



## **Insurance Regulatory Authority of Uganda**

**Plot 5, Kyadondo Road, Nakasero. Legacy Towers, Block B, 2nd Floor.**

**Telephone: 0312-266364/ 0414-346712 / 041-4253564**

**P.O Box 22855 Kampala - Uganda**

**E-mail: [ira@ira.go.ug](mailto:ira@ira.go.ug)**

**Fax: 256 414 349260**

**<http://www.ira.go.ug>**

## **THE INSURANCE COMPLAINTS BUREAU GUIDELINES, 2017**

# THE INSURANCE COMPLAINTS BUREAU GUIDELINES, 2017

## ARRANGEMENT OF GUIDELINES

### *Guidelines*

#### PART I – PRELIMINARY

1.	CITATION AND COMMENCEMENT.....	3
2.	INTERPRETATION .....	3
3.	PREAMBLE.....	3
4.	OBJECTIVE OF THE GUIDELINE.....	4
5.	SCOPE OF THE GUIDELINES.....	4

#### PART II – THE COMPLAINTS PROCESS

6.	WHO CAN LODGE A COMPLAINT .....	4
7.	WHOM CAN THE COMPLAINT BE LODGED AGAINST.....	4
8.	NATURE OF THE COMPLAINT .....	4
9.	COMPLAINTS OUTSIDE THE SCOPE OF THE AUTHORITY.....	5
10.	LODGING OF COMPLAINTS.....	5
11.	NOTIFICATION OF AND RESPONSE TO THE COMPLAINT .....	5
12.	APPEARANCE OF THE PARTIES .....	6
13.	ASSESSMENT OF COMPLAINT AND PRELIMINARY ACTIONS.....	6
14.	PROCEDURE FOR HEARING OF COMPLAINTS .....	6
15.	HANDLING COMPLAINTS .....	7
16.	DECISIONS OF THE COMPLAINTS BUREAU .....	7
17.	CONFIDENTIALITY.....	8
18.	INVESTIGATIONS.....	8
19.	REMEDIES AVAILABLE TO THE PARTIES BY THE COMPLAINTS BUREAU.....	8
20.	REVIEW OF COMPLAINTS BUREAU DECISION.....	9
21.	FILING OF APPEALS .....	9

#### PART III – THE COMPLAINTS BUREAU

22.	COMPOSITION OF THE COMPLAINTS BUREAU.....	9
23.	OBLIGATIONS OF THE COMPLAINTS BUREAU.....	9
24.	THE COMPLAINTS BUREAU GUIDING PRINCIPLES.....	10
25.	OBLIGATIONS OF THE COMPLAINANT .....	10
26.	OBLIGATIONS OF THE LICENSEE .....	10

#### PART IV - GENERAL PROVISIONS

27.	REPRESENTATION OF THE PARTIES.....	11
28.	COMPLAINTS MEETINGS WITH LICENSEES.....	11
29.	ADJOURNMENTS .....	11
30.	FRAUDULENT CLAIMS.....	12
31.	REVIEW OF THE GUIDELINES .....	12

ANNEXTURE 1 .....	13
-------------------	----

# THE INSURANCE COMPLAINTS BUREAU GUIDELINES, 2017.

## PART I - PRELIMINARY

### 1. CITATION AND COMMENCEMENT

These Guidelines may be cited as The Insurance Complaints Bureau Guidelines, 2017 and shall come into force on the 1<sup>st</sup> day of February 2017.

### 2. INTERPRETATION

(1) In these Guidelines, unless the context otherwise requires –

“Complaint” means a statement of dissatisfaction addressed to the Chief Executive Officer of the Authority relating to the service offered or failed to be offered as agreed; a product offered for sale or withheld from sale; or the conduct of a licensee;

“Complainant” means a person who has lodged a complaint with the Authority and includes a Prospect, Policyholder, beneficiary, injured third party etc.

“Authority” means the Insurance Regulatory Authority of Uganda.

“Licensee” means a person who holds any licence or authorisation issued under the Insurance Act Cap 213 as Amended;

(2) Terms and expressions used in these Guidelines and not defined shall have the same meaning ascribed to them in the Insurance Act Cap 213 as Amended.

### 3. PREAMBLE

Section 15 (2) (e), (f) and (h) of the Insurance Act, 2000 as amended mandates the Insurance Regulatory Authority of Uganda, inter alia, to:

- (a) safeguard the rights of insurance policyholders and insurance beneficiaries to any contract ;
- (b) receive complaints from the public on the conduct of a licensed person, arbitrate and grant restitution to the complainant as may be possible; and
- (c) promote a sound and efficient insurance market in the country.

Whilst members of the Public have been lodging complaints with the Authority Complaints Bureau; the complaints analyzed and feedback from licensees sought in order to resolve the complaint, the information gathered has also been used to identify service, process, and information challenges and the recurrent issues that need to be addressed.

Where appropriate analysis of feedback and complaint information is used to rectify the issues raised in complaints about / against a licensed player; claims have also been settled resulting in improved consumer confidence in insurance in Uganda.

#### **4. OBJECTIVE OF THE GUIDELINE**

The objective of these guidelines is to provide for an effective complaint handling system to the Authority which;

- (a) resolves issues raised by members of the public against an insurance player in a timely and cost effective way;
- (b) may provide information that may lead to improvements in insurance service delivery; and
- (c) improve the reputation of the Authority and strengthen the public confidence in insurance.

The guidelines have been issued by the Insurance Regulatory Authority of Uganda generally for giving effect to Section 15 (2) (e), (f) and (h) of the Insurance Act, 2000 as amended and for providing for the minimum criteria for handling of complaints.

#### **5. SCOPE OF THE GUIDELINES**

These guidelines shall apply to every licensee or person regulated by the authority and members of the public with any insurance related complaints / problem.

### **PART II - THE COMPLAINTS PROCESS**

#### **6. WHO CAN LODGE A COMPLAINT**

- (1) Any affected person including the following persons can lodge a complaint:
  - (a) A prospect;
  - (b) A policyholder;
  - (c) A third party;
  - (d) A Broker;
  - (e) An Advocate on behalf of the insured, prospective or beneficiary, etc;
  - (f) Beneficiaries of an insurance Policy;
  - (g) Members of the industry licensed / registered with the Authority;
  - (h) Insurance service providers.

#### **7. WHOM CAN THE COMPLAINT BE LODGED AGAINST**

A complaint may be lodged with the Authority against any party licensed or regulated by the authority such as Insurers, Insurance Brokers, re insurance Brokers, Health Management Organisation, Loss Assessors, Loss Adjusters etc.

#### **8. NATURE OF THE COMPLAINT**

- (1) Complaints may involve a disagreement concerning:
  - (a) liability under policies issued;
  - (b) amount offered for settlement;
  - (c) breach of conduct by the licensee;
  - (d) any other insurance matter related to the actions of a licensee.

## **9. COMPLAINTS OUTSIDE THE SCOPE OF THE AUTHORITY**

- (1) Where the Authority receives a complaint about;
  - (a) activities other than those regulated activities under the Insurance Act,2000; or
  - (b) activities of another person for which the Authority has no legal regulatory responsibility, these Guidelines do not apply.
  
- (2) The Authority may respond where it receives a complaint outside its scope by possibly explaining its position on the complaint; and, or where appropriate giving possible details of the Institution responsible for handling such a complaint.

## **10. LODGING OF COMPLAINTS**

- (1) A complaint may be lodged with the Authority at no charge/ cost/fee through;
  - (a) a written letter addressed to the Chief Executive Officer of the Authority;
  - (b) email to [ira@ira.go.ug](mailto:ira@ira.go.ug) or any other designated email address of the Authority;
  - (c) the Complaints Bureau section on the Authority website i.e. [www.ira.go.ug](http://www.ira.go.ug) ;
  - (d) the toll free line 0800 124 124 or any other designated telephone number; or an oral statement that is reduced into writing by the Authority's officers in exceptional cases;
  - (e) by filling in Annexure 1 and submitting the form to the Authority;
  - (f) any other avenue as may be determined by the Authority.
  
- (2) Complaints that are physically delivered to the Authority's office shall be promptly acknowledged by the front desk officer or any other designated officer of the Authority by affixing a stamp and signature on the complaint.

## **11. NOTIFICATION OF AND RESPONSE TO THE COMPLAINT**

- (1) The Chief Executive Officer of the Authority will on receipt of the complaint forward it to the Complaints Bureau where a reference Number and complaint file shall be prepared.
  
- (2) The Complaints Bureau shall within 5 working days on receipt of the complaint, (unless extended by the Chief Executive Officer of the Authority) notify a party complained about of the complaint and its contents.
  
- (3) A party complained about shall within 5 working days from the date of receipt of the complaint, make a response to the Complaints Bureau including attachment of all the necessary documents such as the policy, investigation report, etc and also avail a copy to the complainant.
  
- (4) The complainant is at liberty to make a rejoinder within 2 working days from the date of receipt of a response in (3) above.

## **12. APPEARANCE OF THE PARTIES**

- (1) Where the Complaints Bureau, decides to conduct a hearing, and where on the date set down for hearing –
  - (a) the complainant or their representative appears and the licensee fails to appear, the hearing of the matter may proceed and be determined in the absence of the licensee;
  - (b) the licensee appears but the complainant or their representative fails to appear, the hearing may be dismissed or determined in the absence of the complainant or their representative;
  - (c) if both parties fail to appear, the complaint may be dismissed or determined in the absence of the parties.
  
- (2) Where a complainant or their representative is absent from the hearing of the complaint on two consecutive occasions, the Complaints Bureau shall dismiss the complaint.

## **13. ASSESSEMENT OF COMPLAINT AND PRELIMINARY ACTIONS**

- (1) The Complaints Bureau shall on receipt of the complaint, the response or any information related to the complaint review the file and based on the available facts;
  - (a) dismiss the complaint and close the file upon a finding of no merit;
  - (b) schedule a hearing if the matter warrants an inquiry;
  - (c) request for better particulars if the availed information is insufficient; or
  - (d) issue any directive to the parties in the interim.
  
- (2) The Complaints Bureau shall give reasons for dismissal of the complaint in 1(a).
  
- (3) All parties shall be kept informed of any action taken by the Complaints Bureau in 13(1).

## **14. PROCEDURE FOR HEARING OF COMPLAINTS**

- (1) On the finding that the complaint warrants a hearing, the Authority shall schedule a meeting between the parties within 14 working days from the date of filing of the complaint and notify the parties of the said hearing.
  
- (2) The Parties shall appear before the Complaints Bureau and during the hearing agree on the issues for determination and the kind of resolution / remedy that they seek from the Complaints Bureau.
  
- (3) The parties shall be given an opportunity to present their position, avail additional reports and rebut any allegation during the hearing of the complaint and shall communicate in a language agreed to by the Complaints Bureau.

- (4) The Complaints Bureau shall first hear the complainant's case and their witnesses followed by the response by the party complained about and their witness.
- (5) Either party has the right to cross-examine the other party or the witnesses of the other on closure of their evidence or as the Complaints Bureau shall direct.
- (6) The Complaints Bureau may, put questions to any party and may, at its discretion, call additional evidence as may be necessary to provide further clarification of the issues raised during the hearing.
- (7) The Parties may after the cross-examination and re-examination, where necessary make oral or written submissions as determined by the Complaints Bureau.

## 15. HANDLING COMPLAINTS

- (1) All complaints must be handled on merit, in an equitable, objective and unbiased manner and any conflict of interest must be declared.
- (2) All complaints received shall be addressed and handled promptly within the following timelines:

	ITEM	TIMELINE
1.	Acknowledgement of documents	Immediately upon service.
2.	Action by inviting a response	Within 5 (five) working days from the date of receipt.
3.	Complaints which can be resolved quickly	Within 2 (two) working days from the date of receipt.
4.	Period within which the Person licensed under the Act complained against is to respond.	5 (Five) working days from the date of receipt of the Authority letter.
5.	Writing the ruling	2 months from the date of conclusion of the hearing.

- (3) In exceptional cases, where a ruling cannot be provided within the expected time limit, the Authority shall inform the parties about the cause of delay and indicate when the ruling shall be given.

## 16. DECISIONS OF THE COMPLAINTS BUREAU

- (1) In the event that the parties fail to reach a mutual understanding, the Complaints' Bureau shall following closure of the hearing and submission of the parties make a decision / ruling.
- (2) The decision / ruling must indicate the key information of the witnesses and parties relayed during the hearing, relevant facts, conclusions, and findings and

where necessary recommendations and actions to improve the player complained against.

- (3) The Complaints Bureau shall notify any party aggrieved of the decision of the right to appeal to the Insurance Appeals Tribunal within one month from the date of delivery of the ruling.
- (4) All Responses and outcomes of complaints shall be recorded, filed and reported on.
- (5) All Remedies and proposed improvements to practices shall be followed up by the Authority and acted upon by the licensee to improve practices of the licensee complained against.

## **17. CONFIDENTIALITY**

The personal information of the complainant and any person who is the subject of a complaint shall be kept confidential and only used for purposes of following up the complaint and any other duly authorised actions.

## **18. INVESTIGATIONS**

- (1) The Authority may investigate claims or participate in any activity requiring investigation to ascertain better and further particulars.
- (2) The cost of any investigation if deemed necessary, shall be borne as agreed by the parties or as determined by the Complaints Bureau.
- (3) Expert opinions may at times be sought from the pertinent experts in insurance or other fields by the Complaints Bureau, at a cost to be borne as agreed by the parties or as determined by the Complaints Bureau.
- (4) The Authority may stay or terminate an investigation or proceeding if the matter giving rise to a formal complaint is the subject of a criminal investigation, criminal prosecution or civil litigation.

## **19. REMEDIES AVAILABLE TO THE PARTIES BY THE COMPLAINTS BUREAU**

- (1) After the hearing, the Complaints Bureau may take actions pursuant to any remedies specified in section 97 of the Insurance Act or any other action which may include, inter alia;
  - (a) a cautionary letter;
  - (b) a decision / ruling on any technical insurance matter;
  - (c) any other remedy that it deems fit.



## **20. REVIEW OF COMPLAINTS BUREAU DECISION**

- (1) The Complaints Bureau may on its own motion or by application of a party, only review its decision within one month from the date, the decision is communicated, on the following premise;
  - (a) account of some mistake or error in fact or law apparent on the face of the record; or
  - (b) discovery of new or material evidence which after the exercise of due diligence was not within the knowledge of, or could not be produced by a party by the time when the decision was made.

## **21. FILING OF APPEALS**

A person who is aggrieved by the decision of the Complaints Bureau / Authority may within one month from the date, the decision is communicated by the Authority, appeal against the decision, to the Insurance Appeals Tribunal as provided under section 92B of the Insurance Act Cap 213 as Amended.

## **PART III - THE COMPLAINTS BUREAU**

### **22. COMPOSITION OF THE COMPLAINTS BUREAU**

- (1) The Complaints Bureau shall consist of the following persons appointed by the Chief Executive Officer of the Authority:
  - (a) A Chairperson;
  - (b) A Deputy Chairperson;
  - (c) A Secretary;
  - (d) Any other person so designated.
- (2) The quorum of the Complaints Bureau at any hearing shall be three people.
- (3) The Complaints Bureau may at any one time invite any number of persons to act as consultants or advisors at any of its meetings.

### **23. OBLIGATIONS OF THE COMPLAINTS BUREAU**

- (1) The Complaints Bureau shall be obligated to ensure:
  - (a) that the hearing process shall be explained to the parties and the complaint hearing shall be in a clear, plain language which can be easily understood.
  - (b) that the parties are regularly informed about progression of the complaint.
  - (c) that proceeding of the hearing including evidence of the parties and the witnesses shall be recorded.
  - (d) that it cooperates with any licensee to ensure prosecution of any person involved in any fraudulent complaint brought to the Complaints Bureau.

## **24. THE COMPLAINTS BUREAU GUIDING PRINCIPLES**

- (1) The Complaints Bureau may mediate the disputing parties by facilitating communication and assisting them in reaching a mutually agreed resolution of the complaint.
- (2) The Complaints Bureau during the handling of complaints shall be guided by the principle that:
  - (a) the object of the hearing is to provide a fair resolution of the dispute as an impartial body without undue delay or expense;
  - (b) the parties should be free to agree how their dispute is resolved, subject only to such safeguards as are necessary in the public interest;
  - (c) the Complaints Bureau may not strictly observe the rules of evidence during the hearing.

## **PART IV - OBLIGATIONS OF THE PARTIES**

### **25. OBLIGATIONS OF THE COMPLAINANT**

- (1) The Complainant shall be obligated to ensure that:
  - (a) all material evidence to the complaint is disclosed to the Complaints Bureau.
  - (b) all the information disclosed is truthful and the claim not fraudulent.
  - (c) there is full observance of the Complaints Bureau time lines, directives and these guidelines.
  - (d) they cooperate with the Complaints Bureau up to conclusion of the case.
- (2) A complainant may officially complain to the licensee prior to lodging a formal complaint with the Complaints Bureau.

### **26. OBLIGATIONS OF THE LICENSEE**

- (1) The Licensee shall be obligated to ensure that:
  - (a) there is full disclosure of conclusive material information to the Complaints Bureau.
  - (b) there is full observance of the Complaints Bureau time lines, directives and these guidelines.
  - (c) they cooperate with the Complaints Bureau up to conclusion of the case.
  - (d) they shall ensure the prosecution of any person found liable by the Complaints Bureau should a claim be found fraudulent.
- (2) The licensee shall report to the Complaints Bureau by the last day of every month on the status and progression of every complaint registered with the Complaints Bureau.
- (3) The licensee shall setup a consumer protection framework including a complaints management policy and complaints desk and the designated contact person running such a facility whose details must be availed to the Authority.

- (4) All complaints internally handled by the licensee using their consumer protection framework shall be handled and concluded within 14 (fourteen) working days from the date of lodgement.

## **PART IV - GENERAL PROVISIONS**

### **27. REPRESENTATION OF THE PARTIES**

- (1) The appointment of a complainant's representative shall be in writing.
- (2) A person who represents a party licensed or regulated by the Authority (i.e. Insurers, Insurance Brokers, re insurance Brokers, Health Management Organisation, Loss Assessors, Loss Adjusters etc.) must have authority to make binding decisions on behalf of the licensee.
- (3) Any representative so appointed shall be deemed to have full representation of the appointing party and their representation or decisions shall be deemed binding.

### **28. COMPLAINTS MEETINGS WITH LICENSEES**

- (1) There shall be quarterly meeting with licensees (insurance players) where evidence must be shown that attempts have been made to resolve all complaints.
- (2) The Chief Executive Officer of a licensee that has 5 (five) or more unresolved complaints registered with the Complaints Bureau at any one time, shall immediately be summoned and answerable to the Complaints Bureau on immediate remedial actions to be taken.
- (3) Recurrent complaints of a similar nature or multiple complaints against a licensee shall be brought to the attention of the Chief Executive Officer of the Authority for further action.

### **29. ADJOURNMENTS**

- (1) A request for an adjournment shall not be granted unless there are sufficient reasons for an adjournment to be granted.
- (2) A request for an adjournment shall be made in writing to the Authority and shall be received no later than 74 hours before the date and time of the hearing.

### **30. FRAUDULENT CLAIMS**

- (1) A licensee shall at the earliest opportunity disclose to the Complaints Bureau any alleged fraudulent claim and their basis / reasons / justifications as such.
- (2) Any party whose actions or omissions have facilitated the procuring of a fraudulent claim shall be liable for both civil and criminal prosecution.

### **31. REVIEW OF THE GUIDELINES**

These Guidelines shall be reviewed from time to time by the Authority.



ANNEXTURE 1

Insurance Regulatory Authority of Uganda (IRAU)
Plot 5 Kyadondo Road, 2nd Floor, Block B, Legacy Towers
P.O. Box 22855 Kampala
Toll free line 0800 124 124;
Email: ira@ira.go.ug
Web: www.ira.go.ug

COMPLAINT FORM

(S.15 (2) (f) of the Insurance Act Cap 213 as Amended)

PART I. COMPLAINANT PARTICULARS

- 1. Name
2. Gender (Tick applicable) Male Female
3. Residential Address (LC, Zone, Town, District)
4. Contacts: Mobile No. Email
5. Complainant status: Prospect Policyholder Policy Beneficiary Third Party Others (Specify)

PART II. COMPLAINT INFORMATION

- 1. Name of insurance player /product provider
2. Name of / type of product
3. Policy No.
4. Details of what the complaint is about: (Attach additional pages if necessary & supporting documents)
5. What the complainant would like the Authority to do.

PART III. CERTIFICATION BY COMPLAINANT

6. I certify that the above information is true and correct to the best of my knowledge.

SIGNATURE OF COMPLAINANT

DATE

FOR OFFICIAL USE

- 7. Authority staff that received Complaint: Signature & Date
8. Authority Complaints Bureau staff that received complaint: Signature
9. Date Complaint is officially registered with the Complaints Bureau

\*This form is to be filled in duplicate and the complainant given their copy on receipt and signature by an Authority staff.

\*The Complainants' Mobile contact MUST be filled in and available during working hours for follow-up purposes.