

REPUBLIC OF KENYA



GOVERNMENT OF MAKUENI COUNTY



DEPARTMENT OF DEVOLUTION, COUNTY ADMINISTRATION, PARTICIPATORY
DEVELOPMENT, YOUTH AND PUBLIC SERVICE

GRIEVANCE REDRESS MECHANISM FRAMEWORK

Strengthening Project-Level Grievance Mechanism for Effective
Sustainable Participatory Development and Modeling
Communities of Practice



Directorate of Public Participation and Civic Education (Participatory Development)
Grievance Redress Service Desk
Government of Makueni County, 2019
P.O. Box 78-90300, MAKUENI

Email: devolution@makueni.go.ke Web: www.makueni.go.ke

September 2019



MAKUENI COUNTY GRM MECHANISM

Strengthening Project-Level Grievance Mechanism for Effective Sustainable Participatory Development and Modeling Communities of Practice



#For the People of Makueni County

MAKUENI COUNTY GRM MECHANISM

COUNTY VISION AND MISSION

Vision

A Prosperous Value Based County with a High Quality of Life

MISSION

To Transform the Livelihoods of Each Household through Accountable Leadership That Creates an Enabling Environment for Inclusive, Effective and Efficient Service Delivery

COUNTY VALUES

Integrity & Accountability

Inclusiveness

Equity & Fairness

Patriotism

Responsiveness

Hard Work, Creativity & Innovation

Servant Leadership

Table of Contents

1.0 ADDRESSING GRIEVANCES FROM PROJECT –AFFECTED COMMUNITIES	4
1.2	4
1.3 Objectives of Grievance Redress Mechanism.....	5
1.4 Scope of the GRM.....	5
1.5 Principle of the GRM	6
1.3 Legal Basis.....	6
2.0 THE COUNTY’S GRIEVANCE REDRESS MECHANISM.....	7
2.1 The County’s GRM system	7
2.2 E-GRM System	8
2.3 Explanation of the GRM Framework.....	9
3.1 IMPLEMENTATION OF GRM	11
3.2 Situational Analysis of Project led complaints in the County.....	11
3.2 Importance of handling Complaints	11
3.3 GRM Communication Channels	11
3.4 Nomination of Officers by the Departments to Committee	12
3.5 Training and Capacity Development of Complaints Handling Staff.....	12
3.6 Financial resources.....	12
3.7 Offices and Equipment.....	12
3.8 Reporting and Documentation	13
4.0 ANNEXES.....	15
4.1 Sample of Complaints Form	15
4.2 Sample Petition Form	16

INTRODUCTION

1.0 ADDRESSING GRIEVANCES FROM PROJECT –AFFECTED COMMUNITIES

Combined with effective community engagement, a transparent and legitimate grievance mechanism that is a joint effort between the government and communities can increase trust and improve communication (World Bank Group, 2009)

A Grievance Redress Mechanism (GRM) 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 of a particular project. The Government of Makueni County recognizes the right of beneficiaries and community members to give feedback and seek response from projects affecting them, processes they have been involved in and on ultimate transformation that could be taking place in the communities as a result of county development. Such initiatives promote beneficiary accountability and government transparency and responsiveness.

The GRM mechanisms enables the county to receive complaints from project-affected people and communities and serves as a facilitation platform for the response to such grievances by providing support to departments, 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 Government, and ensures the county's 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 grievance redress mechanism as provided for in the public participation and civic education 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 GRM

The County's GRM Framework provides a channel for dispute resolution for effective public participation. It is basis of negotiation on agreements made between the county, non-state actors and the people of Makueni from the identification of their needs, prioritization, resource allocation, to implementation and handing over. It is aimed at operationalization of the grievance mechanisms provided for in the public participation and civic education policy and expands to petitions and citizen referendums. 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 County's commitment to deter corruption and delayed development, mitigating socio-economic 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, project 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.

1.3 Legal Basis

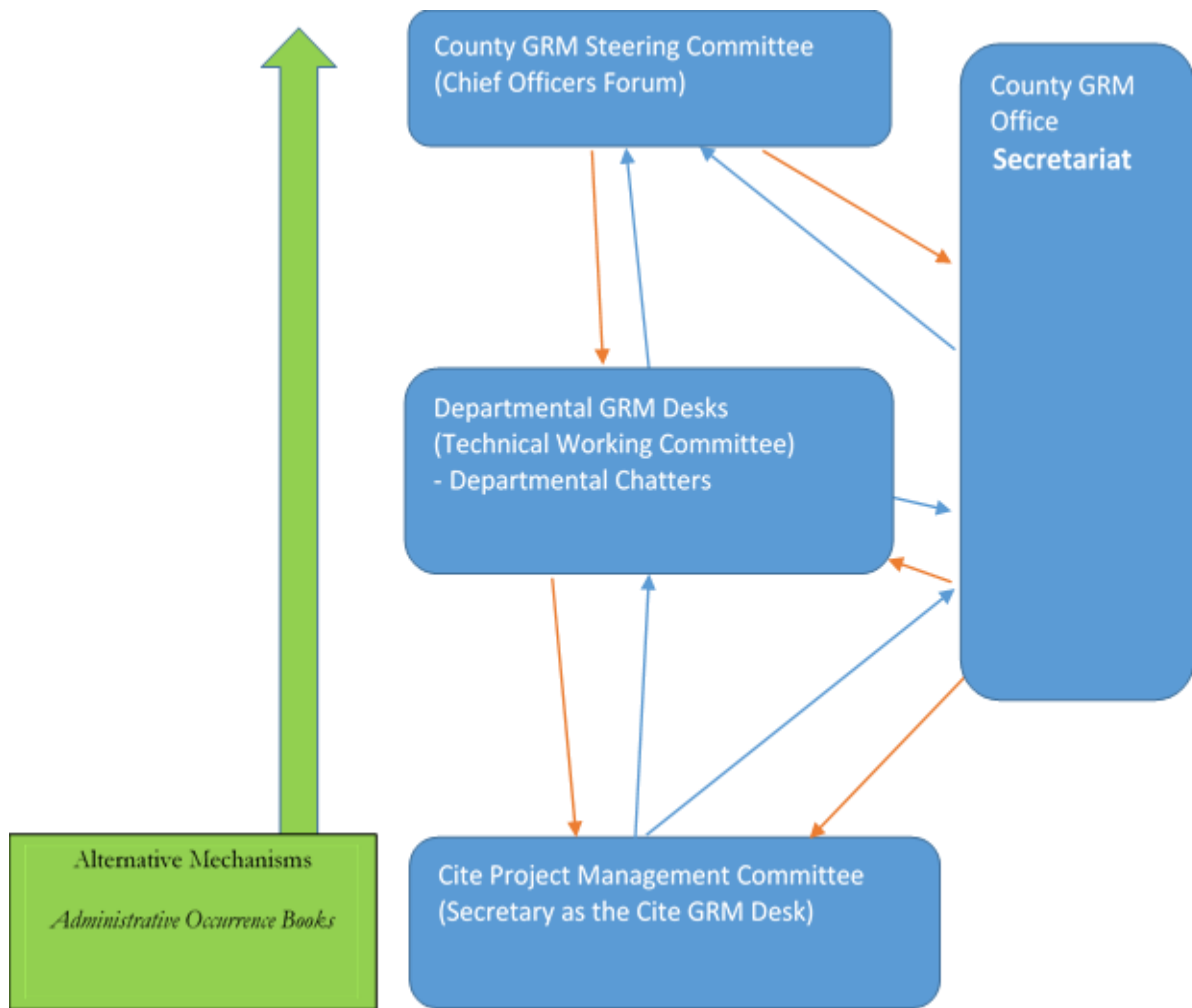
- a) Section 15 of County Government Act states that any person has a right to petition a county assembly to consider any matter within its authority, including enacting, amending or repealing any of its legislation.
- b) Section 88 of County Government Act, 2012 (1) also gives the citizens right to petition the county government on any matter under the responsibility of the county government.
- c) Section 88 (2) Citizen Petitions shall be made in writing to the county government.
- d) County legislation shall give further effect to section 88(1).
- e) Section 89. Duty to respond to citizens' petitions or challenges County government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.
- f) Section 90. Matters subject to local referenda (1) A county government may conduct a local referendum on among other local issues— (a) county laws and petitions; or (b) planning and investment decisions affecting the county for which a petition has been raised and duly signed by at least twenty five percent of the registered voters where the referendum is to take place.

2.0 THE COUNTY’S GRIEVANCE REDRESS MECHANISM

A mechanism is scaled to a project’s 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 project’s impact assessment.

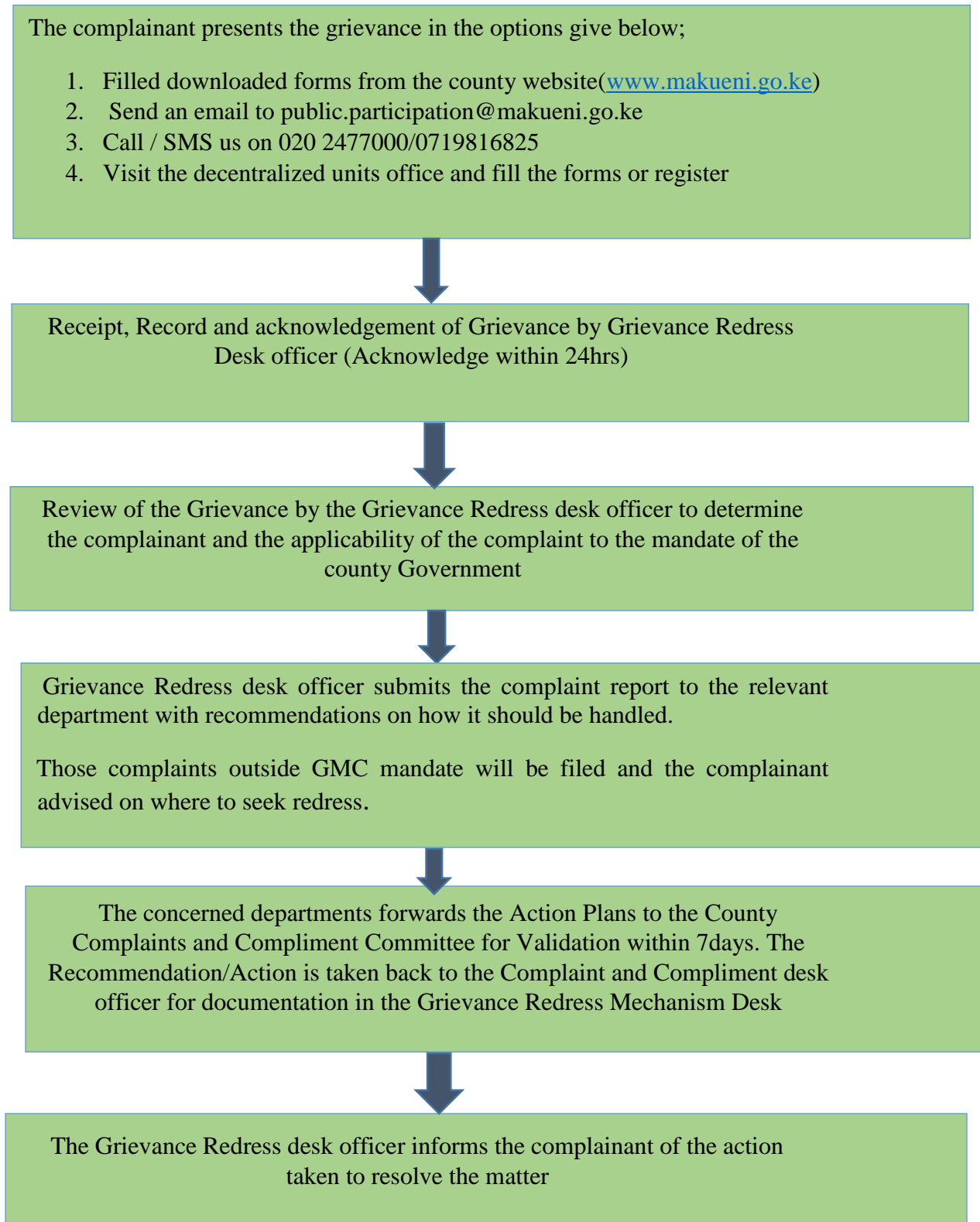
The section provides the county’s GRM system. The GRM mechanisms enables the county to receive complaints from project-affected people and communities and serves as a facilitation platform for the response to such grievances by providing support to departments, project teams and communities to address 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 Government, and ensures the county’s responsiveness and accountability.

2.1 The County’s GRM system



2.2.E-GRM System

Online GRM Mechanisms



2.3 Explanation of the GRM Framework

The section explains the various committees and their responsibilities in handling of project level grievances.

- **Project level Project Management Committee:** this is the committee in charge of the day-to-day supervision and management of a project during implementation. The secretary to the committee is also the GRM Desk of the project while the entire committee is the first link of grievance handling. The PMC 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 project. Each PMC work through the PMC Workbook, which has a clear GRM Log that is used to track the movements of the complaints to closure.
- **Ward based GRM Committee:** This is a technical committee at the Ward composed of the respective administrator, technical department and the Ward development officer who check into an escalated grievance from the Project level PMC and closely links to the project cite
- **Departmental GRM Desks and working committee:** These are nominated officers by each department that link the project based desk and County GRM desk to the departments. They are responsible for ensuring responses of complaints from their individual departments are worked at.
- **County GRM Desk:** This is a one-stop GRM office with a full time GRM officer who also doubles as a public participation officer with community, non-state actors and civil society reach. In reference to GRM, they are responsible for overall tracking of grievances to ensure departments, decisions and resolutions lead to conclusion. The officer is also charged with ensuring capacity development for all levels of GRM committees and desks. The review and establishment of GRM frameworks that link both the county projects and mechanisms for those of the non-state actors. The desk further facilitates the tracking of citizen petitions, and referendums form the communities to the executive.
- **County GRM Steering Committee:** This is the overall GRM committee composed of all chief officers and is crucial for determining GRM decisions that require policy, budgetary/fiducial and higher management discussions.

The Project management workbook contains a GRM tool for use throughout the implementation period. As a group with first contact with the people and the project, the PMCs are expected to gather data concerning all grievances and escalating them as trained. The sample of the tool is shown below:

No.	Date Received	Location of Project (Village/Cluster/Sub ward)	Complaint received from	Nature of Complaint	Actions taken towards resolving	Date of Resolution
1.						
2.						

Below are procedures provided for PMC in reporting and handling conflicts emerging from a project:

- 1) **Gather information about the conflict:** When Project conflict arises; the PMC 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.

To strengthen tracking, documentation and escalating of grievances between the project cite, departments and communities the once stop GRM desk at the County level facilitates the GRM mechanism through the framework below:

The county government –executive has a desk officer responsible with the receipt of complaints, capacity building of communities on the GRM framework, tracking, following up and documentation of complaints best practices for the continuous improvement of GRM mechanisms.

This forms the one stop office for dropping/development and support for:

- 1) Community complaints forms
- 2) Petitions
- 3) Referendums

3.1 IMPLEMENTATION OF GRM

This section reviews the situational analysis of contains complaints and petitions in the county 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 Project led complaints in the County

- a. The following are the causes of the public complaints that hinder service delivery to the public;
- b. Weak and ineffective complaints handling mechanisms,
- c. Inaccessibility of the officers and absenteeism,
- d. Corruption and impunity,
- e. Poor terms and conditions of service, and
- f. Poor leadership and decision-making.
- g. Inappropriate policies, laws or regulations that cause discrimination, biaseness and injustice
- h. 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,
- i. 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,
- j. Mistake of law: incorrect interpretation or application of the law or ignorance of the law,
- k. Mistake of fact: decisions or actions based on information that is factually wrong, or misinterpretation or omission of important facts,
- l. Lack of awareness about the applicable procedures and requirements of vital documents

3.2 Importance of handling Complaints

The GRM mechanism is important for the county 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

3.3 GRM Communication Channels

It is mandatory for the PMCs to share with the project beneficiaries on the available GRM mechanism put in place for each particular project and to share the phone numbers of the PMC secretary who is the expected to record and initiate the complains log alongside the PMC.

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

3.4 Nomination of Officers by the Departments to Committee

The county departments 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 departments and the central GRM service office.

Further, the Chief officers forum maintain the policy level committee while the GRM service Officer is full time dedicated staff with relevant knowledge and well-versed in the affairs of the county, ICT and public participation.

It is expected that all nominated and standing committee members are persons 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.

3.5 Training and Capacity Development of Complaints Handling Staff

The handling the framework as well as individual project management 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 PMCs shall further be trained on filling the complaint forms, launching, tracking and following up of complains to conclusion.

3.6 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 County's budget and work plan.

3.7 Offices and Equipment

The County Grievance Service Office is domiciled in the department of Devolution, County Administration, Participatory Development, Youth and Public Service. This is for its role in enhancing government –citizen relations and integration in public participation function throughout the project management cycle.

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 departments' GRM Desks.

3.8 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.

4.0 ANNEXES

4.1 Sample of Complaints Form

Below is a sample of complains form found in the County website, administrators office and field officers offices for use in launching complains.

COMPLAINTS FORM

Date: <i>(Date complaint is received)</i>	
Personal Details: <i>(Name, contact details, if necessary)</i>	
Nature of Complaint:	
Detail of Complaint:	
Who dealt with the complaint?	
How it was dealt with:	
Outcome: <i>(Outline of what has happened as a result of the complaint)</i>	
Follow up required:	

4.2 Sample Petition Form

FORM OF A PUBLIC PETITION

To: The Government of Makueni County/ County Assembly of Makueni

WE/I, the undersigned and humble Petitioner(s) of
.....
.....

.....
.....
..... (Here insert the names or description of the petitioner(s) and
address including their status: residents of a particular area, workers, particular part of the
community, minority or marginalized group etc.)

DRAW the attention of the County Government/Assembly to the following:

(Here, briefly state the reasons underlying the petition and request for the intervention of
the Government/Assembly by outlining the grievances or problems and summarizing the
facts which the petitioners wish the Government / Assembly to consider)

THAT:

(Here confirm that efforts have been made to have the matter addressed by the relevant
body, and it failed to give satisfactory response.)

THAT:

(Here confirm that the issues in respect of which the petition is made are not pending
before any court of law, or constitutional or legal body.)

THEREFORE your humble petitioners PRAY that the County Government of Makueni/
County Assembly of Makueni:-

(Here, set out the prayer, by stating in summary what action the petitioners wish the
County Government/Assembly to take or refrain from)

And your PETITIONERS will ever pray.

Name of petitioner
.....

Full Address
.....

National ID or Passport
No.....

Signature/thumb

print

.....

Subsequent Pages

PETITION

concerning

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

(Here, repeat the summary in first page)

*This form may contain such variations as the circumstances of each case may require.

* An attachment of all signatories of the petition shall be provided