



DISPUTE RESOLUTION

It is the expectation of the Sierra Leone Electricity and Water Regulatory Commission that the service providers will improve efficiency and internal dispute resolution mechanisms to lessen the number of complaints/disputes that will necessitate the Commission's intervention. Where a complaint/dispute cannot be resolved between the service providers and its consumers or between service providers, the complaint/dispute can be forwarded to the Commission for resolution.

THE PROCESS

1. Informing the concerned party

- (1) Where a complaint is made, the Commission shall cause a copy to be sent to the party against which the complaint was made within three (3) working days from the date of receipt of the complaint.
- (2) The concerned party shall within five (5) working days from the date of receipt of the complaint or such further period as the Commission may specify submit its response to the Commission.

2. Initial settlement of complaint

- (1) A staff designated by the Commission as a mediator shall make a preliminary enquiry into the complaint/dispute.
- (2) If the designated staff considers that the complaint/dispute may be mediated upon and settled, he/she shall invite the parties concerned and initiate a settlement of the complaint/dispute.
- (3) Where the parties agree to mediation, they shall sign a mediation agreement at the beginning and a settlement agreement if the mediation is successful.
- (4) If the parties are not able to settle the matter by mediation, it may be referred to a more senior staff to hear the matter and keep a record of the hearing.
- (5) If the complaint remains unsettled, the Commission shall refer the matter to the Consumer Services Committee.
- (6) The Consumer Service Committee or the panel shall follow the procedure for a formal hearing of the complaint/dispute as provided in the Regulations.

3. Formal hearing of complaint/dispute

- (1) For the purpose of making a full enquiry by formal hearing into a complaint/dispute, the Commission shall on behalf of the Consumer Services Committee or the panel as the case may be, notify in writing:
 - a. the complainant

- b. the concerned party against whom the complaint is made; and
- c. any other person(s) considered relevant to the complaint/dispute

to appear before the Consumer Services Committee/Panel at a date, time and place specified in the notice.

(2) The date for attendance at the formal hearing shall be not less than seven (7) days from the date of notice.

(3) Any person appearing before the Consumer Services Committee or Panel to answer a complaint shall –

- a. take an oath
- b. be informed again of the particulars of the complaint/dispute and the relief sought; and
- c. be afforded full opportunity to answer the complaint.

(4) Persons appearing before the Consumer Services Committee or Panel shall appear themselves or may be represented by counsel or another expert.

(5) The Consumer Services Committee or Panel shall take a decision on the complaint/dispute and a record of the proceedings shall be kept by the Commission.

4. Conduct of formal hearing

(1) The Commission may on the recommendation of the Director General or any other member of the Commission refer a complaint/dispute to the Consumer Services Committee, or a Panel of the Commission to conduct a formal hearing of the complaint/dispute at the first instance.

(2) The Commission may use the services of external experts to assist the Consumer Services Committee, or the Panel.

(3) The chairman of the Consumer Services Committee or Panel shall be designated by the Commission from the members.

(4) A person appearing before the Consumer Service Committee or Panel may raise an objection on the membership of the Consumer Services Committee or the Panel to the chairman of the Committee or Panel who shall refer the objection to the Commission for determination.

(5) Any question before the Committee or Panel shall be determined by a majority of the members present and voting.

5. Powers of the Consumer Services Committee or panel at a formal hearing

(1) The formal hearing shall be conducted by the Consumer Services Committee or Panel with fairness and impartiality and may:

- a. order Service Providers to provide copies of information in their possession and state the form in which the information is to be provided;
- b. request a consumer to provide information in his possession which may be relevant to prove facts on the subject of the complaint/dispute; and

- c. order the Service Provider to conduct such tests and inspections as may be necessary to resolve the complaint/dispute.
- (2) Unless otherwise directed by the Commission, the Consumer Services Committee or Panel shall regulate the course of proceedings and conduct of the parties and their representatives and may question any person or enquire into any matter related to the complaint/dispute.
- (3) The Consumer Services Committee or Panel shall make a report by way of recommendations to the Commission which the Commission may accept, vary or reject.
- (4) Where the Commission rejects or varies the report, it shall provide reasons for the rejection or modification of the findings of the Committee or the Panel.

6. Appeal against the decision of the Committee or Panel

- (1) A party dissatisfied with a decision of the Committee, Panel or the Commission may appeal against the decision.
- (2) The Commission may on appeal refer the decision being appealed against to the Review Committee.
- (3) Where a decision of the Committee, panel or the Commission is referred to the Review Committee, the Review Committee shall re-consider the matter make further recommendations to the Commission based on its findings.
- (4) The Commission shall make a final determination on the matter taking into account the recommendation of the Review Committee.

7. Withdrawal of complaint

- (1) A complainant may withdraw a complaint/dispute at any time of the proceedings.
- (2) Withdrawal of a complaint shall not limit the rights of a complainant to file the complaint subsequently, except if the Commission views that such refiling is an abuse of process.

8. Enforcement of decisions

The Commission shall ensure the compliance with its decision, including the employment of enforcement procedures as provided in the SLEWRC Act of 2011.

FORMATION OF THE CONSUMER SERVICES COMMITTEE/PANEL AND THE REVIEW COMMITTEE

Section 21(2a) states that the Review Committee will consist of a High Court Judge and two (2) Legal Practitioners.

Section 21(2b) states that the Consumer Services Committee will consist of ten (10) members nominated by the Business Community.