints; and
- d) Respect the privacy of other users of communication services.

4.0 SERVICE PROVIDER'S OBLIGATIONS

Service Providers have obligations on the following:

- a) To provide consumers with a copy of a service agreement or contract at the commencement of offering a service.
- b) To provide the consumer with a complaints handling procedure. Operators should provide a copy of their complaints procedures to any customer who requests a copy; in addition operators should have a copy available on their websites. The complaint procedure should address among others the following:
 - i. Steps to follow when lodging a complaint;
 - ii. Steps that the service provider should follow in addressing the complaint;
 - iii. The time it takes to resolve the complaint; and
 - iv. The escalation path in case the complaint is not addressed within the time given or if the consumer is not satisfied with the outcome regarding the handling of the complaint.
- c) To provide a consumer with a contract written in an official language of his/her choice.

5.0 TYPES OF COMPLAINTS TO LODGE

Consumer complaints may include the following:

- a) Service provision issues relating to connection, billing information, faults, timely provision of service, automatic service renewal contracts, etc.
- b) Radio and Television programmes; and
- c) Radio frequency interference issues.

6.0 STEPS TO FOLLOW WHEN LODGING A COMPLAINT AGAINST ANY COMMUNICATIONS SERVICE PROVIDER

Before lodging a complaint, the consumer should first check conditions of a service agreement or contract of the service provider. A complaint against service providers may be done in two stages:

- a) Lodging a complaint with the service provider; and
- b) Lodging a complaint with the Authority.

6.1 When lodging a complaint with the service provider, the complainant should provide the following information in order to enable the service provider to deal with the complaint as efficiently as possible:

- a) Name and account number of the complainant;
- b) Complainant's contact details; and
- c) Nature of the complaint.

The complainant should also keep a proper record of the following information:

- a) Copy of all correspondence with the service provider;
- b) The date and time that the complaint was communicated to the service provider; and
- c) Name of the person who attended to the complaint, as well as action promised to address the situation.

If the complaint has not been dealt with fairly or to the complainant's satisfaction, the complainant should request for it to be elevated to the higher level.

6.2 Upon receipt of the complaint, the service provider should do the following:

- a) Register the complaint and allocate it a reference number that a complainant may refer to in any further contacts with the service

- provider;
- b) Respond within 5 working days from the date of receipt of the complaint; and
- c) Resolve the matter within 20 working days.

If there are disagreements after all the steps above have been exhausted, the Authority shall then be contacted for advice or for filing of a complaint.

6.3 Filing of a complaint with the Authority against any communication service provider.

A complaint should include the following:

- a) Name, account number and contact details of the complainant;
- b) The name of the service provider and the nature of the complaint;
- c) The date of the original complaint lodged with the service provider;
- d) Service provider's response to the complaint;
- e) Reasons for escalation of the complaint to the Authority;
- f) Any other evidence showing necessary steps taken to address the complaint with the service provider in question; and
- g) The remedies sought by the complainant.

6.4 Upon receipt of the complaint, the Authority shall:

- a) Register the complaint;
- b) Examine whether the subject matter of the complaint falls within the Authority's powers. If so, the Authority will review the details of the complaint and if appropriate, will intervene by requesting the service provider to re-examine the complaint in light of any relevant regulatory obligations;
- c) Forward the complaint to the service provider;
- d) Respond within 5 working days;
- e) Take not more than 20 working days to assess and investigate the complaint; and
- f) Notify the complainant of the outcome when the investigation is completed.

7.0 STEPS TO FOLLOW WHEN LODGING COMPLAINTS AGAINST ANY BROADCASTER

Any viewer or listener can lodge a complaint against a broadcaster if the complaint relates to issues covered in the code of practice. A complaint covered by a code of practice must be first lodged with the broadcaster concerned.

A person can lodge a complaint against any station (Radio or Television) if such station broadcasts content which breaches the code of practice. The broadcaster is deemed to be in breach of the code of practice if it broadcasts content that:

- a) Offends against good taste and decency;
- b) Contains gratuitous use of offensive language, including blasphemy;
- c) Glorifies violence;
- d) Is likely to incite crime or lead to disorder; or
- e) Is likely to incite or perpetuate hatred against or gratuitously vilifies any person or section of the community on account of race, ethnicity, nationality, gender, marital status, sexual preference, age, physical or mental disability, religion or culture.

7.1 When lodging a complaint with the broadcaster, a written complaint must be addressed to the Station Manager or Managing Director and should include the following:

- a) The name and contact details of the complainant;
- b) The name of the programme complained of;
- c) The channel or station on which it was broadcast;
- d) The date and time of the broadcast;
- e) Standard(s) believed to have been breached with supporting reasons;
- f) The complaint should be lodged within 30 days of the programme broadcast; and
- g) The broadcaster has 15 working days to address and finalise a complaint from the day it is received.

If not satisfied with the response or not responded to at all by the broadcaster, the complainant can refer the matter to the Authority within 15 working days.

7.2 Filing of a complaint with the Authority against any broadcaster.

When filing a complaint with the Authority against any broadcaster, the complainant should:

- a) Provide the Authority with the name and contact details;
- b) Attach all relevant correspondence between the complainant and the broadcaster in question;
- c) Inform the Authority of the name of the programme;
- d) Indicate the date and time of the programme; and
- e) Indicate standard(s) code that has not been adhered to.

7.3 Upon receipt of the complaint, the Authority shall:

- a) Register the complaint;
- b) Respond within five working days;
- c) Examine whether the subject matter of the complaint falls within the Authority's powers. If so, the Authority will review the details of the complaint and where appropriate, will intervene by requesting the broadcaster to re-examine the complaint in light of any relevant regulatory obligations;
- d) Write to the broadcaster enclosing the complaint and seeking written representations and/or request recordings of the programme complained of; and
- e) When the Authority has all the information needed to assess the complaint, it will be addressed in line with the Rules. Subsequently, the complainant will be notified of the outcome when the investigation is completed.

8.0 COMPLAINTS IN CONNECTION WITH RADIO FREQUENCY INTERFERENCE

- a) Complaints of this nature can be addressed directly to the Authority either by telephone, E-mail or by filling the relevant complaint form available on its website.
- b) Upon receipt of the complaint, the Authority will investigate the matter and notify the complainant once the problem has been resolved.

CONTACT DETAILS:

All complaints should be addressed to:

The Registrar
Lesotho Communications Authority
6th Floor, Moposo House
PO Box 15896
Kingsway Road
Maseru 100.

Office Hours:

08.00 hours – 17.00 hours Mondays – Fridays

Tel. + 266 2222 4300/ 5222 1300/ 2232 6784

Fax: +266 2232 6081/ 2231 0984

E-mail: admin@lca.org.ls

Web: www.lca.org.ls

