

COUNTY GOVERNMENT OF THARAKA NITHI



MUNICIPALITY OF KATHWANA

GRIEVANCE REDRESS MECHANISM FRAMEWORK

LIST OF ABBREVIATIONS

CECM	:	County Executive Committee Member
GRM	:	Grievance redress Mechanism
PAPS	:	Project affected Persons
PIPS	:	Project Interested persons

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INTRODUCTION

Kathwana Municipality is established pursuant to provisions of Urban Areas and Cities Act, 2011 and its subsequent amendment and has a functional administration. Section 20 of the Act, obligates the Board among other functions to oversee the affairs of the municipality and develop and adopt policies, plans, strategies and programs. As the Board and the Municipal Manager undertakes its mandate, there are instances complaints or disputes arise from activities being implemented by the Board or dispute between the members of the public.

A Grievance Redress Mechanism is an instrument through which dispute resolution is sought and provided. It involves the receipt and processing of complaints from individuals or groups negatively affected by activities in a particular setting or of a particular project.

The Municipal Grievance Redress Mechanism (MGRM) is designed to provide residents of Kathwana Municipality with a transparent, accessible, and effective platform for addressing grievances related to municipal services, facilities, and administration.

The GRM mechanisms enables the Municipalities to receive complaints from affected people and communities and serves as a facilitation platform for the response to such grievances by providing a mechanism to address the issues raised in a quick and effective manner. The GRM desk at the county level provides a single-entry point to submit complaints directly to the Municipality Board, and ensures responsiveness and accountability.

1.2. Definition of Terms

Complaint - An expression of dissatisfaction by a person or persons or a group, institution or organization about an unsatisfactory or unacceptable situation, including an act or omission, or about the standard of a service; whether the action was taken or the service provided by the person, the institution itself or a body acting on behalf of the public institution.

Complainant - A person, group of persons, organization or institution making a complaint within the meaning of this guide.

Respondent - A public or state officer or a public institution against which the complaint is made. Public institution Any institution of the national or county government, constitutional or statutory commission, tribunal, bodies or committee, a parastatal or state corporation or any other institution funded directly from the government Consolidated Fund or receiving money provided by Parliament.

Lodging - is the making of a formal or official complaint about a public institution or a public officer.

Resolution - its situation where the county government has provided sufficient information or a remedy or solution to the satisfaction of the complainant, or where the complainant is unsatisfied and the public institution has taken the complaint through due process and made a just decision.

Complaints mechanism - refers to the institution, procedure and process that has been adopted by a public institution to handle complaints.

Root cause- is the primary source or basis of the complaint.

Project Management Committee - Project Management Committee is a team of community members elected by the project beneficiaries to represent them in the supervision and monitoring the day-to-day implementation of the project/program and linking the project to communities, development committees, implementation departments and the rest of the world.

1.3 Objectives of Grievance Redress Mechanism

The main objective of the GRM guidelines is to operationalize the provisions of this grievance redress mechanism policy. More specifically, the GRM guidelines enhance the following objectives—

- (a) To provide a framework for addressing complaints and grievances and enhance conflict resolution arising from, and during and after public participation outcomes and actual Programme implementation.
- (b) Ensure transparency and accountability throughout the collaborative decision making processes and the implementation of projects and programs amongst the relevant stakeholders including project beneficiaries.
- (c) Resolve any emerging environmental and social grievances in project areas as a basis for facilitating effective project risk management at implementation level.
- (d) To promote relations between the project implementers, executors and beneficiaries.
- (e) Strengthen Promote public participation in the delivery of public goods and services

1.4 Scope of the Grievance Redress Mechanism

The Kathwana Municipality Grievance Redress Mechanism Framework provides a channel for dispute resolution for effective public participation. It is basis of negotiation on agreements made

between the municipality, non-state actors and the people of Kathwana Municipality from the identification of their needs, prioritization, resource allocation, to implementation and handing over.

However, the GRM serves to complement but not replace the existing legal channels such as courts, tribunals; administrative recording of occurrence books through the county administration and other recourse mechanisms for addressing grievances. The GRM is designed to improve participatory development processes, project outcomes by creating public awareness about the county investments, their objectives, and the Municipalities commitment to deter corruption and delayed development, mitigating socioeconomic and environmental risks and providing practical suggestions and feedback to ensure timely, corruption free and relational project implementation.

The targeted audience for this GRM will range from the county departments, protect management committees, development committees and general communities.

1.5 Principle of the GRM

The effectiveness of the GRM Framework is guided by the following principles:

- (1) **Accessibility:** The GRM should be accessible to everyone and at any time. It should take into consideration potential barriers such as language, literacy, awareness, cost or fear of reprisal and seek to address them.
- (2) **Predictability:** GRM should be time-bound at each stage, and have specified time frames for the responses.
- (3) **Fairness:** All the procedures therein should be widely perceived as unbiased in regards to access of information and meaningful public participation.
- (4) **Rights compatibility:** The outcomes of the mechanism should be consistent with the international and national standards. It should also not restrict access to other redress mechanisms.
- (5) **Transparency and accountability:** The entire GRM process should be done out of public interest.
- (6) **Capability:** For an effective GRM, the system needs to be endowed the necessary resources, that is, technical, financial and human resources.
- (7) **Feedback:** It should serve as a means to channel citizen feedback to improve project outcomes for the people.

1.6. POLICY AND LEGAL FRAMEWORK

Kathwana Municipality is committed to ensuring the rights of residents to voice their concerns, seek redress, and hold municipal authorities accountable for delivering efficient and equitable services. This commitment is guided by Article 47(1) Constitution of Kenya 2010 which gives invaluable rights of fair administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair to every citizen.

County Government Act, 2012 under Section 87(d), 88, 89 mandates the county government to establish a county complaint handling mechanism which, provides an opportunity persons and traditionally marginalized communities, including women, the youth, and disadvantaged communities, to raise concerns on service delivery and resolve them at the county level.

CHAPTER TWO

2.0. GRIEVANCE REDRESS SYSTEM

A mechanism is scaled to a risk and impact when specific processes behind basic grievance-handling steps, as well as associated resources, are adequate to deal with the volume and types of grievances anticipated during the impact assessment.

The section provides the municipal's GRM system. The GRM mechanisms enables the municipality to receive complaints from people and communities and serves as a facilitation platform for the response to such grievances by providing support to municipality, project teams and communities to address the issues raised in a quick and effective manner. The GRM desk at the county level provides a single-entry point to submit complaints directly to the Municipality, and ensures the municipality's responsiveness and accountability.

2.1. FIRST LEVEL: COMMUNITY/ SITE LEVEL

The main targets at this level are the community, project affected people and project beneficiaries. For a project setting; every project site shall have a grievance/ compliment register which will be consistent with the grievance / compliment register at the municipality desk. If the recorded complain cannot be handled at site level between the contractor and the community, PAPs and PIPs, then it shall be escalated to the municipality level which is the second level. However, every grievance shall be recorded and availed to the municipality grievance desk for reference. In cases of a community grievance, the local authority shall handle the grievance. In cases of dissatisfaction, the grievance may be escalated to the Municipal level or adoption of the arbitration process.

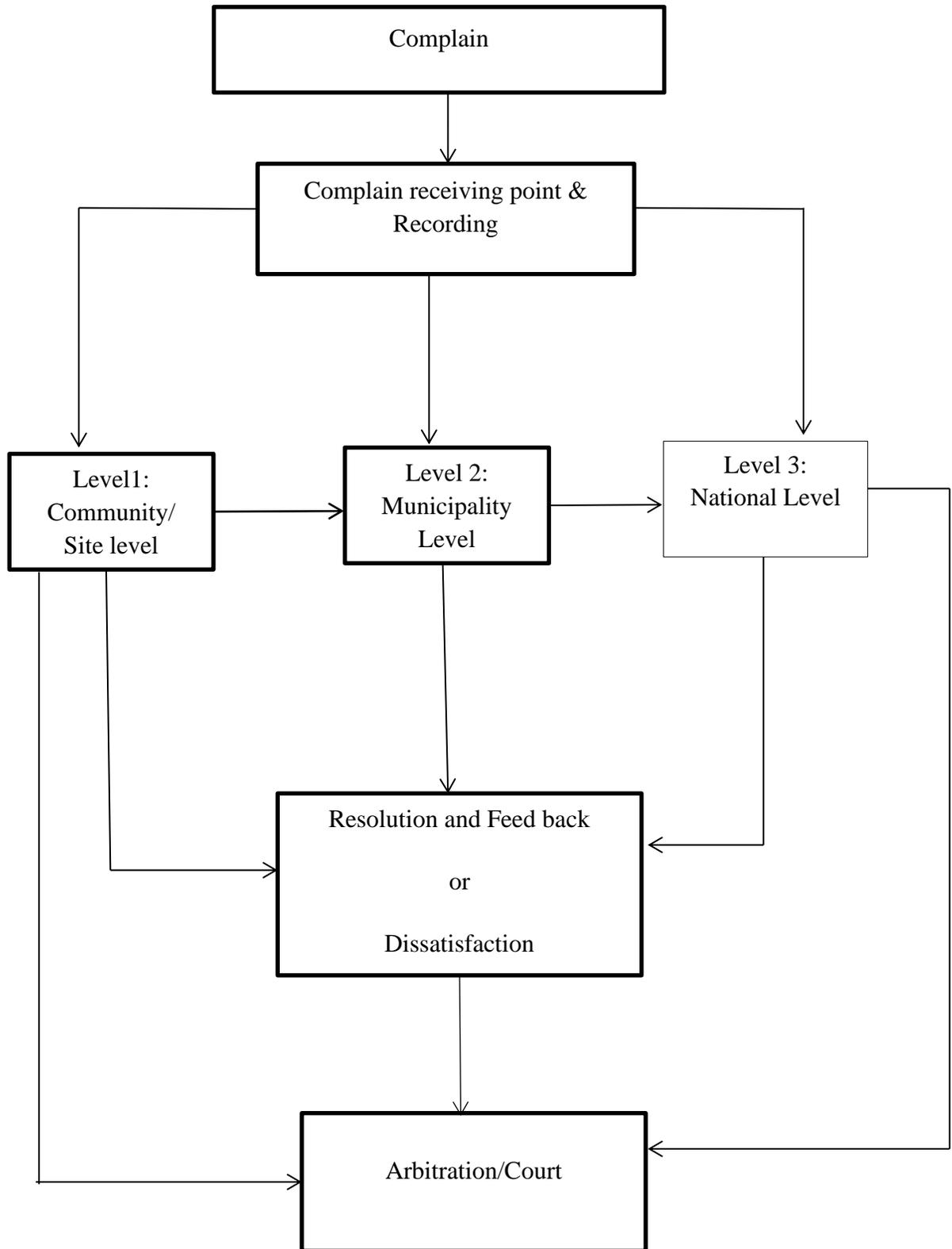
2.2. SECOND LEVEL: MUNICIPALITY LEVEL

At this level, the Municipality grievance committee shall work under the supervision of the CECM in charge of urban development. In a normal setting or a project setting, all stakeholders shall be informed of the existence of the grievance committee. This committee shall dedicate days when they are available to receive and resolve complaints that have been brought to their attention. Once the committee receives a complaint it shall be mandated to register the complaint, investigate and recommend an action. If the complainant is not satisfied with the recommendation they shall be advised to report to the third level of redress or adopt the arbitration process or courts.

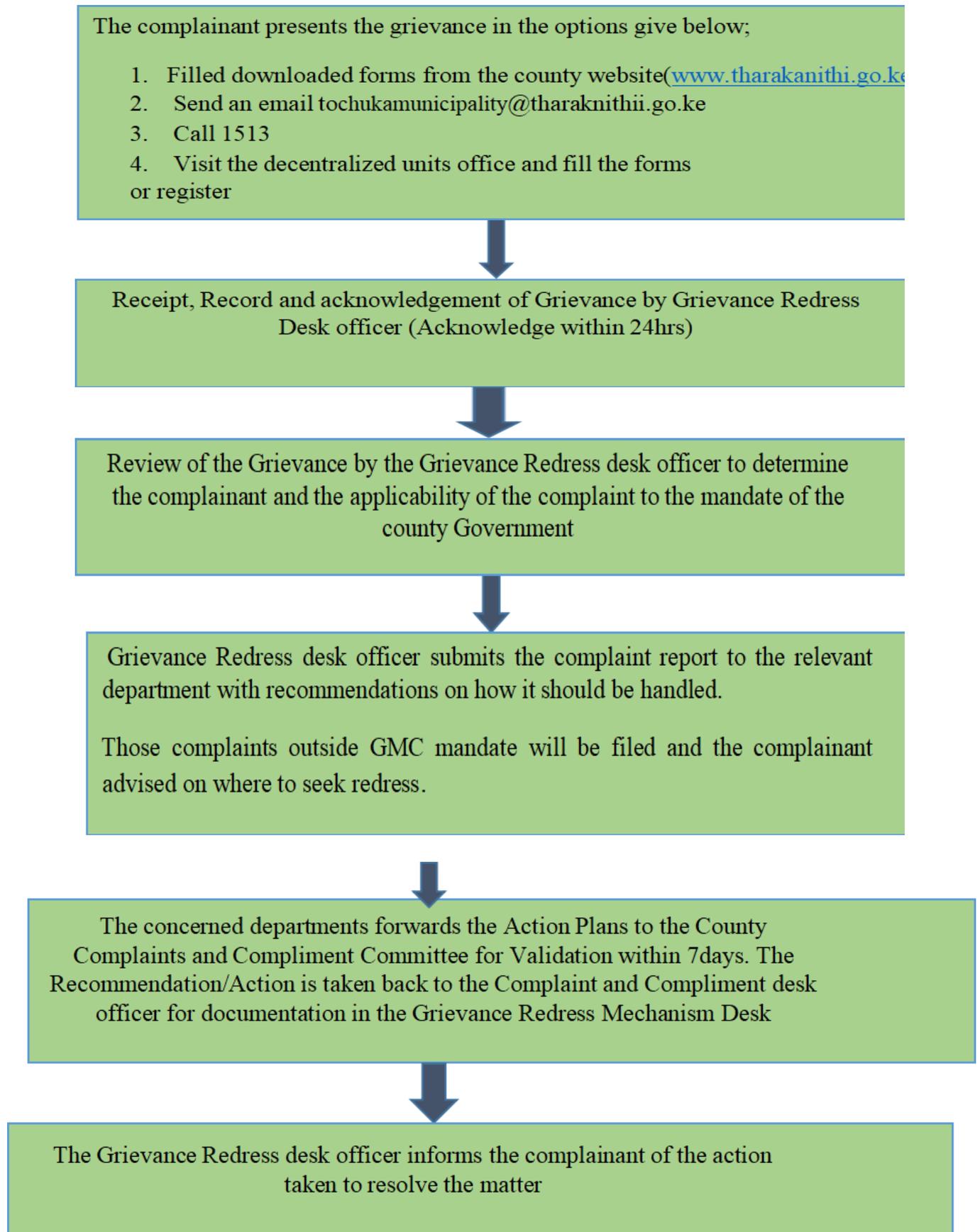
2.3. THIRD LEVEL: NATIONAL LEVEL

This committee applies in a project setting where it shall dedicate days when they are available to receive and resolve complaints. Once the committee receives a complaint it shall be mandated to register the complaint, investigate and recommend an action. If the complainant is not satisfied with the recommendation they shall be advised to seek other recourse measures, such as the courts.

2.4. DIAGRAM OF THE MUNICIPAL GRM SYSTEM



2.5-GRM System



Explanation of the GRM Framework

The section explains the committee's responsibilities in handling of grievances.

Municipality Grievance Committee

This is the committee in charge of the day-to-day supervision and management of the Municipality. The secretary to the committee is also the MGC Desk of the Municipality while the entire committee is the first link of grievance handling. The MGC play a critical role in escalating challenges, complaints of their representatives concerning a project. These conflicts may escalate into severe problems, which undermine the integrity and success of the Municipality. Each GMC work through the GMC Workbook, which has a clear GMC Log that is used to track the movements of the complaints to closure.

The GRM focal person will have a dedicated GRM desk at the Municipality level to provide a single-entry point to submit complaints directly to the municipality, and ensure the municipality's responsiveness and accountability. There will also be a grievance register at site level to capture grievances in cases of projects running within the Municipality. The purpose of the mechanism is to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all affected residents and project-affected parties, at no cost and without retribution, to provide alternative dispute resolution mechanisms and to prevent access to judicial or administrative remedies. The grievance mechanism will utilize existing formal or informal grievance mechanisms, supplemented as needed with project-specific arrangements in a project setting.

Below are procedures provided for GMC in reporting and handling conflicts emerging from the municipality:

- (1) **Gather information about the conflict:** When Project conflict arises; the GMC is expected to gather information about the conflict. Find out why the project conflict occurred, what caused and influenced the conflict, what does each party in the conflict want and what would be the result of each possible scenario.
- (2) **Define the goal of the resolution:** Define the goal of the resolution after gathering information. This will enable the project teams to determine their ability to meet project deadlines without compromising values of any party in the conflict

- (3) **Define how resolution affects all parties:** Some resolutions may result in lost wages and disciplinary actions, which may cause additional problems in the project. The project team should be a good moderator in conflict, view the problem as each affected party views the problem and how the problem can be solved without stepping on the toes of other person.
- (4) **Request feedback from all parties:** Affected individuals in a conflict are likely to agree if asked for their feedback and proposed solutions. This makes both parties opinions felt, valued and respected during conflict resolution. This will help in making a decision on how to approach a potential resolution with an insider's view of the problem.
- (5) **Devise alternative solution when one party disagrees with your resolution:** When resolving conflict, one party will likely disagree with your decision. Try to come up with at least one alternative solution to help the losing party. This will prevent future problems.
- (6) **Reiterate the values and goal of the project:** The basis of conflict management is in attaining the values and goals of the project as opposed to individual differences. When neither parties feels your resolution is appropriate, you need to exert your power within the project. Explain the goals, values and benefits of the project to the community. Reiterate how each person's duties influence the outcome of the project and advice conflicting parties to put differences aside in lieu of a greater good of the project.

CHAPTER THREE

3.1 IMPLEMENTATION OF GRM

This section reviews the situational analysis of contains complaints and petitions in the municipality and determines a roadmap for the implementation of a sustainable GRM Mechanism on the basis of the structure laid out in Chapter 2.

3.2 Situational Analysis of complaints in the Municipality

The following are the causes of the public complaints that hinder service delivery to the public;

- (a) Weak and ineffective complaints handling mechanisms,
- (b) Inaccessibility of the officers and absenteeism,
- (c) Corruption and impunity,
- (d) Poor terms and conditions of service, and
- (e) Poor leadership and decision-making.
- (f) Inappropriate policies, laws or regulations that cause discrimination, biasness and injustice
- (g) Complex procedures, processes and routine: the need for meticulous, careful, cautious, correct administration of social services; ensuring that taxpayers' money is spent properly results in complicated procedures and routines,
- (h) Inadequate capacity of government officers: if the level of ability of government officials is lower than it should be for the tasks they are to perform, administrative errors occur,
- (i) Mistake of law: incorrect interpretation or application of the law or ignorance of the law,
- (j) Mistake of fact: decisions or actions based on information that is factually wrong, or misinterpretation or omission of important facts,
- (k) Lack of awareness about the applicable procedures and requirements of vital documents

3.3 Importance of handling Complaints

The GRM mechanism is important for the Municipality because of the following:

- (a) It provides for a timely and cost-effective means of resolving complaints
- (b) It provides information to the government on areas that need improvement
- (c) It improves the reputation of the government

- (d) It strengthens public confidence in the government administrative processes.
- (e) It boosts government responsiveness to public grievance
- (f) It improves government efficiency and effectiveness in service delivery

3.4.GRM Communication Channels

It is mandatory for the MGC to share with the municipality stakeholders on the available GRM mechanism put in place and to share the phone numbers of the MGC secretary who is the expected to record and initiate the complains log alongside the MGC.

Further, the general public is made aware of the GRM through the committees, WhatsApp, Use of ICT, ENE FM radio, flyers and public education trainings.

3.5 Nomination of Officers by the Municipality Board

The Municipality Board have nominated officers to serve as technical committee for GRM as well as doubling for the entire public participation mainstreaming and social risk management. This dedicated staff provide a network of conflict resolution mechanism that link the communities to the Municipality and the central GRM service office.

It is expected that all nominated persons are of the highest integrity and, as far as possible. They are also expected to be persons with the right skills and attitudes, including active listening, warmth, empathy, patience and self-control.

3.6 Training and Capacity Development of Complaints Handling Staff

While handling the framework the committees shall be trained on in relevant complaints handling areas, such as communication skills, public relations and customer care, to enable them to discharge their responsibilities effectively. The training should equip the officers and communities with thorough knowledge of the role of the public service in democratic governance, the national values and principles of governance, the values and principles of the public service, best practices in complaints handling, and the fundamentals of an effective complaints handling system. The GMC shall further be trained on filling the complaint forms, launching, tracking and following up of complains to conclusion.

3.7 Financial resources

The GRM system requires clearly identifiable budget, sufficient to execute its mandate and the enhancement of the capacities of the communities and staff in charge of complains handling. As a program the finances shall be made possible through the incorporation in the Municipality's budget and work plan.

3.8 Offices and Equipment

The Municipality Grievance Service Office is domiciled in the Municipal Manager. This is for its role in enhancing government –citizen relations and integration in public participation function throughout the operations of the Municipality.

The Office shall therefore be provided with adequate office space and equipment. As much as practicable the mechanism shall leverage on technology to make its operations efficient, effective, and clearly linked to the GRM Desks.

3.9 Reporting and Documentation

The grievances shall be recorded as received. Reporting shall be done quarterly and annually. The reports should clearly state the nature and number of complaints received during the period, number of complaints resolved, complaints referred to other agencies, the rate of settling complaints, timelines for processing and completion of cases, achievements and challenges, and proposed reforms.

APPENDIX 1: GRIEVANCE LODGING FORM

REF NO _____

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

Location where grievance/problem occurred (write in)

County	Sub County	Ward	Location	Village
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Category of Grievance:

Environmental safeguard Issues				
Social safeguards issues including gender, labor and resettlement				
Grievances regarding staff performance				

Brief Description of Grievance or Inquiry: *(provide as much detail and facts as possible)*

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 any other grievance mechanism i.e The County, Municipality, village

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 level grievance mechanism. Please also explain why the response or actions taken are not satisfactory.

If NO, why not?

FOR OFFICIAL USE

Name of Receiving Officer _____ Date _____

ACTION TAKEN

ACKNOWLEDGEMENT SLIP

Ref. No. _____ Date of lodging
complaint _____

Place of submission _____ Signature of receiving
officer _____

APPENDIX 2: GRIEVANCE HANDLING FORM

Ward	
Project Name	
Date Received	
Complainant/ Representative	
Complain	
Complaint Channel	
Date Acknowledged	
Action Taken	
Complaint Status	
Date of resolution	

APPENDIX 3: QUARTERLY GRIEVANCE REPORTING TEMPLATE

Reporting Period: Monthly/Quarterly/Annually

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

Compiled by _____ Signature _____ Date _____

Approved by _____ Signature _____ Date _____

