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The Bank of Zambia Act
(Cap 360 of the Laws of Zambia)

Bank of Zambia Customer Complaints Handling and Resolution Directives

1. SHORT TITLE

These Directives are issued pursuant to Sections 113 and 167 of the Banking and Financial Services Act, No.07 of 2017, Section 43 of the Payment Systems Act 2007 and Section 63 of the Credit Reporting Act, No 8 of 2018. These Directives may be cited as the Bank of Zambia (Customer Complaints Handling and Resolution) Directives, 2020.

2. PREAMBLE

Under the Banking and Financial Services Act (BFSA), the Bank of Zambia is charged with the responsibility of ensuring confidence and integrity of the financial sector. This entails the maintenance of a sound market, business practices and appropriate consumer protection mechanisms in the financial sector. One of the tenets of consumer protection in the financial sector is effective resolution of consumer complaints.

The Payment Systems Act mandates the Bank of Zambia to regulate and oversee the operations of payment systems in order to ensure the integrity, effectiveness, efficiency, competitiveness and security of the payment systems so as to promote the stability and safety of the Zambian financial system. In doing so, the Bank of Zambia is empowered to issue directives as deemed necessary.

The Credit Reporting Act mandates the Bank of Zambia to regulate credit reporting agencies and in particular to ensure that credit reporting agencies maintain proper standards of conduct and acceptable credit reporting practices. The Bank of Zambia is also mandated to ensure that it takes such measures to protect the interests of data subjects whose data is reported by credit reporting agencies. In doing so, the Bank of Zambia is mandated to issue regulatory statements for the efficacious implementation of the Credit Reporting Act.

These Directives therefore provide a basis and guideline for the formulation of a customer complaints framework for a regulated entity.

3. PURPOSE

The purpose of these Directives is to prescribe minimum requirements to regulated entities on the handling of customer complaints.

4. DEFINITIONS

- ‘Agent’ means any third party entity or individual engaged by the regulated entity to offer financial services on its behalf;
- ‘Complaint’ means a statement that a situation is unsatisfactory or unacceptable;
- ‘Regulated entity’ means a financial service provider, operator of payment system business or a credit reporting agency;
- ‘Bank’ means the Bank of Zambia;
- ‘Senior Management’ means chief executive officer, chief financial officer, manager or other management personnel of the financial service provider;

5. APPLICATION OF DIRECTIVES

These Directives shall apply to all entities regulated by the Bank of Zambia and operating in Zambia.

PART I:

6. ESTABLISHMENT OF COMPLAINT HANDLING STRUCTURES BY REGULATED ENTITY

- 6.1. Each regulated entity shall establish an appropriate complaint handling unit, section or department commensurate with the complexity of the service provided, which shall be responsible for receiving and resolving customer complaints. The unit, section or department shall also be responsible for recording and reporting on complaints received.
- 6.2. The staff responsible for handling customer complaints shall be trained, equipped and empowered to resolve consumer complaints in a fair and timely manner.
- 6.3. Where a regulated entity uses agents to offer financial services to customers, it shall train such agent son the complaints procedures while retaining ultimate responsibility for the function.

- 6.4. A regulated entity shall appoint an officer to be responsible for complaints handling. The officer shall have sufficient decision-making powers to decide on the resolution of most complaints.
- 6.5. The complaint handling function and procedures for lodging complaints shall be easily accessible to all customers.
- 6.6. A regulated entity shall have a framework for informing its clients on how to make a complaint. This information shall, at minimum, be displayed prominently by the regulated entity in all branches, agents trading places and on its electronic sites. The minimum information to be disclosed shall include:
- (a) All available ways to lodge a complaint, including contacts for the recipient of the complaint;
 - (b) Description, in plain language, of the complaints handling process including guidelines on how to lodge a complaint;
 - (c) Information about maximum time limits to resolve a complaint; and
 - (d) Information about making an appeal if not satisfied with the solution by the regulated entity.
- 6.7. The disclosure referred to in sub-directive 6.6 shall be made:
- (a) by way of a general notice conspicuously displayed in each branch and agent trading locations of the regulated entity;
 - (b) in writing and copies shall be made available to customers at branches and agent trading locations of the regulated entity; and
 - (c) available on the website of the regulated entity. The homepage of the regulated entity's website shall contain a clearly visible link to a specific page that lists all contacts to lodge a complaint, describes the process and time limits for complaints handling and contain a form which consumers may use to lodge a complaint. A regulated entity may have an online facility for lodging complaints
- 6.8. A regulated entity shall maintain a physical or electronic complaints register in its branches. The complaints register shall at a minimum capture the following details:
- (a) Names/addresses of the person making the complaint and date of lodging of the complaint;
 - (b) Details of the complaint and date of occurrence;
 - (c) Copy of any relevant supporting document, if any; and
 - (d) The relief or remedy sought by the complainant.
- 6.9. Each marketing communication tool and marketing material from the regulated entity and their agents shall include information about the institution's complaint handling procedures. Since the method of communication will vary, the regulated entity should determine the amount of information that may be provided. At a minimum, the regulated entity should indicate the contact details for the customer complaints handling unit.
- 6.10. A regulated entity shall submit to the Bank the name and contact number of the focal point person responsible for handling complaints.

7. GOVERNANCE

- 7.1. The Board of Directors of a regulated entity shall develop a written policy and internal procedures for dealing with complaints made by customers which shall be reviewed by the Bank. Changes to the policy shall be submitted to the Bank for review.
- 7.2. The Board shall ensure that the regulated entity complies with customer complaints handling procedures as well as relevant regulatory requirements under the Banking and Financial Services Act and where applicable, the National Payment Systems Act and the Credit Reporting Act.
- 7.3. The policy for complaints handling shall include time limits, content of communication, records, processes for internal use of complaint data, reporting requirements, among others.

8. RESPONDING TO COMPLAINTS – COMMUNICATION

- 8.1. In general, the method of response should be in line with how the complaint was lodged. Ideally, responses should be in writing either as a letter or an email.
- 8.2. The outcome of a complaint should be explained to the client in plain language so that the client understands the reasons for the decision.

9. RECORDS AND REPORTING

- 9.1. A regulated entity shall retain the records pertaining to each customer complaint for 2 years or such longer period as the Bank may determine, including records of how the complaint was resolved.
- 9.2. A regulated entity shall ensure that complaints are:
- 9.2.1. Consolidated in a single central database located at the regulated entity's head office;
 - 9.2.2. Recorded in a data base maintained at branch level if received at a branch and reported to the consolidated central data base referred to in 9.2.1; and

- 9.2.3. Assigned a unique tracking or reference number that shall have the branch code included in it and that shall be quoted in all correspondence.
 - 9.3. A regulated entity shall report to the Bank, within 10 working days after the end of each quarter, the number of complaints it has received, pending and resolved in a format as shown in Appendix 1. The report shall include a short description of the nature of the complaints received during the reporting period, the average time period for resolving the complaints and how these complaints were or are planned to be resolved and such other reports as the Bank may determine.
 - 9.4. The report in 9.3 should include an analysis of the complaints indicating the most frequent complaints and the measures put in place to comprehensively resolve the issues surrounding the complaints. The report shall also indicate cases of a legal nature.
 - 9.5. The report and recommendations shall be presented to senior management.
 - 9.6. The report and the senior management decision shall be provided to the internal auditors who shall assess the status of implementation of the decision.
 - 9.7. The report and the evidence of senior management's review shall also be submitted to the Bank who may use it during on-site examinations or use the data for further analytical purposes or for supervisory action.
10. MINIMUM STANDARDS
- 10.1. The internal complaint handling process shall, at a minimum, be:
 - 10.1.1. Overseen and actively monitored by senior management;
 - 10.1.2. Focused on resolving customer concerns and complaints;
 - 10.1.3. Fair and proportionate;
 - 10.1.4. Sensitive to the customer needs;
 - 10.1.5. Affordable;
 - 10.1.6. Clear and straightforward;
 - 10.1.7. Easily understood; and
 - 10.1.8. Readily accessible and efficient.
11. TIMELINESS AND RESPONSIVENESS.
- 11.1. Where a timeline for dealing with a complaint is provided in the Banking and Financial Services Act, National Payment Systems Act or the Credit Reporting Act, a regulated entity shall ensure that it complies with the stated timelines.
 - 11.2. In any other event, a regulated entity shall comply with the timelines prescribed in this part.
 - 11.3. A response to each complaint shall be made in an equitable, objective and timely manner, in compliance with established timelines for handling complaints.
 - 11.3.1. Simple complaints such as non-provision of a statement should be dealt with immediately but not later than (3) three business days;
 - 11.3.2. Complaints should be dealt with within (5) five working days from the date of receipt;
 - 11.3.3. Where, in the assessment by the regulated entity, a complaint is likely to take more than (5) five working days to resolve, it should provide the customer with a holding reply within (2) two working days of receipt of the complaint;
 - 11.3.4. Complex complaints, such as those involving another service provide, should be resolved within (15) fifteen working days from the date of receipt;
 - 11.3.5. Longer periods than 15 working days should be approved by senior management and specifically flagged in the complaints database and the reporting frame work;
 - 11.3.6. The time when the regulated entity awaits further requested information from the customer shall not count into the time limit.
 - 11.4. A regulated entity shall promptly acknowledge complaints filed by the customer, assign a complaint reference number and the timeline for the complaint's resolution.
 - 11.5. Upon completion of an investigation into a complaint, the regulated entity shall, before the end of the next Business day communicate its resolution to the customer with a clear explanation of the basis of the decision.
 - 11.6. A regulated entity's senior management shall ensure the conduct of regular audits of the effectiveness of the complaint handling function including the timelines for resolving complaints.
12. PROCESS OF APPEAL AND DISPUTE RESOLUTION
- 12.1. A regulated entity shall inform the customer of the available alternative internal and external dispute resolution mechanisms in the event that the customer is not satisfied with the redress by the regulated entity.

- 12.2. Customers shall have the right of appeal if a complaint is not resolved to their satisfaction.
- 12.3. Where the appeal is within the regulated entity, the customer shall have the right to appeal to the Chief Executive Officer;
- 12.4. Where the customer decides to make an external appeal, such appeal may be made:
- 12.4.1. Through an alternative dispute resolution mechanism provided by a recognised authority including a sector association, the Bank, Consumer Protection Authority, a financial ombudsperson; or
- 12.4.2. To a court of competent authority;

13. Bank of Zambia Data Monitoring and Actions

- 13.1. The Bank shall investigate and take supervisory measures against a regulated entity whose periodic reports reveal:
- (a) An unusual number of or a significant increase in customer complaints;
- (b) A significant back log in the resolution of complaints; or
- (c) A material change in the severity of the complaints.
- 13.2. The Bank shall periodically publish in newspapers of general circulation in Zambia, on its website and other media platforms, procedures for reporting customer complaints by the public, which will serve as a sensitisation guide to customers of regulated entities on the procedures for channelling their complaints in case of a grievance.

PART 2:

Stages for Complaint Handling and Resolution by Regulated Entities

These are the stages that a regulated entity shall follow in resolving a complaint.

STAGE ONE

14. RECEIPTING AND DOCUMENTING A COMPLAINT

- 14.1. Every complaint received shall be assigned a tracking or reference number.
- 14.2. A regulated entity shall acknowledge via an appropriate means, receipt of a complaint within 2 working days from the date of receipt of the complaint.
- 14.3. A regulated entity shall establish a mechanism for receiving complaints which shall include complaints received verbally, in person or by telephone; complaints received in writing, including by electronic means or any other means. Where a complaint is submitted in writing, the complaint letter shall be stamped by the regulated entity upon receipt. Where the complaint is submitted via e-mail, a receipt acknowledgment e-mail shall be sent to the customer.
- 14.4. For written complaints, a regulated entity shall document the following details of the complaint:
- (a) Names/addresses of the person making the complaint and date of lodging of the complaint;
- (b) Details of the complaint and date of occurrence;
- (c) Copy of any relevant supporting document, if any; and
- (d) The relief or remedy sought by the complainant.
- 14.5. For complaints received verbally, the person receiving the complaint shall:
- (a) Take down the complainant's name, any government issued Identity Number, address and telephone number and record the date of lodging the complaint;
- (b) Shall constitute the recorded details of the complaint as a statement of complaint and shall make the Complainant sign it, if appropriate;
- (c) Inform the complainant of the regulated entity's complaints procedure;
- (d) Inform the complainant what will happen next and how long it will take to resolve the complaint;
- (e) Ask the complainant, if appropriate, to put their complaint in writing so that it is recorded in the complainant's own words.
- 14.6. In the event that the complainant is differently abled or is disadvantaged due to a language barrier and/or lack of writing skills, designated officers of the regulated entity's consumer complaints handling function shall render assistance.
- 14.7. A regulated entity shall send an acknowledgement in writing, by phone or other electronic means, with a tracking or reference number to the complainant upon receipt of the complaint.

15. INVESTIGATING AND DEALING WITH THE COMPLAINT

- 15.1. Every complaint received by the regulated entity shall be recorded in the complaints log.
- 15.2. An appropriate person shall be delegated to investigate the complaint and to take appropriate action.
- 15.3. If the complaint relates to a specific officer or agent of a regulated entity, the officer or agent shall be informed and given a fair opportunity to respond.
- 15.4. Whether the complaint is justified or not, the reply to the complainant should describe the action taken to investigate the complaint, the conclusion from the investigation, and any action taken as a result of the complaint.

16. COMPLETION TIME

- 16.1. A regulated entity shall investigate the complaint and provide a response or an update to the customer within the timeframe as stipulated in section 11 above from the date of receipt of the complaint.
- 16.2. If a regulated entity is unable to provide the customer with a final response within the prescribed period, the regulated entity shall inform the customer explaining the reasons for the delay and advise the customer when they can expect a final response.

STAGE TWO

17. REVIEW BY CHIEF EXECUTIVE OFFICER OF THE REGULATED ENTITY

- 17.1. In the event that a customer complaint is not resolved at agent, branch level or by the complaints handling function within fifteen (15) working days, or if the customer is not satisfied with the way the complaint has been concluded, the customer has the right to refer the matter to the office of the Chief Executive Officer of the regulated entity at Head Office for further intervention.
- 17.2. The office of the Chief Executive Officer shall investigate the complaint further and communicate a written response to the customer not later than (10) working days from the date of receipt of the referred complaint.

STAGE THREE

18. OTHER INTERVENTIONS

- 18.1. Where the complaint has been resolved but the complainant is not satisfied with the outcome, a regulated entity shall inform the complainant that they are at liberty to commence an action through an alternative dispute resolution mechanism or the courts of law to seek an appropriate remedy against the regulated entity.

19. THE ROLE OF THE BANK IN CUSTOMER COMPLAINTS RESOLUTION

19.1. Complaints that will be attended to by the Bank

19.1.1 Customers of regulated entities shall only refer a customer complaint to the Bank after:

- (a) The regulated entity has exhausted all means of resolving the complaint and has failed to resolve it to the satisfaction of the customer within the prescribed time limits; and
- (b) A respective regulated entity's association e.g. Banker's Association of Zambia, which has a dispute resolution mechanism, has deliberated on the complaint and the customer is still dissatisfied with the outcome.

19.2. Customer Complaints that the Bank shall not attend to

19.2.1 The Bank may not deal with the following:

- (a) A customer complaint that was not first reported to the regulated entity concerned for resolution;
- (b) A customer complaint that was not reported to the regulated entity within 6 (six) months from the date the complainant received the response from the regulated entity;
- (c) A customer complaint which is awaiting resolution or has already been resolved by any other institution, such as a Court of law;
- (d) A customer complaint where legal action has already started;
- (e) A customer complaint from the same customer that has been resolved previously through the Bank and;
- (f) A customer complaint that involves a business decision by a regulated entity based on commercial considerations such as a rejection of a loan application.

Appendix 1: Customer Complaints Report

Name of Regulated Entity: _____

Period of Report: _____

<i>Complaint Number</i>	<i>Customer</i>	<i>Nature of Complaint</i>	<i>Date Received</i>	<i>Status at Date Reporting</i>	<i>Resolution Date</i>
Analysis of Customer Complaints Received in the Review Period: (Can be continued on separate sheet)					

F. CHIPIMO (PHD),

Deputy Governor - Operations

LUSAKA

22nd April, 2020

GAZETTE NOTICE No. 3371 OF 2020		[3671997/4	TOTAL LIABILITIES	65,577,840
The Bank of Zambia Act (Cap 360 of the Laws of Zambia)			LIABILITIES	
Assets and Liabilities of Bank of Zambia			Local Currency in circulation	8,290,069
In terms of section 28 of the Bank of Zambia Act, the statement of assets and liabilities of the Bank of Zambia as at 31st March, 2020 is published for general information in the Schedule hereto.			Foreign currency liabilities	294,683
Ms R. C. MhangO, Deputy Governor – Administration			Domestic Currency Liabilities to IMF	17,242,617
LUSAKA			Government Deposits	5,855,771
31st March, 2020.			Deposits of Commercial Banks and other	8,900,976
			Non-Financial Institutions	
			Provisions	335,435
	SCHEDULE		Other Creditors and Claims	180,105
Assets		Amount	IMF SDR Allocation	11,702,518
		(K'000)	TOTAL LIABILITIES	52,802,174
IMF Funds Recoverable from Government		6,222,199	CAPITAL AND RESERVES	
Advances to closed Commercial Banks		99,669	Share Capital	500,020
Advances to Commercial Banks		436,835	Revaluation Reserves	337,756
Foreign Currency Cash and Deposits		25,430,211	General reserve	2,550,374
IMF Subscription		17,242,617	Retained Earnings	5,806,926
Holdings of Treasury bills and Government Bonds		15,114,742	Profit and Loss Account	3,580,591
Staff Advances		99,037	TOTAL CAPITAL AND RESERVES	12,775,667
Non-Current Asset		600,346	TOTAL LIABILITIES CAPITAL AND RESERVES	65,577,840
Other assets		332,185		