

MUNICIPALITY OF EMBU



GRIEVANCE REDRESS MECHANISM (GRM)

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ACRONYMS

ADR	Alternative Dispute Resolution
CA	County Attorney
CAJ	Commission on Administrative Justice
GRC	Grievance Redress Committee
GRM	Grievance Redress Mechanism
NEMA	National Environment Management Authority
NLC	National Lands Commission
SMS	Short message system
WRA	Water Resources Authority

1.0: PROPOSED GRIEVANCE MECHANISM FOR MUNICIPALITY OF EMBU PROJECTS

1.1: Introduction:

A grievance is an expression of concern or complaint voiced by any person who feels they have been or will be impacted negatively by someone else's activities. It is an official statement of a complaint over something believed to be wrong or unfair. This marks the beginning of dispute between them. A grievance mechanism provides a systematic means by which individuals or communities affected by an institution's activity channel their concerns for prompt and consistent action.

An effective Grievance Redress Mechanism (GRM) defines procedures to receive, record, process and report the matters or concerns. The GRM is a valuable operational tool in the management of Project implementation as it identifies and makes provision for different means of entry into a grievance and provide information to project managers.

1.2: Rationale

The Municipality of Embu is mandated to provide services to the residents through implementation of programmes and projects. GRM ensures deliberate processes and procedures are put in place to capture, assess and respond to concerns from programmes' and projects' beneficiaries, executors and the general public during the implementation. This will ensure smooth implementation of the programmes and projects, timely and effective addressing of the concerns encountered during implementation.

The County Government Act 2012, Section 88, stipulates that citizens have a right to petition the county government on any matter under the responsibility of the county government, Sec 88 (2), the citizen petitions shall be made in writing to the county government and Sec (3), County legislation shall give further effect to section 88(1), and further Sec 89, stipulates that the County government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.

1.3: The Principles of GRM

- i) Equity and Fairness: the GRM process seeks to deal with concerns on the principle of natural justice and other procedures that are viable, seeking the right of appeal without bypassing any aspect.
- ii) Representation: GRM must cover a wide spectrum of public interest.
- iii) Explicitness: GRM process should be clearly stated and made known to stakeholders. The issues to be handled should be of wide range to allow all dimensions of concern.
- iv) Confidentiality: The grievance process should be clearly communicated to participants on the subject of the concern. In case of individual concerns, the investigations should be confidential.
- v) Accessibility: The GRM should be accessible to everyone and at any time taking into consideration barriers such as language, literacy, awareness, cost or fear of reprisal and seek to address them.
- vi) Predictability: GRM provides a clear and known procedure with a defined timeframe for each stage of the process.
- vii) Compatibility: The GRM ensures that the outcomes and remedies comply with the internationally and locally recognized rights and based on continuous learning. This allows inclusion of emerging issues.
- viii) Transparency and accountability: The GRM is a critical tool for promoting transparency and accountability by providing a mechanism where enquiries, complaints or clarifications regarding the programmes/ projects are received and responded to.
- ix) Feedback: GRM should serve as a means to channel community feedback to improve project outcomes for the people.
- x) Accessibility: GRM is easily accessible, has no cost, restitution free, timely in resolution and makes provision for additional special measures for vulnerable persons to access the process;
- xi) GRM takes account of, and not impede, access to judicial or administrative remedies;
- xii) Social institutions and organizations (including community systems) will be involved in the resolution process

1.4: Objectives of the Grievance Redress Mechanism

The purpose of the GRM is to provide a systematic, locally based, formalized process to accept, assess, and resolve community concerns on programmes and projects. Specifically, it endeavors:

- (i) To reduce the risk of projects inadvertently affecting citizens / beneficiaries.
- (ii) To provide feedback and learning mechanism that can help increase the impact of the project.
- (iii) To enhance conflict resolution arising from the implementation of Programmes and projects.
- (iv) To enhance transparency and accountability throughout the implementation of projects and programmes amongst the relevant stakeholders and beneficiaries.
- (v) To promptly and effectively address concerns, in a transparent and consistent manner.
- (vi) To reduce court litigations and provide alternative dispute resolution mechanisms.

1.5: Outcome

The GRM enables the Municipality to receive, record and be responsive to complaints from the affected people/ communities and serve as a platform for amicable resolution. It provides an assurance to programmes/ project implementers, financiers and beneficiaries, that the programmes and the projects undertaken are of mutual benefit to all.

1.6: Types of Complaints/ Grievances Anticipated

Grievances may be categorized from various dimensions:

- a) On nature of the complaint -programme and project activities have mainly an environmental, and social impacts. Thus, the concerns that emerge are those related to environmental aspects or social aspects of the natives.
 - i) Environmental Grievances -Any concerns that may adversely affect the environment, natural habitation or lead to general environmental degradation
 - ii) Social Grievances -Any concerns that affect the culture, norms and ethos of the beneficiary community.
- b) Source based: the source of a grievance is determined by the party that raises the concern. The parties can either be:
 - (i) Individual based -Any concerns that are raised by persons not representing other parties

(ii) Group based -Any concerns raised by more than an individual

(iii) Union based -Any concerns raised by common interest group

1.7: Proposed Grievance Redress System

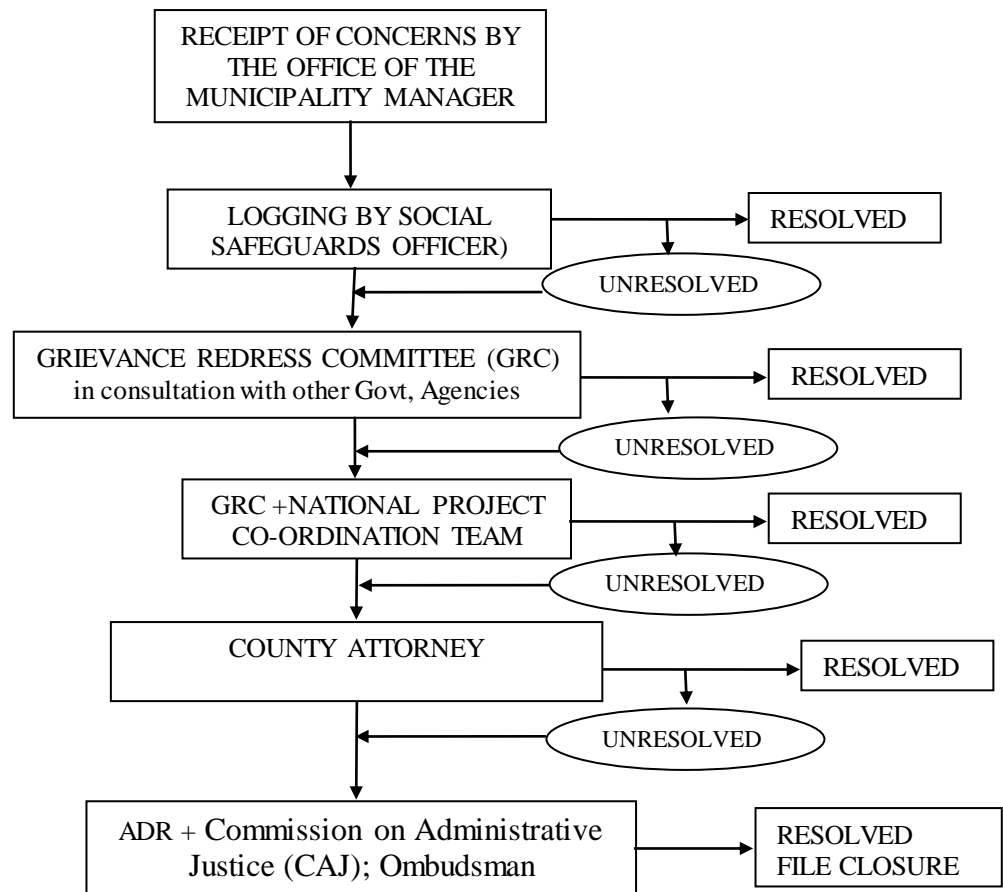
Every Programme/ Project will have a stratified grievance redress system that ensures involvement of key stakeholders in the reporting, recording and resolution of grievances. Grievances arising from the programmes and projects and in the process of delivering services to the Municipality of Embu Residents, shall be addressed to the office of the Municipal Manager. The Municipal Manager is vested with the responsibility to oversee the grievance process is undertaken and ascertain that the grievance is solved amicably. The office of Municipal Manager shall be contacted by phone, email or letter through contacts available on Municipality website. Recording of the grievances shall be done by social safeguards officer for tabling with the Grievance Redress Committee (GRC). If the grievance is not resolved, it is referred by the GRC in consultation with other government Agencies, among them; Water Resources Authority (WRA), National Environment Management Authority (NEMA), National Lands Commission (NLC), the matter is referred to the County Attorney to seek Alternative Dispute Resolution (ADR) and the office of the Ombudsman.

1.8: Grievance Redress Committee (GRC)

Grievance Redress Committee is established to hear the complaints and grievances arising from programmes/ projects implementation or other Municipality operations in order to seek amicable resolution. The Municipality as the project implementation agency has appointed a subcommittee of the CPIT to hear, determine and seek amicable resolutions of any concerns. This committee is referred to as the Grievance Redress Committee (GRC). The programme/ project facilitates the effective operations of this committee for effective delivery of its mandate. The GRC works not in seclusion, but in consultation with other government agencies and departments until all concerns are amicably resolved to an appropriate level.

2.0 GRIEVANCE REDRESS PROCESS

Figure 1: Grievance Redress Process



2.1: Summary of the Grievance Redress Process

a) Receipt of Concerns

The concerns shall be received in the office of the Municipal Manager:

- (i) In person reports – a person with any concern may walk to the Manager’s office and the concern captured.
- (ii) The community concerns may be directly reported too for registration at the Municipal Manager’s office.
- (iii) Phone calls by use of a designated telephone line available in the Municipal website may also be received and registered. Short message system (SMS) on the designated line and emails are also used to register any concerns.

b) Logging Level

- i) Upon receipt of a concern, it is entered into the Grievance log and a reference number generated by the Social Safeguards Officer for tracking purposes.
- ii) The concerns may be resolved at this point if they are less complex or require little consultation. If not resolved, the concern is referred to the Grievance Redress Committee.

c) Grievance Redress Committee (GRC) Level

Complaints are assessed for admissibility by the GRC and investigation required is planned with a clear timelines and resources required identified. The GRC establishes what is to be investigated, the evidence required, process of gathering evidence and whether the concerns have special considerations to be taken into account. The GRC works with consultations with other Government agencies. Where amicable resolution is not arrived at, the matter is referred to the County Attorney.

d) County Attorney (CA) Level

The County Attorney evaluates the report of GRC and the considerations of other government agencies. With this the CA invokes other alternative Dispute Resolution mechanisms and the Commission on Administrative Justice (CAJ); Ombudsman.

e) Alternative Dispute Resolution (ADR) and the Ombudsman

The GRM provides an opportunity to use alternative dispute resolution mechanisms if they are not resolved through the earlier part of the process. This GRM provides appropriate access to the lowest level of redress, with room for progression to higher levels depending on the ability or inability to resolve the complaint. Once a formal complaint has been registered, the resolution process is expected to yield within a period of 21 days.

The complainant is also at liberty to register the concerns with the office of the Commission on Administrative Justice (CAJ); Ombudsman. The Social Safeguards Officer oversees reception and documentation of all concerns and provide secretariat to co-ordinate the resolution processes. This mode of reporting ensures that all grievances that are reported in the community are referred for logging, and redress processing.

f) Closing the file:

Once an appropriate resolution is arrived at, it shall be communicated to the complainant, respondent and other interested parties. The log shall be updated to reflect the decision made and the status.

KEY TEMPLATES

APPENDIX I:	GRIEVANCE HANDLING REGISTER TEMPLATE
APPENDIX II:	GRM_ACCESS TO INFORMATION REGISTER TEMPLATE
APPENDIX III:	GRM_GRIEVANCE LODGING FORM
APPENDIX IV:	GRM_ACCESS TO INFORMATION REQUEST FORM
APPENDIX V:	GRIEVANCE MANAGEMENT AND ACCESS TO INFORMATION INFRASTRUCTURE
APPENDIX VI:	GRM _ SUMMARY COMPLAINTS' REPORTING FORM

APPENDICES

APPENDIX I: GRIEVANCE HANDLING REGISTER TEMPLATE

COUNTY:.....MUNICIPALITY:.....

Date received	Name & contact of complainant	Investment/Project name	Nature/Details of complaint	Status of complaint (Resolved/Pending/Referred)	Date of resolution	Remarks

APPENDIX II:

GRM_ACCESS TO INFORMATION REGISTER TEMPLATE

[illegible]

APPENDIX III: GRM_GRIEVANCE LOGGING FORM

REF NO

1. Grievance Recording Desk <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <i>Project level:</i> <input type="checkbox"/> <i>Ward Committee</i> <input type="checkbox"/> <i>County Level</i> <input type="checkbox"/> <i>Other</i> <input type="checkbox"/> <i>Please describe</i> </div>	
2. Name of Person Raising Grievance: <i>(information is optional and always treated as confidential)</i> <i>Gender:</i> <input type="checkbox"/> <i>Male</i> <input type="checkbox"/> <i>Female</i>	
Information for Person Raising Grievance: <i>(information is optional and confidential)</i> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <i>ID</i> <i>Age</i> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <i>E-mail</i> <i>Phone</i> </div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"> <i>Postal Address:</i> <i>Ward/ Village</i> </div> <div style="margin-top: 20px;"> <i>Occupation:</i> <i>Disability (Yes/ No):</i> <i>If yes, type of disability:</i> </div> <div style="margin-top: 20px;"> <i>Member of Vulnerable/Minority Group ... (Yes/ No):</i> <i>If yes, describe:</i> </div>	

Location where grievance/problem occurred (write in)				
County	Sub County	Ward	Location	Village
Category of Grievance:				
<input type="checkbox"/> Environmental safeguards, social issues including gender, labor and resettlement	<input type="checkbox"/> Grievances regarding violations of policies, guidelines and procedures	<input type="checkbox"/> Grievances regarding contract violations	<input type="checkbox"/> Grievances regarding the misuse of funds/lack of transparency, or other financial management concerns	<input type="checkbox"/> Grievances regarding abuse of power/intervention by project or government officials
<input type="checkbox"/> Grievances regarding staff performance	<input type="checkbox"/> Reports of force majeure	<input type="checkbox"/> Suggestions	<input type="checkbox"/> Appreciation	
Brief Description of Grievance or Inquiry: <i>(provide as much detail and facts as possible)</i>				

Please include any other information that you consider relevant, other matters or facts, including supporting documents:

Do you request that identity be kept confidential?

☐ Yes ☐ No

2. Previous Efforts to Resolve the Complaint

Have you raised your complaint with the grievance mechanism of the County Climate Change Unit (CCU) or the WCCCU?

☐ Yes If YES, please provide the following:

- When, how and with whom the issues were raised.
- Please describe any response received from and/or any actions taken by the CCU level grievance mechanism. Please also explain why the response or actions taken are not satisfactory.

☐ No If NO, why not?

3. Information on Authorized Representative. (If Authorized Representatives are not complainants themselves, their names will be disclosed as needed, in order to ensure transparency).				
Name	Positions/Organizations	Addresses	Contact numbers	E-mail addresses
<i>Gender:</i> <input type="checkbox"/> <i>Male</i> <input type="checkbox"/> <i>Female</i>				
Please provide evidence of the authority to represent the complainant which must include the complainant's signature.				
Do you request that identity be kept confidential? <input type="checkbox"/> Yes <input type="checkbox"/> No				

Has this matter been the subject of court proceedings? YES/NO

If NO, please give a brief summary of your complaint and attach all supporting documents (Indicate all the particulars of what happened, where it happened, when it happened and by whom)

Place of Submission

Signature of Complainant

Date

SECTION C: For Official Use

Name of Receiving Officer

Date

Action taken

.....
.....
.....

SECTION D: Acknowledgement Slip

Ref. No. **Date of lodging complaint**.....

Place of submission.....

Signature of receiving officer.....

APPENDIX IV:
GRM_ACCESS TO INFORMATION REQUEST FORM
(To be filled in duplicate)

Ref. No.

SECTION A: PERSONAL DETAILS

Requester's Name: Nationality:
 Gender (Male/ Female/Other): ID Number: Age:
 Postal Address: Village/Ward/Sub-County:
 Mobile No. Email (where applicable)
 Occupation: Disability (Yes/ No): If yes, type of disability:
 Member of Vulnerable/Minority Group ...(Yes/ No):..... If yes, describe:

SECTION B: Complaint Information

SECTION B: DESCRIPTION OF INFORMATION REQUESTED

ITEM	DESCRIPTION
Type of information requested for	
I would like to <i>(tick all that apply)</i>	<input type="checkbox"/> Inspect the record <input type="checkbox"/> Listen to the record <input type="checkbox"/> Have a copy of the record availed to me
Delivery Method <i>(tick where applicable)</i>	<input type="checkbox"/> Collection in person <input type="checkbox"/> By email <input type="checkbox"/> By mail
Does the information requested concern the life or liberty of any person?	<input type="checkbox"/> No <input type="checkbox"/> Yes <i>(explain)</i>
Is the request being made on behalf of another person or group of persons?	<input type="checkbox"/> No <input type="checkbox"/> Yes <i>(explain)</i> <input type="checkbox"/> No <input type="checkbox"/> Yes <i>(explain)</i>

Place of Submission Signature of Applicant

Date

SECTION C: For Official Use

Name of Receiving Officer

Date

Decision taken

.....

Date of communicating decision

.....

SECTION D: Acknowledgement Slip

Ref. No. **Date of making request**.....

Place of submission.....

Signature of receiving officer.....

**APPENDIX V:
GRIEVANCE MANAGEMENT AND ACCESS TO INFORMATION INFRASTRUCTURE**

No.	INDICATORS	DETAILS OF IMPLEMENTATION
1	Physical location: Provide the contact and physical address	Include the details of all GRM/ATI offices.
2	<p>a. Provide names, contact details(Official telephone & e-mail address) and designation of officers in-charge of Grievance handling</p> <p>b. Provide names, contact details and designation of the Information access officers</p>	Include details for all the GRM/ATI offices.
3	<p>Communication channels:</p> <p>a. Complaint desk email(s) eg grievance@countyemail.co.ke</p> <p>b. Dedicated telephone line(s)</p> <p>c. Official email address of the county</p> <p>d. County website (Links/portals to access information and grievance handling information)</p> <p>e. Official e-mail address of the County Secretary</p>	Include details of dedicated complaints email address(es), telephone line(s) and official email address for the county, website/ portal link and
4	Updated service delivery charters that include GRM & ATI provisions	Include the service charters for all the departments and agencies

5	a. Complaints/Grievance Register b. Access To Information Register	Include the registers of all GRM/ATI offices but for internal purposes only
6	County GRM Policy and Procedures	State whether the county GRM policy and/or procedures are in place
7	County ATI Legislation, Policy and Procedures	State whether the county ATI legislation, policy and/or procedures are in place
8	a. Grievance Handling Committee members: appointment letters & minutes of meetings held b. Designation letters for all Information officers	Provide evidence of the committee members appointments and minutes of meetings, and also designation letters for county information access officers

APPENDIX VI:
GRM SUMMARY COMPLAINTS' REPORTING FORM

Name of County: _____

Reporting Period: Monthly/Quarterly/Annually _____

OUTCOME: Improved efficiency in handling complaints						
INDICATOR: Percentage change in the complaints resolved in a year (to be reported once per year)						
Sector	No. of Grievances Received	Resolved		Pending		Average duration taken to resolve complaint
		No.	%	No.	%	

Compiled by

Signature

Date

Approved by _____

Signature

Date _____

