

Effect of Complaints Handling by Consumer Federation of Kenya on Consumer Protection in Commercial Banks of Kenya

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Abstract

Despite the growth of the financial services industry, the formulation of consumer protection legislation has not been done in many jurisdictions. This calls for the need for basic protections for the clients of financial services to bolster their confidence and encourage the uptake of new products, therefore, this study sought to find out the extent to which the complaints handling by the Consumer Federation of Kenya (COFEK) influences effective consumer protection in commercial banks. The presence of ignorant clients dependent on the trust they place in financial institutions has caused increased abuse of consumer trust. Imposition of excessive charges on customers' accounts without formal advice or agreement and other insider abuses are becoming common amongst banks and their marketers. The study used the descriptive research design and the population of focus was 87 COFEK employees. The census method was used to reach the COFEK employees owing to their relative manageable numbers. The study used questionnaires as the tools for data collection. Data were analyzed by use of descriptive and inferential statistics. Statistical package for social sciences (SPSS) version 22 was used. Data was presented by the use of frequency tables, percentages, and related statistical abstracts. All the respondents affirmed that COFEK appreciated the responsibility of dispute arbitration and collaboration between COFEK and that commercial banks had assured synchrony in the marketing messages disseminated to the consumers. The analysis of the data showed that complaints handling had a significant coefficient (p -value = 0.001; β =0.408). This means that complaint handling is statistically significant in ensuring consumer protection. The study concluded that the service quality levels had improved occasioned by the capacity of COFEK to monitor consumer complaints.

Keywords: complaints handling, consumer protection, commercial banks.

JEL classification: M31.

Introduction

The public is highly exploited by financial institutions in the retail markets which is attributed to information imbalances, power, and resources (Mittal, Saxena and Matta, 2014). Public Consumer protection seeks to correct the information imbalances by way of conferring provisions to ensure that the public access the right marketing information (Mittal, Saxena and Matta, 2014). Information access to the consumers infuses market discipline to the players in the financial sector and ultimately ensures sustained growth (Mittal, Saxena and Matta, 2014). Empowered consumers force the players to compete on a fair playing ground and professionalize their pursuits (Serrano, 2010). This improves the governance of the financial sector by ensuring the right corporate ethos and enhancing transparency. The foregoing assures enhanced sustainability, more deepening and access to the products on offer. (Becher, 2008) posited that financial markets will seldom work independently without any supervision. The

quest for putting in place institutions to stabilize the markets and offer statutory frameworks for policing is thus imperative. The same was further augmented by (Akinbami, 2011) who noted that in highly competitive markets, government intervention was not required because the entities worked to give the clients high value products. Improved information access was considered a great ingredient in assuring the efficiency of the markets and the protection of the consumers. This deterred fraudulent trading and instances of having clients taken advantage of.

Self-regulation with minimal government intervention is the way to handle the consumer protection aspects in the financial sector to minimize the risk of dwindling performance (Billett, Flannery and Garfinkel, 2006). Self-regulation also helps the players in the industry to conform with the rules since they have been part of their formulation (Billett, Flannery and Garfinkel, 2006). In well-advanced markets, the practice of having professional bodies involving the practitioners take charge of the policing consumer protection activities brings out the element of independence and professional integrity. The poor institutional capacity is however the undoing of the developing countries as pertains to the regulatory practices (Brix and McKee, 2010).

Country-specific inadequacies and challenges as pertain to the regulatory parameters guide the institutional frameworks for consumer protection (Delgadillo, Erickson and Piercy, 2008). Empowerment of the authorities and enhancing their policing capacities in terms of giving them optimal room to exercise authority would ultimately enhance their performance (Delgadillo, Erickson and Piercy, 2008). However, in developing countries evidence of dwindling growth associated with over-regulation is evident (Lasagni, 2019). This has resulted to weak consumer protection leading to mistrust of the systems by the consumers. Spillover of the financial scandals in the United Kingdom and Australia occasioned the potential of the players to avoid the financial markets owing to the over-regulation (Lasagni, 2019). This retarded the performance of the sector in terms of the opening up of new outlets and the development of other products.

COFEK is a statutory entity founded on the Consumer Protection Act, No. 46 of 2012. The Act protects the consumers from unfair business practices and related transactions which may expose them to risks (GoK, 2010). The spirit underpinning the formulation of the statutory provisions is the realization of the vulnerability of the consumers in the wake of carrying out business transactions. The core mandate of COFEK is to assure that the goods and services offered for consumption nationally are within the expected standards as regards conformity to consumer demands. COFEK has played an active role in creating consumer awareness in the republic of Kenya. The organization has been in the frontline in terms of disseminating information on the consumer protection laws that have been enacted for the citizenry to appreciate and understand consistently. Despite the activities carried out by the organization, consumer protection has not picked up to the requisite levels. This has exposed vulnerable consumers to the risks of poor-quality goods and services (Asher and Rijit, 2012). Many attempts have been made to ensure protection of consumers in Kenya. One great milestone was the registration of the Consumers Federation of Kenya (COFEK) which is an apolitical and non-aligned body to protect and cushion consumers from risks. Other related entities are the Consumer Unity Trust Society (CUTS) and Consumer Information Network (CIN). The organizations carry out civic advocacy programs to assure fair prices, and greater access by the consumers to the goods and services.

The new constitution enacted in the year 2010 has provisions for consumer protection well captured in section 46. This was followed by putting in place the Competition Act 2010 which was the precursor for the Consumer Protection Act 2012. The pieces of legislation consolidate the gains in place for assuring consumers the requisite protection. Despite the presence of a robust framework for consumer protection in the Republic of Kenya, the

exploitation of consumers is still evident (Oremo, 2012). This was confirmed in studies carried out by (Njuguna, 2015) who established low levels of consumer rights awareness in Nairobi and Nakuru. This has negatively affected the achievement of the requisite consumer protection thresholds nationally. Further studies carried out by (Asher and Rijit, 2012) established low levels of consumer assertiveness in Kisumu, Nyeri, Mombasa and Nairobi. This was an indication of low levels of appreciation of the need to put the vendors to the task despite the requisite protection measures having been put in place to assure optimal protection. It is against this background that the study seeks to focus on the banking industry to confirm the effectiveness of complaints handling activities carried out by COFEK to assure consumer protection.

There is scarcity of research information on the subject with studies by (Warui 2012; Amuti 2016) placing a major focus on the statutory provisions in place for customer protection in commercial banks. Mutua *et al.* (2012) focused on consumer protection in the banking and telecoms sector. The study had a bias on the legal safeguards in place to assure the mobile money transfer services consumers are protected from the sector's risks. This paper addresses the role of complaints handling in ensuring effective consumer protection in Commercial Banks in Kenya.

Literature review

The importance of handling complaints on service dissatisfaction cannot be underestimated. The practice is integral in assuring the ability to have enhanced client retention, deter negative words about a firm, and enhance profits (Rajapakse and Rajapakse, 2011). In the banking industry allowing for complaints gives clients room to provide ideas on the changes that they would want to be instigated in the firms as a measure of growth. In real test case scenarios, the complaints serve as a tool for business process re-engineering and improvement of management data. Complaints have been evidenced to support client recovery and assure the organizations of business continuity prospects in the event of well-handled complaints. In some instances, though, the organizations realize that the client's complaints were not genuine and therefore the firm has to recheck its future engagements with clients to protect the firm's image (Reichheld and Sasser, 1990). Complaints thus give the organizations insights into how to handle future engagements with the complaining customers more so in the wake of pecuniary complaints. This helps realign the internal processes and assure the firms of the ability to revive relationships with their customers. This leads to reduced costs through customer retention as it costs more to get new customers compared to retaining current customers.

Consumer protection agencies play a critical role in complaints handling and management. They act as the outlets for client information dissemination. This makes them critical mechanisms of assuring continued relationship between organizations and their clients in the long term. They need to assure clients of results in the way of handling the clients' complaints as a measure of boosting their standing from a moral and duty perspective. The relations between the consumer protection agencies and the players in the different industry facets thus have a large bearing on the determination of client retention and the assurance of continuity in terms of future business engagements. Inadequate responses attributed to the complaints emanating from the consumer protection agencies ultimately accounts for high service failures and the risk of client switching (Samuelson, 1971; Slawson, 2006). These phenomena may affect even the traditional loyalists of the organizations and occasion a run on the firms. There is evidence of clients failing to patronize firms that had not effectively handled their complaints in Malaysia and Australia.

Ebers (2004) argued that failure to have in place the right avenues for complaints handling was the undoing of most financial institutions. This created a culture of arrogance in

the relations with clients which has negatively affected the organizations. The position was confirmed by Hadfield, Howse and Trebilcock (1998) who argued that the failure to have forums for handling customer complaints was a great undoing to many establishments. This distorted the matrix heavily in terms of impairing future engagements with dissatisfied clients who felt their complaints were not effectively handled (Hadfield, Howse and Trebilcock, 1998).

(Llewellyn, 1999) cited complaints made by clients on the low levels of disclosure to consumers in the United States. Further complaints about deceptive advertising were voiced in the mortgage market (Llewellyn, 1999). Evidence of market instability is attributed to the failure of the regulators to act on complaints made by clients and consumer protection agencies (Lusardi and Mitchell, 2007). This affirmed the position of failure to act on complaints eroding clients' confidence leading to instability in the markets. Poor performance of financial institutions in Bosnia and Herzegovina was attributed to the failure to handle clients' complaints. The clients felt helpless in the event of the regulatory framework failing to effectively protect them from the challenges in the financial sector (Morgan and Chimhanzi, 2005). Similar difficulties were experienced in Morocco and India and they were all chiefly attributed to the poor handling and management of the complaints made to the agencies mandated with the tasks of consumer protection (Morgan and Chimhanzi, 2005).

The United States of America and Britain have had evidence of impaired growth and slowed performance from poor customers' complaints handling in the financial sector attributed to the watchdog consumer agencies. The Wall Street and Enron scandals are classic examples that had the customers' complaints build slowly. This almost resulted to an economic depression due to failure in addressing the complaints effectively (Sanjeev and Chekitan, 2003). The autonomous powers accorded to the central banks notwithstanding, avenues for handling customer complaints have been muted by the state bureaucracies of the central banks (Sanjeev and Chekitan, 2003). This is because the central banks concentrate on the mandate of fiscal prudence assurance on the part of the commercial banks as opposed to consumer protection functions which entail complaints handling in the financial markets (Young, 2014).

Mutua et al. (2012) called for a functional medium in handling consumer complaints. They called for the need to involve the consumer in the activities carried out and demystify the avenues for complaints thus making them open for all. The need to place the focus on the consumer and the essence of having continuity in the business activities carried out was a great imperative for the achievement of results (Mutua et al., 2012). A synergistic approach detailing all the players to work as a team and have the activities carried out from the same point was of the essence. This gives room to the consumers to voice their complaints as long as the ideals of the realization of the expected goodwill in terms of results from the positive changes after the complaints are addressed are realized (Mutua et al., 2012).

Channels for consumer complaints in the republic of Kenya are in the COFEK which has statutory backing (GoK, 2010). The complaints can be verified from a professional perspective entailing the interaction in the consumer protection agency by having it draw its membership from the Kenya Bureau of Standards, Kenya Association of Manufacturers, the Law Society of Kenya, Kenya Medical Association and the Kenya Bankers Association. All the above-mentioned entities have rich professional knowledge of their areas of practice and adjudication thus making addressing the complaints effected by knowledgeable entities (GoK, 2010). The study sought to find out the activities carried out by COFEK to address client complaints in commercial banks.

Methodology

The study employed a descriptive survey research design to find out the initiatives undertaken by COFEK for consumer protection in their interactions with commercial banks.

According to Orodho and Kombo (2002), a descriptive survey is a method of collecting information by way of interviewing or administering a questionnaire from a selected sample.

The target population of this study consisted of all employees of COFEK. This is because they were all engaged in consumer protection. Questionnaires were administered to COFEK employees after a pilot test at the Competition Authority headquarters. The questionnaires had both closed and open-ended questions. The researcher hand delivered the questionnaires to the target respondents and collected them immediately to deter any discussions amongst the respondents. The data collection instrument was tested for validity and reliability using the Mugenda and Mugenda (2013) criteria, with no violation noted.

The study also relied on secondary data to relate the COFEK initiatives and customer protection. This had the objective of determining the extent to which complaint handling affect consumer protection in the banking sector in Kenya.

Descriptive statistics

Using mean score analysis, it was established that complaint handling was a multifaceted construct, comprising several items. Using a 5-point Likert scale with 1 being the strongly agree and 5 the strongly disagree, the items had the following mean score; The organization has mediums of monitoring all complaints made by clients to commercial banks (mean score=1.97); COFEK provides channels for consumers to complain directly in the event of poor services (mean score=1.97); The service quality levels have improved by monitoring the complaints from the consumers (mean score=1.94); Mediums of addressing complaints encourage the consumer (mean score=1.75); COFEK partners with the commercial banks to institute a culture of making them appreciate the complaints voiced out (mean score=2.11). The average mean score for complaints handling was 1.95, which meant that most of the participants agreed that complaints handling enhanced consumer protection in Commercial Banks.

Table 1. Means Statistics on Complaints Handling

CODE	Statements	N	Mean	Std. Deviation	Std. Error Mean
CH	Consideration of complaints handling activities as a factor ensuring effective consumer protection	72	1.95	0.682	0.080
CH1	The organization has mediums of monitoring all complaints made by clients to commercial banks	72	1.97	0.872	0.103
CH2	COFECK provides channels for consumers to complain directly in the event of poor services	72	1.97	0.822	0.097
CH3	The service quality levels have improved by virtue of monitoring the complaints from the consumers	72	1.94	1.01	0.120
CH4	Mediums of addressing complaints encourage the consumer	72	1.75	0.5818	0.096
CH5	COFECK partners with the commercial banks to institute a culture of making them appreciate the complaints voiced out	72	2.11	0.797	0.094

The mean statistics showed that the attribute of consumer protection with the highest mean value was that COFEK and commercial banks have as standing committee for continuous review of emerging issues on consumer protection. The average mean score for complaints

handling was 1.90, which meant that most of the participants agreed that COFEK has put in place strategies of ensuring effective consumer protection in Commercial Banks.

Table 2. The Mean Statistics for Attributes of Consumer Protection

Code	Statements	N	Mean	Std. Deviation	Std. Error Mean
CP	Composite index for consumer protection	72	1.90	0.052	0.441
CP1	COFEK assures all commercial bank clients the requisite protection	72	1.76	0.050	0.428
CP2	Active programs of action are carried out by COFEK in liaison with commercial banks as measures of assured client protection	72	1.96	0.057	0.488
CP3	Mutualism as a basis of synergy is crafted between COFEK and the Kenya Bankers Association to review measures of consumer protection on a regular basis	72	1.92	0.062	0.524
CP4	COFEK and commercial banks have as standing committee for continuous review of emerging issues on consumer protection	72	1.99	0.067	0.569
CP5	COFEK commissions external audits to confirm the efficacy of the consumer protection activities carried out	72	1.90	0.077	0.653

Correlation analysis

The linear relationship was assessed using Pearson correlation coefficient. The findings indicate that Complaints handling was found to be positive and significantly related to Consumer protection ($r=0.417$, $p\text{-value}<0.05$).

Table 3. Correlation of study variables

		Complaints handling
Consumer protection	Pearson Correlation	0.417**
	Sig. (2-tailed)	0.001
	N	72
**. Correlation is significant at the 0.01 level (2-tailed).		

Normality test for the study variables

The normality of data distribution was assessed by examining its skewness and kurtosis. A variable with an index smaller than an absolute value of 2.0 for skewness and an absolute value of 7.0 implies non-violation of the assumption of normality (George & Mallery, 2010). The results of the normality test of the study variables indicated skewness and kurtosis in the range of -1 and +1 as shown in the table below. This implies that the assumption of normality was satisfied.

Table 4. Normality test

Variables	N	Skewness		Kurtosis	
	Statistic	Statistic	Std. Error	Statistic	Std. Error
Consumer protection	72	0.077	0.283	0.84	0.559
Complaints handling	72	0.928	0.283	0.899	0.559

Regression analysis

The objective of the study was to find out the effect of complaints handling on consumer protection. This was tested under the following hypothesis:

H₀: Complaints handling has no significant effect on consumer protection.

The R squared value was 0.326 which indicated that there is a strong relationship between independent variables (Complaints Handling) and dependent variables (Effective consumer protection) as indicated in table 5 This implies that Complaints Handling share a variation of 32.6% of Effective consumer protection.

Table 5: Model Summary

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	0.571 ^a	0.326	0.305	0.85451137

a. Predictors: (Constant), CH

ANOVA

The table below indicates that the overall model was a good fit since (F-value=14.735 and p-value=0.001<0.05).

The model becomes as indicated in coefficient table 7

$$CP = -0.190 + 0.408_{CH} + \varepsilon$$

Table 6. ANOVA

ANOVA ^a						
Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	10.759	1	10.759	14.735	0.001 ^b
	Residual	51.113	70	0.730		
	Total	61.873	71			

a. Dependent Variable: CP
b. Predictors: (Constant), CH

Coefficients

From the coefficient table 7 below, complaints handling had a significant coefficient (p-value = 0.001, β=0.408). This means that complaints handling is statistically significant in ensuring consumer protection, therefore, H₀: Complaints handling has no significant effect on consumer protection was rejected at a 0.001 level of significance.

Table 7. Model coefficients

Model		Unstandardized Coefficients		Standardized Coefficients	t	Sig.
		B	Std. Error	Beta		
1	(Constant)	-0.190	0.080		-2.383	0.020
	CH	0.408	0.106	0.417	3.839	0.001

a. Dependent Variable: CP

Results and recommendations

Most of the respondents deemed the complaints submission channels as always open for the targeted clients. A very significant percentage of the respondents considered the channels as open sometimes. From the responses, there was mixed reactions on the effectiveness of submission channels. The study findings reinforced the position of Reichheld and Sasser (1990), who established that in the banking industry, allowing for complaints gives clients room to provide ideas on the changes that they would want implemented in the firms as a measure of growth. In real test case scenarios, the complaints serve as rooms for business process reengineering and tools for the improvement of management data. Complaints have been evidenced to support client recovery and assure the organizations of business continuity prospects in the event of well-handled complaints.

Most of the respondents deemed the instances of inadequacies arising in the complaints handling mediums put in place by the consumer protection agency to have been rare. The responses were a confirmation of the trust and faith that the respondents had put in the complaints handling mediums. The findings reflected an ideal situation as envisioned by Samuelson (1971) and Slawson (2006). They were of the view that inadequate responses attributed to the complaints emanating from the consumer protection agencies ultimately account for high service failures and the risk of client switching. These phenomena may affect even the traditional loyalists of the organizations which can result to brand switching. Evidence of clients failing to patronize firms that had not effectively handled their complaints after raising them was reported in Malaysia and Australia.

Most of the respondents appreciated the adequacy of the complaints receipt mediums put in place by the consumer protection agency. The responses were therefore a confirmation that there were measures put in place by the agency to assure effective lines of reporting in the event of the need to channel complaints to the organization. The study findings confirmed the position taken by Ebers (2004) who argued that failure to have in place the right forums for complaints handling was the undoing of most financial institutions. The foregoing created a culture of inconsiderateness in the relations with clients to the organization's detriment. The position was further confirmed by Hadfield, Howse and Trebilcock (1998) who argued that the failure to have forums for ventilation and client services thresholds improvement by way of complaints management was a great undoing to many establishments. This distorted the matrix heavily in terms of impairing future engagements with dissatisfied clients who felt their complaints were not effectively handled (Hadfield, Howse and Trebilcock, 1998).

The study recommends that COFEK should create greater awareness of the complaints handling channels in place for consumers. Public drives to raise awareness levels should be carried out and the provisioning of a toll-free number should be done as a measure of encouraging voicing of complaints. This will ultimately impact the service quality levels especially when the complaints management approach does not involve any form of mediation which may delay the process. The study suggests that research should be carried out to confirm the extent to which the competition authority has restrained dominant tendencies by players in the commercial banks' sector. The study also suggests that research on the statutory provisions to assure commercial banks consumers of protection should be carried out. This is to determine the effectiveness of the statutory safeguards in place. The researcher experienced a challenge in securing time for such COFEK employees to respond to the questionnaires considering their busy schedules.

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