



Credit Information Sharing



ADR Handbook



Association of Kenya Credit Providers

The Association of Kenya Credit Providers (AKCP) is a voluntary members' Association that was registered in April 2013. The objective of AKCP is to broaden Credit Information Sharing (CIS) to accommodate exchange of comprehensive credit information by all credit providers. This will enrich consumer profiles and therefore empower them to negotiate for better credit terms. In turn, this will promote access to finance and enhance financial stability for faster economic growth. In addition to the Association's Constitution, members are governed by a Code of Conduct that promotes consumer protection and effective self-regulation. Other objectives of AKCP include Research, Capacity Building, Awareness Creation and Legal Reform.

Of great significance to AKCP is its role in establishment of an Independent Alternative Dispute Resolution Centre as detailed in this Handbook. The mechanism focuses on (i) Strengthened consumer complaints' resolution within credit provider institutions and (ii) Alternative Dispute Resolution Centre (herein after referred to as "the Centre") to handle escalated disputes.

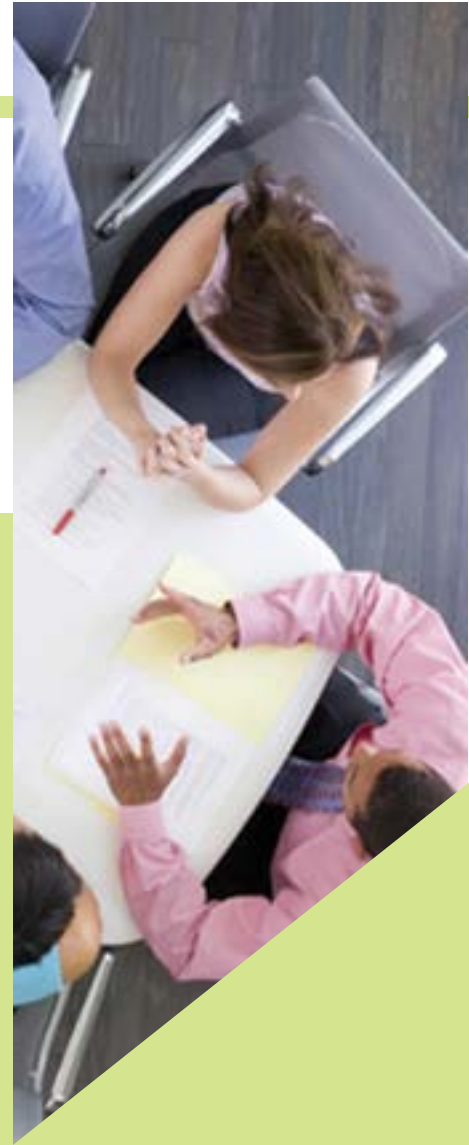
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Glossary

Abbreviation

CP
CRB
CIS
CTS
ADR
CPA
AKCP
TAT
CBK
CC
SC

Meaning

Credit Provider
Credit Reference Bureau
Credit Information Sharing
Case Tracking System
Alternative Dispute Resolution
Consumer Protection Act
Association of Kenya Credit Providers
Turnaround Time
Central Bank of Kenya
Compliance Committee
Steering Committee



Chapter I

Background



1. Introduction

Credit Information Sharing (CIS) is a risk management tool through which financial institutions may justifiably divulge information about their customers without breaching their duty of confidentiality, which is one of the key tenets of the relationships between financial institutions and their customers. The CIS initiative in Kenya is, however, faced with the risk of litigation, particularly in cases where adverse reports have led to decisions unfavourable to a customer seeking credit facilities. Left unchecked, these disputes could reverse gains made towards addressing the challenge of the non-performing loans portfolio that led to the collapse of financial institutions in the 1980s and 1990s.

Currently, a typical court case can take three (3) years or even more before it is concluded at a hefty cost to the consumer as well as the financial institution, while the issue could have been amicably resolved within a week through mediation. It is estimated that non-technical cases can be mediated and concluded within a day. The ADR approach will provide a valuable option for both customers and financial institutions, creating a conducive environment for issues to be addressed while upholding the relationship between the parties.

2. Objectives of this Hand-book:

1. To introduce uniformity in CIS dispute resolution practices – credit providers will need to follow established market guidelines and the Consumer Protection Act on complaints management in order to achieve best practices on consumer protection.
2. The ADR process established under this Handbook will focus on intervention, facilitation and mediation to ensure parties to a dispute come up with resolution and, where none is reached, the customer will be at liberty to seek arbitral intervention or legal redress.

This document outlines the procedures to be followed by the following in reporting and resolving queries:

1. Customer
2. Credit Provider (CP)
3. Credit Reference Bureau (CRB)
4. Registrar
5. Mediator

3. Preliminary

Authorization

This Handbook is issued under Regulation 28 & 35 of the CRB Regulations 2013, Article III of AKCP's Constitution and Part 2 and 3 of AKCP's Code of

Conduct. The AKCP's Code of Conduct is binding on all members in accordance with Article III of AKCP's Constitution

Application

This Handbook applies to all members of AKCP. They are all required to use the best standards in consumer protection and particularly consumer dispute resolution.

4. Purpose

The purpose of this Handbook is to provide all AKCP members with information on procedures for handling CIS related complaints and how to escalate them in a manner that reflects best standards in regard to consumer protection.

5. Scope

This Handbook provides clear guidance in terms of processes, applicable forms, timelines, and responsibilities of all parties involved in CIS disputes as well as the legal basis for ADR.

6. Responsibility

It is the responsibility of each member of AKCP to familiarize themselves with this Handbook and implement it, to ensure uniform approach to CIS dispute resolution.

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www.ciskenya.co.ke



Chapter II

The Legal Framework for Alternative Dispute Resolution in Kenya

1. Introduction

The practice of dispute resolution through methods other than litigation has always been in existence in Kenya. Traditional or community justice systems operating through recognized informal structures that are accepted as legitimate among different communities have always been in place. Dispute resolution by Provincial Administrators such as Chiefs, District Officers, Land Disputes Tribunals with the support of local elders, among others, has often been viewed as unjust and illegitimate due to abuse of the dispute resolution processes by these officials.

Different non-state institutions have taken up modern ADR as a viable avenue for expedited justice, largely deriving guidance from international practice from which they have developed their own guidelines. However, for a long time Kenya has not had a comprehensive and integrated legal framework to govern the application of modern ADR in settling disputes.

Modern ADR is fast gaining popularity across the globe. The Constitution of Kenya, 2010 and indeed recent legislation enacted in Kenya are an indication of the national desire to shift from formal litigation to less formal ADR processes where appropriate, in line with global trends.

2. The Constitution of Kenya, 2010

The Constitution of Kenya, 2010 gives formal recognition to ADR as a viable avenue for the enhancement of access to justice. Courts and other adjudicating authorities have been assigned the Constitutional duty to give each case a fair hearing within reasonable time, and to ensure that substantive justice always prevails over procedural justice. Accordingly, the Constitution enjoins Courts and other adjudicating authorities to promote and encourage reconciliation, mediation, arbitration and other forms of ADR in settlement of disputes¹

¹ Art 159 (2)(c)).

The desire to shift from formal justice processes towards informal dispute resolution mechanisms is further demonstrated by the creation of Constitutional Commissions, all of which are required to entrench ADR in dealing with disputes. The National Land Commission is required, among other things, to encourage the application of traditional dispute resolution mechanisms in land conflicts².

Nine other Commissions created by the Constitution have also been given powers to take necessary steps towards conciliation, mediation and negotiation³. These Commissions are all required to entrench ADR mechanisms in their operations. The Constitution also provides for the enactment of legislation to provide procedures for settling Inter-governmental disputes between national and County governments through ADR mechanisms, including negotiation, mediation and arbitration⁴. This is reinforced by provisions in the Intergovernmental Relations Act, The county Governments Act, The Urban areas and Cities Act, all of which incorporate provisions on ADR.

Examples of procedural and substantive laws that provide a framework within which ADR mechanisms may be applied include;

i. The Civil Procedure Rules, 2010

The Civil Procedure Rules, 2010 introduced Court mandated ADR and makes provision for reference to mediation and other dispute resolution methods. The Rules Committee of the High Court is empowered to make rules about the administration of mediation, and further allows each court to create and adopt its own rules regarding any appropriate means of dispute resolution, including mediation⁵. Under the rules,

- | | |
|---|---------------|
| 2 | Art 67(f)]. |
| 3 | [Art 252 |
| 4 | [Art.189 (4)] |
| 5 | [Rule 20] |

ADR mechanisms may be explored and resorted to at preliminary stages of a case.

The amendments are aimed at facilitating just, expeditious and proportionate resolution of civil disputes. There are provisions requiring reference of suitable suits to mediation. Courts are empowered to enforce private mediation agreements as long as they are in writing and facilitated by qualified mediators upon registration in the court registry.

ii. Statute Law (Miscellaneous Amendment) Act, 2012

This Act introduces provisions that lay the basis for a more structured approach to ADR by the Judiciary. The amendments introduce the establishment of a Mediation Accreditation Committee to be appointed by the Chief Justice and to which the Kenya Bankers' Association is represented.

iii. Credit Reference Bureau Regulations, 2013

The CRB Regulations, 2013 provide timelines within which certain actions must be taken in addressing disputes arising from contents of customer credit reports. Section 28 requires Bureaus to provide customers with a summary of their rights, including the right to refer a dispute to an ADR mechanism. Section 35 spells out the rights of a customer to access and correction and Regulation 50(2)(7) provides that an institution shall establish and maintain functional units or dedicate competent staff to receive and resolve complaints or disputes arising from CIS activities.

iv. The Arbitration Act

The Arbitration Act governs domestic and international arbitration in Kenya. It requires parties who desire to resolve their disputes through arbitration to formalize an arbitration agreement in writing. Any disputing parties can enter into such an agreement, which can be legally enforced.

v. The Consumer Protection Act

One of the purposes of the Consumer Protection Act is to provide for a consistent, accessible and efficient system of consensual resolution of disputes arising from consumer transactions ⁶. The Kenya Consumer Protection Advisory Committee established under the Act is enjoined to take reasonable measures to promote

⁶ Sec 3(4)

the purposes of the Act, and to protect and advance the interests of all consumers across all sectors of the economy, whether of private or public nature⁷.

The Consumer Protection Act allows a consumer or any other person involved in a dispute that may lead to a class action to engage in a process that may lead to the resolution of the dispute using any procedure that is available in law ⁸. A settlement arising from the procedure agreed is binding on the parties⁹.

The law protects the consumer by providing that any term in a consumer agreement which prevents a consumer from exercising a right to commence an action in the High Court is invalid¹⁰. A settlement or decision resulting from a dispute resolution mechanism is binding on parties.

The functions of the Kenya Consumer Protection Advisory Committee include creating or facilitating the establishment of conflict resolution mechanisms on consumer issues. The Committee is also required to work with the Chief Justice, Governors and other relevant institutions on the establishment of dispute resolution mechanisms.

vi. The Media Act

The Media Act establishes the Media Complaints Commission which has leeway to establish conciliation, mediation or arbitration panels to deal with media related complaints and disputes.

vii. The Cooperative Societies (Amendment) Act, 2004

This Act establishes the Cooperative Tribunal which focuses on the dispensation of substantive justice rather than technicalities.

3. Conclusion

The emerging trend is that ADR is increasingly gaining formal recognition in law, which lays a firm foundation for its practice. These new developments provide opportunities for the entrenchment of ADR, which is set to change the manner in which civil disputes of every nature, including CIS, are addressed in Kenya.

⁷ Sec 3(5)

⁸ Sec 4(2)

⁹ Sec 4(3)

¹⁰ Sec 88(1)

Chapter III

Governance Structure & Responsibilities



Steering Committee
(Policy Direction)



Registrar



Mediators

The governance structure will consist of 2 main offices; the ADR Centre and the Steering Committee. The SC will only exist for a limited period to give policy guidance. The mediators will be completely independent having been competitively selected. The Centre will have a Registrar who will carry on the day to day administrative functions as well as facilitate the mediation meetings.

At the pilot phase, the SC will meet with the Registrar and discuss difficulties, opportunities and challenges the office may face. The SC will then provide necessary guidance in order to improve the Centre and ensure it is fully operational. The SC will only exist for a term of one year though this term can be extended if extremely necessary. The composition of the proposed Steering Committee of 4-7 members may include representatives of CRBs, AG's Office, credit providers, the Judiciary, the Law Society of Kenya, independent members, other consumer bodies, or any other key stakeholder groups that have special

interest in CIS. Representatives of the credit industry should be a minority if at all to enhance perception of independence from AKCP.

1. The ADR Centre

1.1 Mandate

The primary objective of the Centre is to resolve credit information disputes.

1.2 Duties of the Mediators

In addition to what is provided for under their Terms of Reference, the mediators will have a duty to;

i. Ensure neutrality

ADR presupposes neutrality and independence. The mediators will demonstrate and manifest the following attributes;

a. Impartiality

- b. Objectivity
- c. The maintenance and monitoring for neutrality as the matter progresses

ii. Conflict assessment

The Mediators will undertake:

- a. Examination and analysis of the dispute from the point of view of each disputant.
- b. Information gathering
- c. Seeking adequacy and clarity of information provided.
- d. Pre- mediation discussions, where appropriate.

iii. Impartial convening

The Mediators will ensure;

- a. Establishment of ground rules for the mediation process, including procedural and other agreements.
- b. Creation of a positive resolution seeking atmosphere and set a tone for the process.
- c. Parties are helped to maintain civility
- d. Provision of direction for the process

iv. Enhancing communication

The mediators possess the following skills:

- a. Active listening to help understand issues and context (including emotional context) of the conflict.
- b. Promoting understanding between the parties.
- c. Applying careful questioning.
- d. Providing feedback to parties to make them know they have been understood (mirroring, repetition, paraphrasing).
- e. Separating emotions from issues.

v. Reality Testing

The mediators will;

- a. Ensure none of the parties is embarrassed during the process- face saving.
- b. Ask difficult questions that encourage disputants to think about the positions they are taking.
- c. Help parties to develop and analyze positions in caucus before they are presented in plenary session.
- d. Conduct feasibility testing - devil's advocate.

vi. Generating alternatives

The mediators have skills of generating alternatives for the parties; in so doing, they will provide guidance on;

- i. Aiding parties in finding creative solutions.
- ii. Ensuring the alternatives are generated through questioning processes rather than direct suggestions.

vii. Obtaining closure

Closure is the ultimate goal of a dispute resolution process. The mediators will ensure the settlements reached are long term and durable, hence unlikely to open up litigation.

viii. Submission of report

The mediators will submit to the Centre, a comprehensive statistical report with respect to all disputes handled, indicating what she/he observed during the sessions, what she/he did to bring about resolution. The report will incorporate the challenges observed and capacity gaps that need to be addressed, as well as lessons learnt.

1.3 Duties of the Registrar

1. The Registrar will initially discuss the challenges with the Independent SC who will give solutions and ensure the challenges are overcome
2. Using real cases, the Registrar will develop training material which can be used in capacity building programs.
3. Providing the overall management and monitoring of disputes, and will pay particular attention to;
 - a. Ability to seek and include all the relevant supporting information provided by the consumer with each dispute;
 - b. Inclusion of data on the consumer's dispute as well as the data furnisher's response;
 - c. Timeliness and efficiency in processes, bearing in mind the consumer's need for speed in resolving their issues;
 - d. Keenness on seeking clarification of issues or responses;

- e. Means of communication to ensure speed;
 - f. Currency of the documentation sought.
 - g. Proper record keeping
 - h. Keeping the disputants well informed on what is going on
4. Seeking relevant information from CPs, CRBs and credit consumers for purposes of appropriate interventions. To this end, the Registrar will be keen to;
- a. Determine whether or not a complaint falls within the jurisdiction of the Centre
 - b. Conduct investigations on the dispute, and addressing specific complexities.
 - c. Explore prospects of resolving the complaint through intervention, facilitation, or mediation
 - d. Implement any procedure the Centre deems appropriate.
 - e. Require a party (complainant, CP or CRB) to provide any information which in the view of the Registrar is necessary for the resolution of a dispute.
5. Conducting internal reviews of complaints in both process and content; The Registrar shall also
- a. Advise the public on the procedure for making complaints
 - b. Identify bottlenecks if any in the processing of complaints under the proposed mechanism.
 - c. Advise complainants on safekeeping of documents relating to the dispute (credit reports, correspondence, printed copies of email, etc.)
 - d. Recommend changes on the standard documents if need be.
 - e. Discuss challenges with the SC for purposes of improving the Centre
6. Identifying systemic issues arising from complaints and making recommendations to institutions if called upon to do so.
To help improve service delivery on CIS, the registrar will give reports on;
- a. Any material or persistent non-compliance with laws or procedures to the Steering Committee
 - b. Provide the regulators with any information

and assistance which they reasonably require.

- c. Consult with the industry if required to do so
- d. Any need to have additional staff to facilitate dispute resolution

1.4 Steering Committee

The SC will exist for a limited period to provide policy direction through the Registrar. It will ensure that the challenges faced by the Centre are addressed and that the Centre becomes fully operational and effective.

1.4.1 Role of the SC

The mission of the Committee is to fulfill the requirements of this Handbook in accordance with the objectives of the Centre. The Committee is ultimately accountable and responsible to all the stakeholders and members of the public for the performance and affairs of the Centre

The Committee must therefore give strategic direction to the Registrar. The Committee is responsible for ensuring that challenges faced by the Centre are addressed and where there is need for any legislative intervention, this is achieved without undue delay.

1.4.2 Composition of SC

There shall be at least 4 members of the committee.

1.4.3 Appointment of representatives

The corporate members may nominate the persons to represent them to the SC and the name of such nominees must be submitted in writing

1.4.4 Mandate & Responsibilities

The purpose of the SC is to facilitate the provision by the Centre of independent, equitable, speedy and cost effective resolution of CIS disputes. To this end, the SC;

- a. Reviews the Registrar's quarterly statistical reports and challenges of the Centre
- b. Monitors, maintains and promotes the Centre's independence

- c. Assists in creating awareness on the Centre
- d. Generally takes such steps as may be necessary to facilitate the running of the Centre
- e. Provides guidance on overall strategic direction to the Registrar
- f. Provides guidance on the creation of an organizational structure that will sustain the Centre
- g. Provides policy and legislative direction
- h. Assists in securing funding and act as liaisons to potential funders
- i. Determine a regular meeting schedule, at least quarterly, and participating in those meetings as needed;
- j. Act individually and collectively as champions of the initiative
- k. Undertake any other function towards ensuring that the goals of the Centre are met.

At the end of its term, the key outcome of the SC should be a fully operational Centre that, if possible, is fully funded to ensure independence or recommendations for a suitable and sustainable organizational structure for the Centre that could eventually be replicated for the entire credit industry. This includes legislative and policy recommendations.

All SC members must ensure that they have unrestricted access to accurate, relevant and timely statistical data on the Centre as long as they give sufficient notice or as agreed on from time to time between the SC and the Registrar

Committee members are required to act in a fully informed basis, in good faith, with diligence, skill and care and in the best interest of the Centre, while taking into account the interests of all stakeholders. In so doing, each Committee members must keep confidential matters of the Centre

In addition, the Committee must ensure that the Registrar prepares an annual budget. The Committee should develop a clear definition of the levels of materiality or sensitivity in order to determine the scope of delegation of authority and to ensure that it reserves specific powers and authority to itself.

The SC may, on annual basis, review and evaluate its required mix of skills and experience and other qualities in order to assess the effectiveness of the entire SC, its Sub-committees and the contribution of each member during his/her term of office.

The services of a Committee member may be terminated because of misconduct. This will apply to any Committee member who is guilty of:

- Grossly abusing the position of the Committee member
- Taking personal advantage of information
- Leaking of confidential information and/or matters discussed by the Committee
- Intentionally or negligently inflicting harm on the Centre
- Breach of trust

1.4.5 Officials

a) Role of the Chairman

The SC will elect a Chairman whose role will be to lead and manage the SC and ensure that it discharges its responsibilities.

The responsibilities of the Chairman will include:

- Ensuring that all Committee members are fully involved and informed of any issue on which a decision has to be taken
- Ensuring that the committee members participate fully in the pursuit of good corporate governance of the Centre
- Exercising independent judgment, acting objectively and ensuring that all relevant matters are placed on the agenda and prioritized properly
- Working closely with the committee secretary in ensuring that at all times the Committee members fully understand the nature and extent of their responsibilities and to ensure effective governance of the Centre

The Chairman will act as a facilitator at meetings of

the SC to ensure that relevant discussions take place, that the opinions of all Committee members relevant to the subject under discussion are solicited and freely given and that the Committee discussions lead to appropriate decisions.

The Chairman will seek a consensus amongst the SC members but may, where necessary, call for a vote, in which event the decision of the majority will prevail and dissenting views will be recorded. The Chairman shall have a casting in case of a tie.

In the event of any matter arising, which the Chairman, or the majority of the Committee feel that the Chairman may not be able to deal with objectively, the Chairman shall temporarily relinquish the chairmanship to the Deputy Chairman or any other committee member for the duration of the discussion on that issue. In such event, the Chairman shall still be entitled to enter into discussion and to vote as any other Committee member present at the meeting.

b) Role of the Deputy-Chairman

The Committee shall elect one of their own as the Deputy Chairman. When the Chairman is absent or unable to perform his duties, the Deputy Chairman must act in his stead and when so acting, exercise any function of the Chairman.

c) Role of Committee Secretary

The Secretary's role is to provide the Committee and its members with guidance as to the nature and extent of their duties and responsibilities and, how such duties and responsibilities must be properly discharged in the best interest of ADR.

The Secretary's role entails the induction of new and inexperienced members and together with the Chairman of the Committee, developing mechanisms for providing continuous education and training for all committee members in order to improve and maintain

the effectiveness of the Committee. The Secretary will assist the Chairman in determining the annual calendar and annual committee's plan and other issues of an administrative nature. The Secretary must provide a central source of guidance and advice to the Committee on matters of business ethics and good governance. The Registrar may act as the Secretary to the SC.

1.4.6 Remuneration of the Committee

Initially, the Committee members will serve on pro-bono basis. If their term is extended, the Registrar, in consultations with the Chairman must make recommendations to the Committee on the remuneration of the Committee members for consideration by the funders.

1.4.7 Sub-Committees

The SC will be free to form Sub-Committees and delegate some of its responsibilities to such Sub-Committees with clear terms of reference.

The Sub-Committees will observe the same rules of conduct and procedures as the SC, unless the SC specifically determines otherwise in the sub-committees' terms of reference.

The sub-committees must be constituted having regard to the skills, expertise and experience of members appropriate to the respective mandates. Where necessary, Independent external professionals with relevant skills and expertise may be co-opted as advisors to the SC or Sub-Committee where there is shortage of such skills or expertise. Such co-opted professionals shall have the status of invitees and shall not form part of the quorum for meetings and shall have no voting rights.

The Sub-Committees power is limited to making recommendations to the SC except where the terms of reference specifically authorizes decision taking

and implementation. A formal report, either orally or in writing, shall be provided by the Chairman of each Sub-Committee to the SC meeting following the Sub-Committee's meeting. Decisions by the SC or its Sub-Committees requiring a vote shall be by simple majority.

1.4.8 Committee Meetings

The SC should meet regularly, at least once a quarter as circumstances require. The SC must institute efficient and timely methods of informing and briefing SC members prior to meetings, and members shall use their best endeavours to attend SC meetings and to prepare thoroughly for them. Members who are unable to attend must advise the chairman at the earliest possible date.

The Chairman, with assistance from the Secretary shall develop the agenda for each SC meeting.

The Registrar shall, in consultation with the Chairman, cause information and data that is important to the Committee's understanding of the business to be distributed in writing at least 7 days before the Committee meeting. The material should be as brief as possible. Presentation, if any, should be sent to the Committee members in advance.

Minutes of all Committee meetings shall record the proceedings and decisions taken, the details of which shall remain confidential. The Secretary will circulate minutes of the Committee meetings to all members within three weeks of each meeting.

The Committee and Sub-Committees may, subject to this being sanctioned by the respective Chairman or Sub-committee Chairman, take decisions on urgent and non-contentious issues, by means of circulation. The approval in such cases should be by at least the majority of the Committee or Sub-committee members.

1.4.9 Maintenance of meetings and statutory records

The Committee Secretary shall cause minutes of all Committee meetings, and written resolutions of such meetings, to be kept in electronic and written format.

The Secretary shall cause minute books and other registers to be kept in safekeeping at the Centre and Committee members will be entitled to request copies or inspect same as and when required.

1.4.10 Succession and succession planning

The SC shall on an on-going basis perform skills identification process and communicate with the Registrar and relevant stakeholders in this regard.

The Committee shall institute procedures for selecting, monitoring, evaluating and replacing the registrar and/or key management staff of the Centre. In absence of a Sub-committee, the full Committee shall determine the process and criteria and may delegate certain responsibilities to some Committee members in this regard.

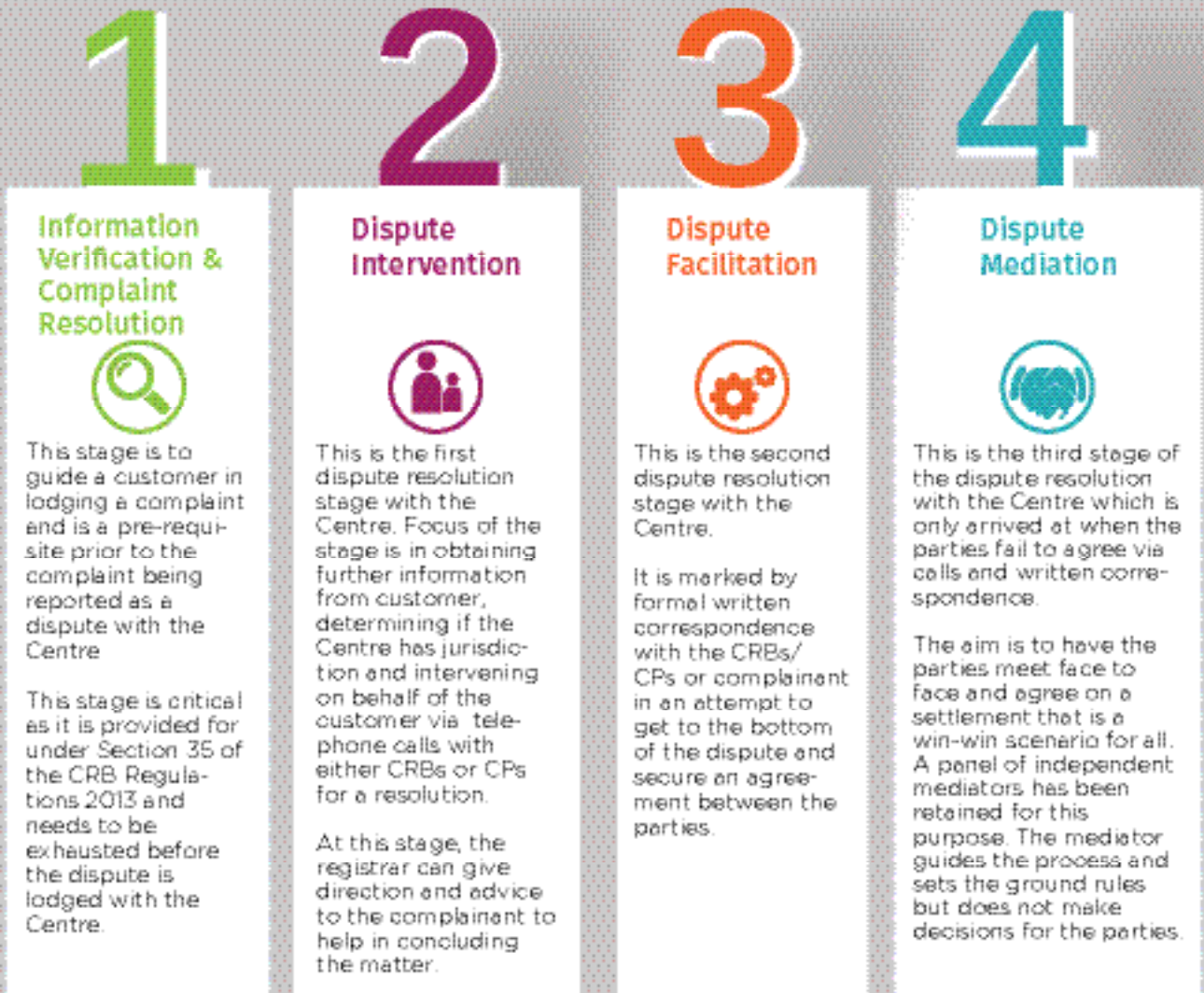
Similarly, there must be acting arrangements instituted to cater for the registrar's absence. The Registrar must also report to the Committee annually on succession planning and development plans for Centre's staff

1.4.11 Indemnity

Each member of the Committee is indemnified by the Centre in respect of all decisions and acts made and undertaken in good faith on its behalf, and it shall be the duty of the Centre to reimburse Committee members in respect of any costs or expenses reasonably and necessarily incurred in the bona fide discharge of such members fiduciary responsibilities to the Committee.

Chapter IV

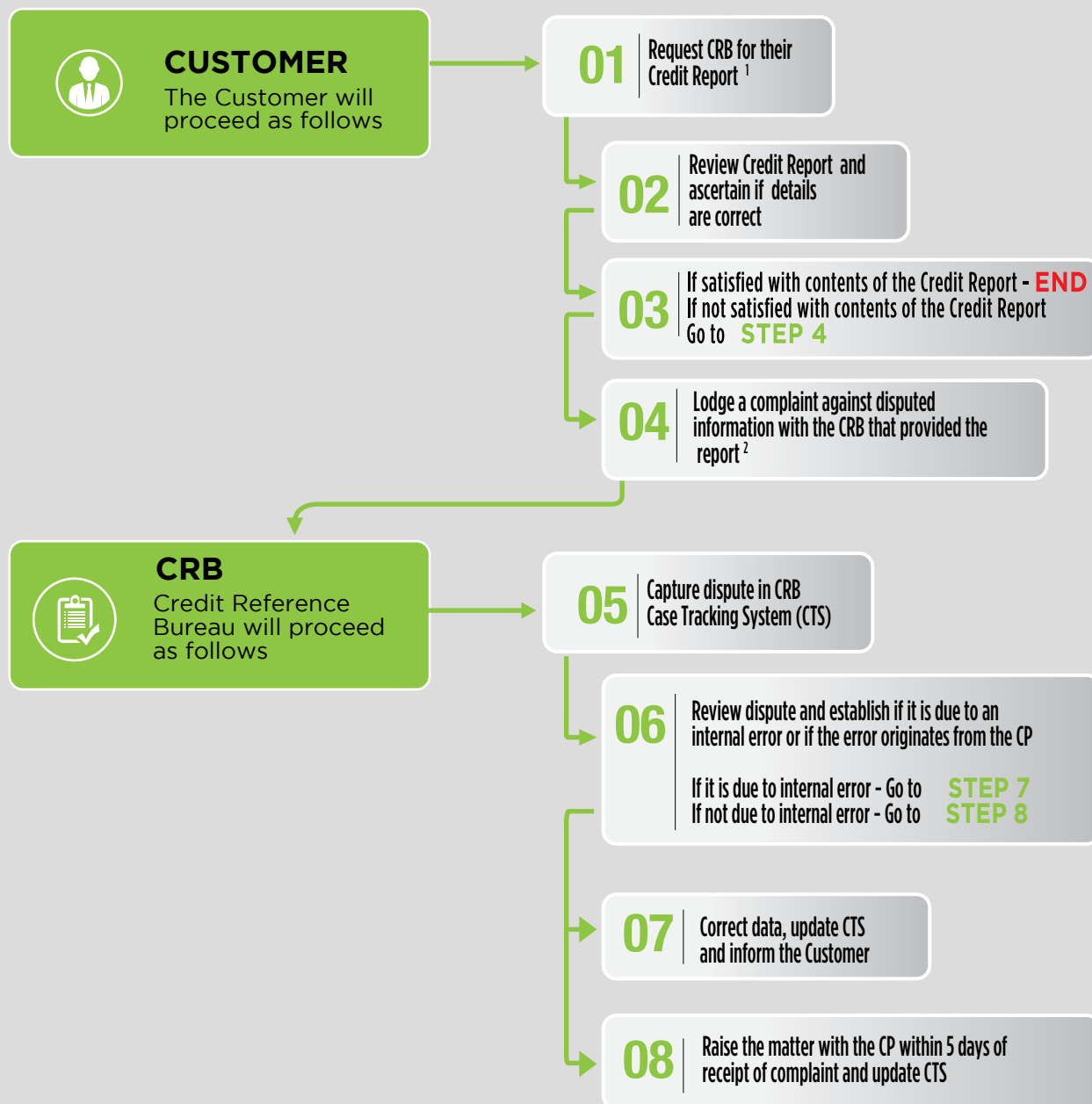
ADR Process Flows



Following is a graphical process flow for each stage stipulating the steps that various actors should take towards resolution of CIS disputes-

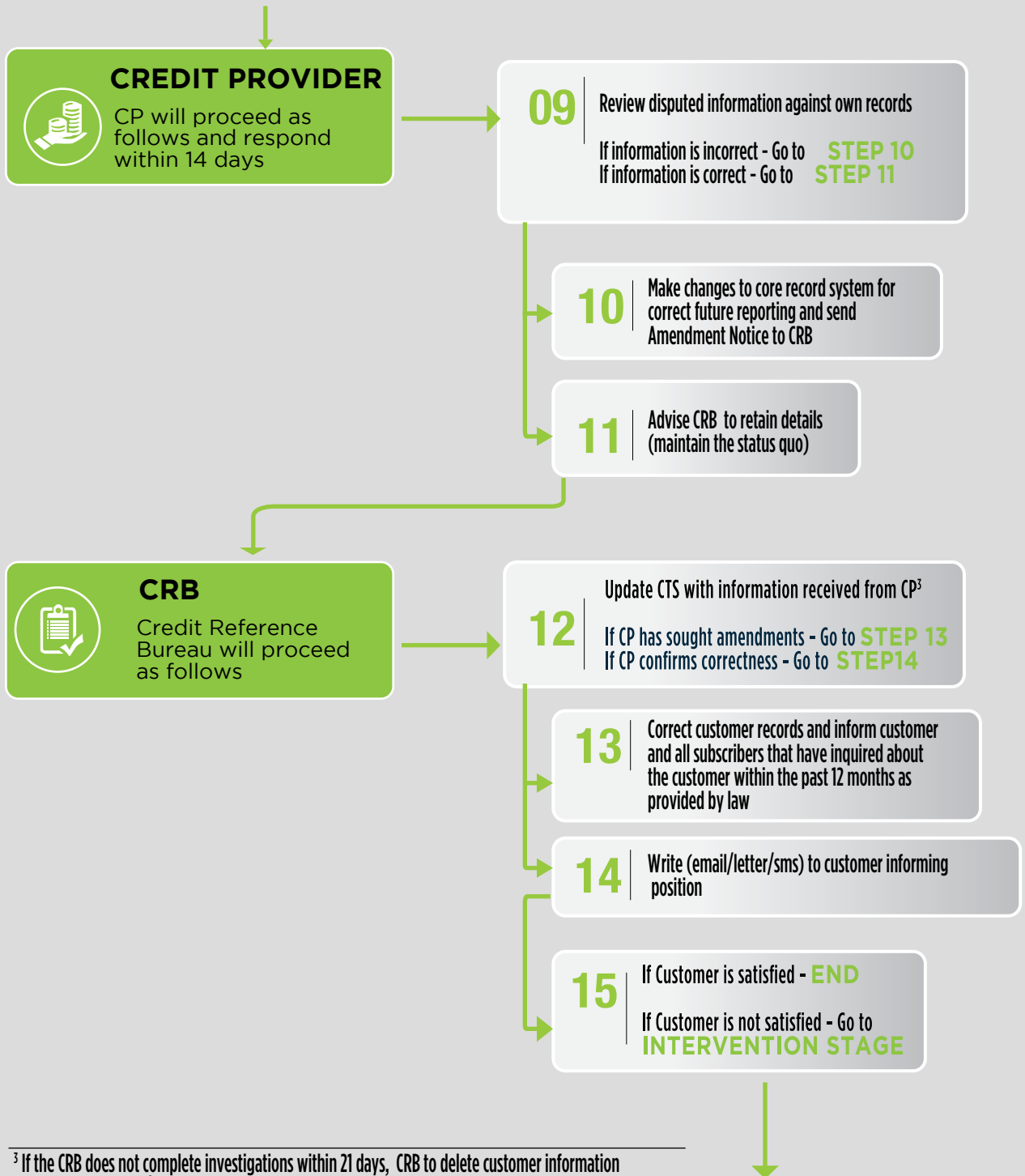
1. INFORMATION VERIFICATION & COMPLAINT RESOLUTION

The purpose of the process is for customer to verify details in their credit report and lodge a Complaint where necessary



¹ Customers are entitled to one free Credit Report per year, within 30 days of receipt of a negative listing notice and 6 months after making a request for correction

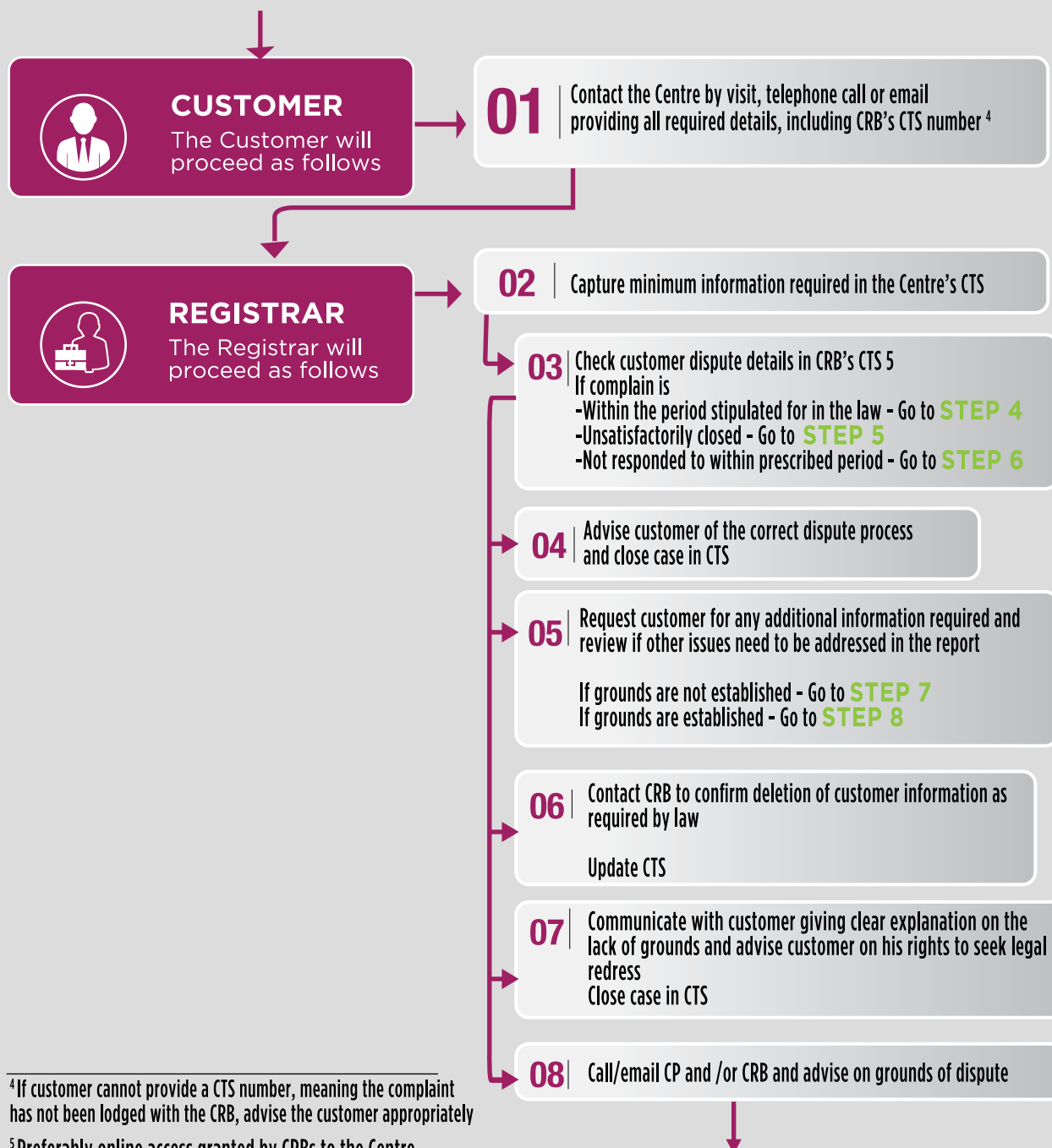
² The CRB will provide a dispute lodging form



³ If the CRB does not complete investigations within 21 days, CRB to delete customer information and inform customer/ CP. The information can be re-inserted once investigation is complete.

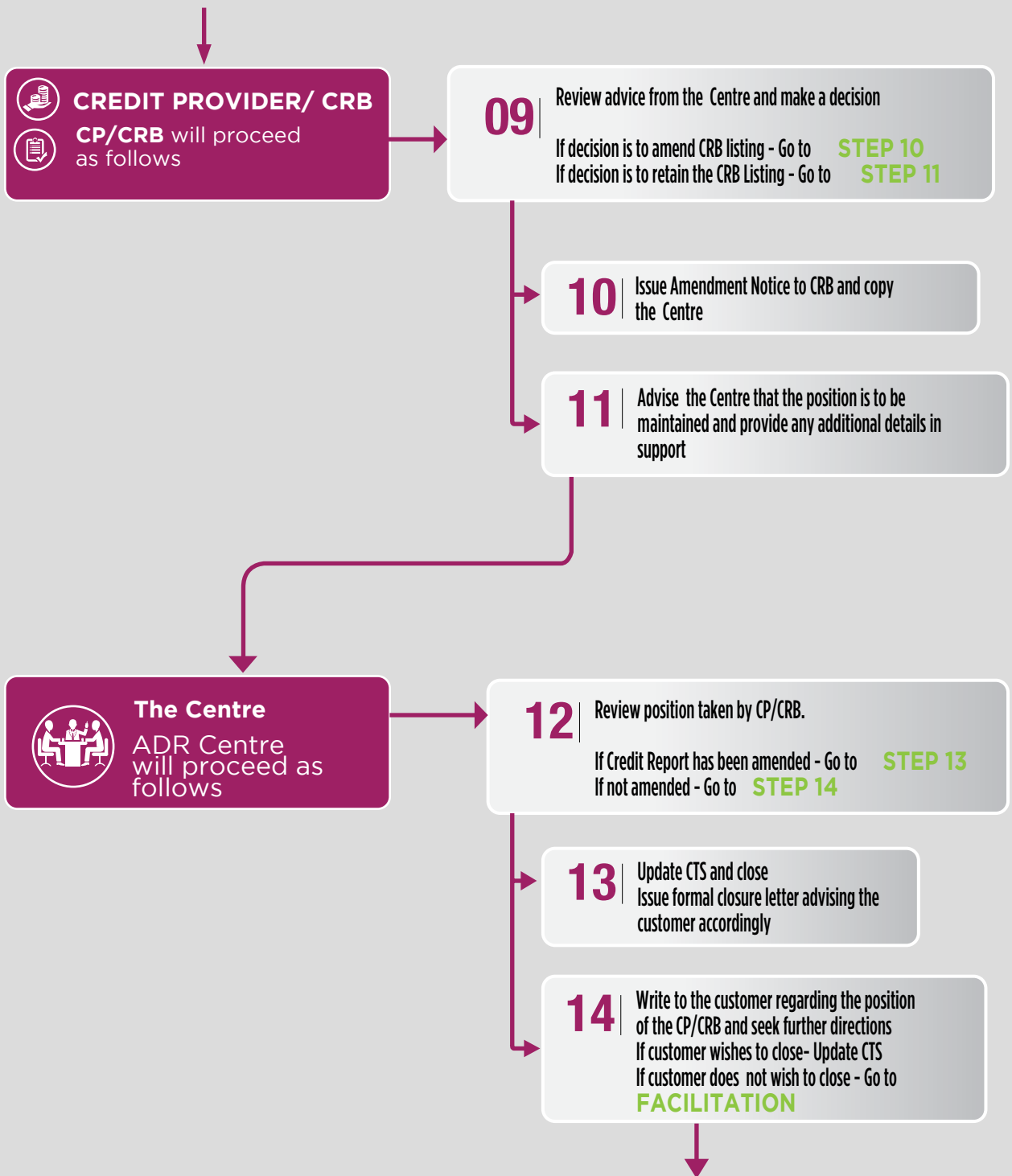
2. CIS ADR Centre DISPUTE INTERVENTION

The purpose of this process is to guide the registrar to successfully intervene between the parties including Customers, Credit Providers and Credit Reference Bureau over disputes raised.



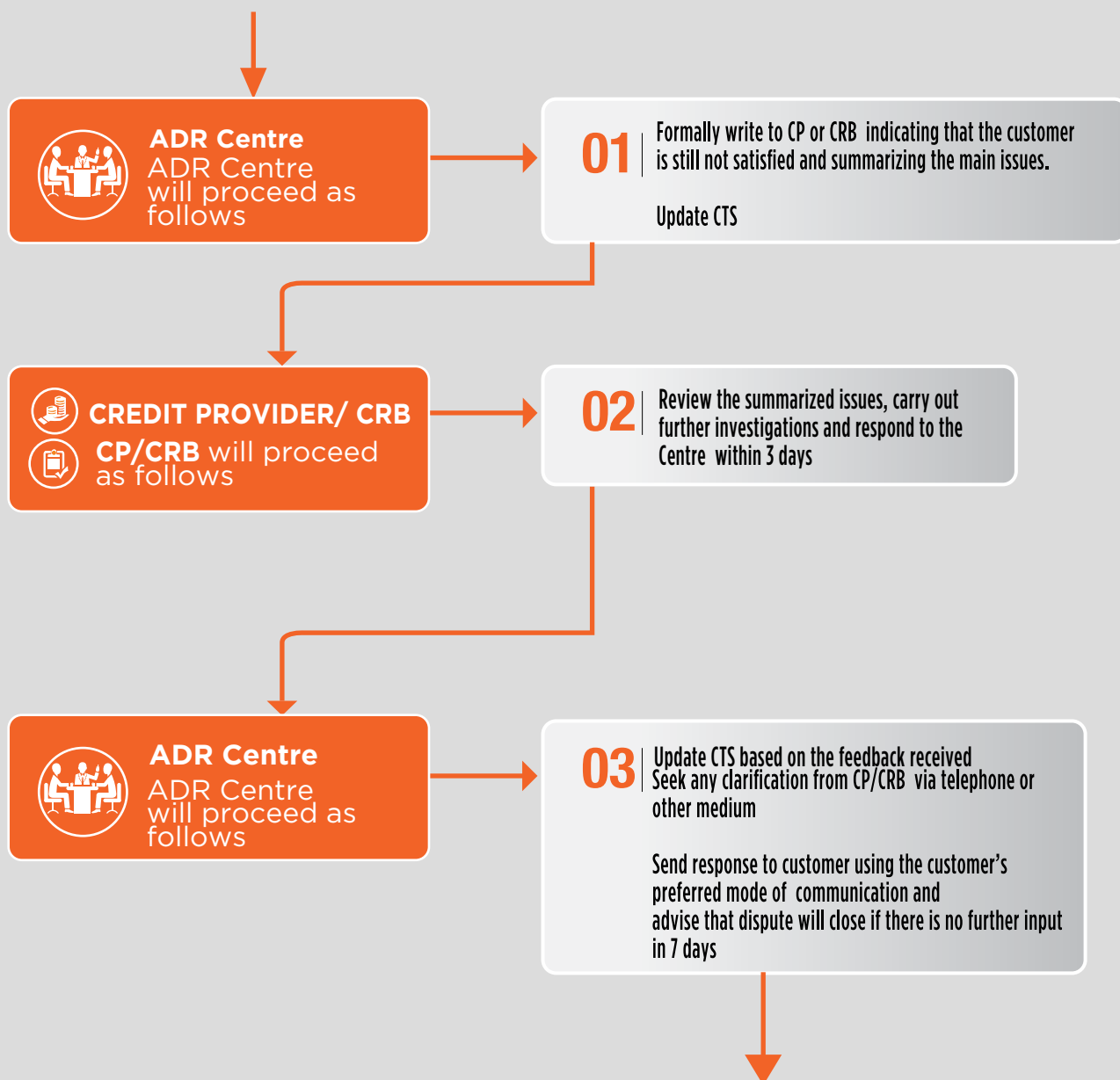
⁴If customer cannot provide a CTS number, meaning the complaint has not been lodged with the CRB, advise the customer appropriately

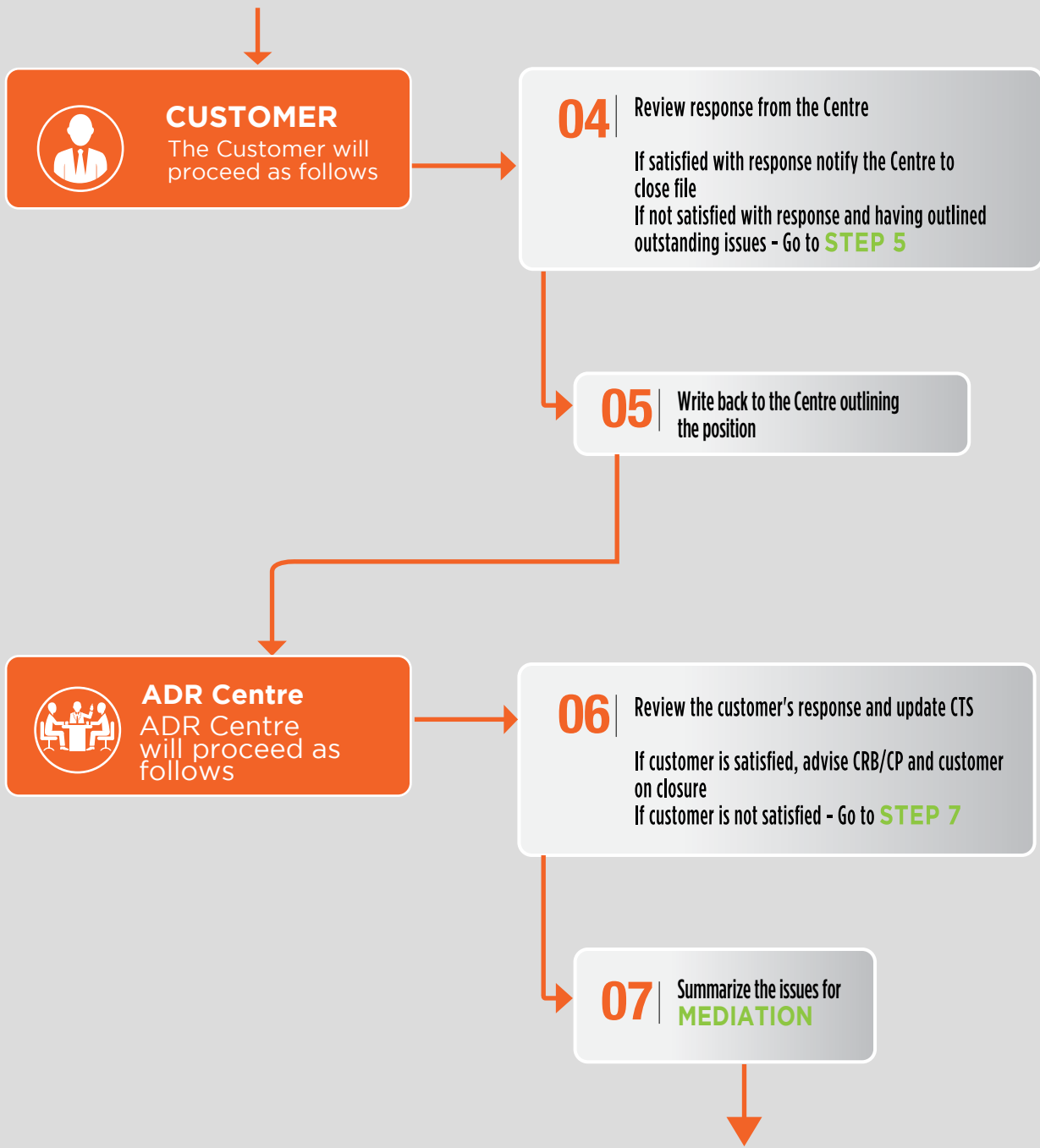
⁵Preferably online access granted by CRBs to the Centre



3. ADR Centre's DISPUTE FACILITATION

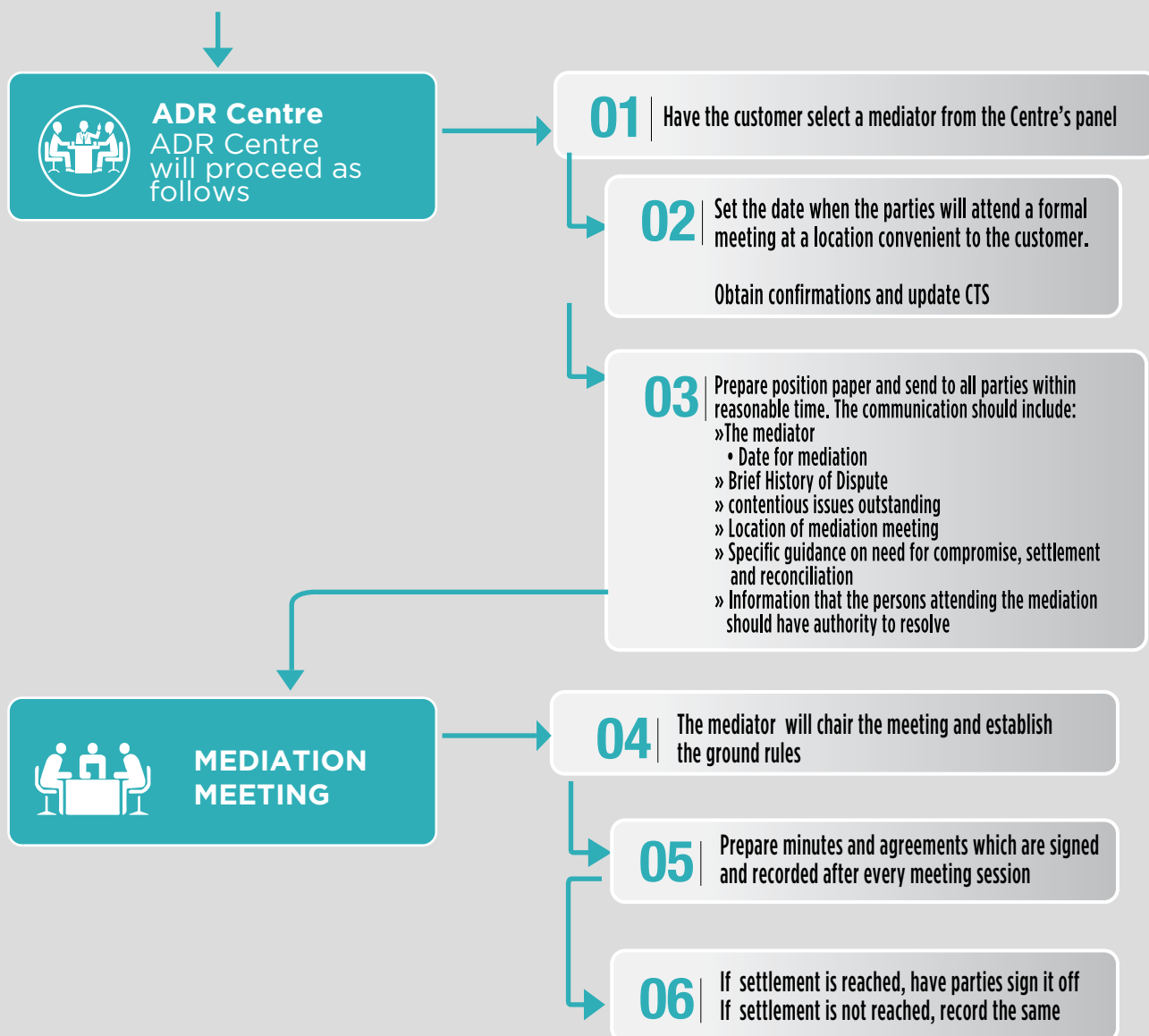
The purpose of this process is to guide the Centre to successfully facilitate resolution of dispute between the Customer/Credit provider and CRB.





4. ADR Centre's DISPUTE MEDIATION

The purpose of this process is to guide the Centre in mediating a dispute between the customer and the CRB/ CP. The objective is to have the parties come to an agreement. The mediator will be impartial and seek to guide the parties into arriving at a resolution that is acceptable to all.



NB - The Centre may publish statistical figures on disputes handled

Dispute Evaluation Form:

For capturing feedback from the customers concerning the ADR process. Below is some recommended questions to be collected voluntarily from customers:

Thank you for taking a moment to evaluate your experience with ADR.

1. **What is your general evaluation of the ADR process?**
 Excellent Good Fair Poor
2. **Did you reach an agreement through ADR?**
 Yes No
3. **What could the Mediator/Registrar have done differently in helping resolve your dispute?**
4. **During the ADR process, what helped the most?**
5. **If you reached an agreement, do you feel it was fair and equitable?**
Comments:
6. **When you have a problem in future, would you prefer ADR as opposed to litigation?**
 Yes No
Why or why not?
7. **Would you be willing to recommend ADR to others?**
 Yes No
Why or why not?
8. **Did you feel the Mediator was:**
 - a) Fair? Yes No Somewhat
 - b) Helpful? Yes No Somewhat
 - c) Complete and clear in explaining the process?
 Yes No Somewhat
9. **Please write any additional comments you may have regarding the ADR process.**

Name (optional) _____

■ **Alternative Dispute Resolution Handbook**

ADR for the Credit Information Sharing Mechanism in Kenya



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