

REPUBLIC OF KENYA



GOVERNMENT OF MAKUENI COUNTY



EMALI-SULTAN HAMUD MUNICIPALITY

GRIEVANCE REDRESS MECHANISM

FOREWORD

Emali - Sultan Hamud Municipality has her residents entitled to fully enjoy their human rights, as guaranteed by the Constitution of Kenya, 2010, and other national, regional, and international human rights frameworks. Unfortunately, human rights violations by both state and non-state actors remain a global issue. Nevertheless, the fundamental rights and freedoms outlined in Chapter 4 of the Constitution are not merely aspirational; compliance with these provisions is mandatory.

In our efforts to effectively implement policies, programs, and projects, the Emali-Sultan Hamud Municipal Board is committed to ensuring that human rights are respected and protected, and any violations are addressed. The municipality will receive and process grievances and complaints, conducting investigations into alleged human rights abuses. Investigations will only be conducted if the cases fall within the municipality's jurisdiction.

There are various avenues for addressing human rights violations, depending on the nature of the offense. As a municipality, we will prioritize alternative dispute resolution mechanisms and legal actions when necessary. We reaffirm our commitment to addressing complaints effectively as part of our continuous improvement in service delivery.

To ensure accountability, we will establish a dedicated office with a focal point responsible for managing grievances. The Municipal Manager will oversee the Grievance Redress Mechanism (GRM), ensuring that complaints are handled with the necessary attention, support, and goodwill. The municipality will grant the GRM sufficient independence, authority, resources, and leadership support to ensure its effectiveness in fulfilling this responsibility.

Anne Muthusi
Board Chairperson
Emali- Sultan Hamud Municipality

ACKNOWLEDGEMENT

This Grievance Redress Mechanism has been developed to guide the Municipality in effectively handling public grievances and complaints. As the municipality seeks to engage the public in her programs and projects, it is natural that residents may seek clarifications on various matters. This mechanism provides clear guidelines on how such complaints and grievances will be received and addressed.

The framework outlines the channels and methods for reporting grievances, the structure of the Municipal Grievance Redress Committee, and the timelines for handling and providing feedback on reported issues.

We express our sincere gratitude to the Municipal Board for the visionary leadership and valuable contributions to the development of this grievance redress mechanism. We also extend special thanks to the municipal technical staff for their dedication during the development process.

We applaud everyone who participated, directly or indirectly, in the formulation of this document.

Philip Ngila
Municipal Manager

GRIEVANCE REDRESS MECHANISM

1.0 Introduction

“A Grievance Redress Mechanism is a system by which queries or clarifications about projects are responded to, problems that arise out of implementation are resolved and grievances are addressed efficiently and effectively” – Kalahi-CIDSS, Philippines

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 Emali-Sultan Hamud Municipality will use this guideline to provide a framework/ procedure for resolution of grievances emanating from project beneficiaries, project implementers and other stakeholders during implementation of her projects and programs. This will ensure smooth implementation of the projects, timely and effectively addressing of the social conflicts that would be encountered during implementation.

1.1 Objectives of Grievance Redress Mechanism

The following are objectives of establishing GRM

- i. To address grievances and enhance conflict resolution arising from municipal projects implementation.
- ii. Ensure transparency and accountability throughout the implementation of projects and programs amongst the relevant stakeholders including project beneficiaries
- iii. Resolve any emerging environmental and social grievances in project areas as a basis for facilitating effective project risk management at implementation level.
- iv. To promote relations between the project implementers, executers and beneficiaries
- v. Promote public participation, community feedback and access to information in county service delivery

1.2 The Purpose of the Grievance Redress Mechanism Framework.

The object and purpose of this framework is to:

1. Provide for a guiding framework for handling complaints in the implementation of Municipal projects and programs.
2. Promote service delivery and accountability in Municipal services
3. Enhance responsiveness to complaints in the Municipality.
4. Provide an integrated framework for resolution of complaints in the Municipality.

1.3 Scope of the Municipal Grievance Redress Mechanism

The Emali-Sultan Hamud Municipality GRM Framework provides a channel for dispute resolution during the implementation of Municipal programs. However, the GRM will serve to complement but not replace the existing legal channels such as courts, tribunals and alternative dispute resolution mechanisms for addressing grievances.

The GRM is designed to improve participatory development processes, project outcomes by creating public awareness about municipal projects/programs and services and its role in the development arena

The targeted audience for this GRM will range from the funding bodies, county departments, implementing committees and general communities.

1.4 Importance of Grievance Redress Mechanism

- i. Gives voice to the marginalized
- ii. Builds greater trust and mutual respect between citizens and project authorities
- iii. Helps project management by enhancing efficiency as resources are targeted properly
- iv. Provides feedback in a systematic and timely manner
- v. Generates awareness and demand among citizens to utilize the services properly
- vi. Deters project-related fraud and corruption
- vii. Allows beneficiaries to express their voices creating a sense of ownership

1.5 Legal Framework for Grievance Redress Mechanism

- i. Section 15 of County Government Act,2012 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.
- ii. 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.
- iii. Section 88 (2) of the County Government Act,2012 stipulates that citizen petitions shall be made in writing to the county government.
- iv. Section 89 of the County Government Act,2012 states that County Government authorities, agencies and agents have a duty to respond expeditiously to petitions and challenges from citizens.

1.6 Principle of the Emali-Sultan Hamud Municipality Grievance Redress Mechanism

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

Principle	Principle details
Public focus	The Municipality is committed to effective complaint handling and values feedback.
Visibility	Information about how and where to complain is well publicized to the public, county staff and other interested parties.
Accessibility	The process of making a complaint and investigating it is easy for complainants to access and understand.
Responsiveness	Complaints are acknowledged promptly, addressed urgently, and the complainant is kept informed throughout the process.
Predictability	GRM should be time-bound at each stage, and have specified time frames for the responses.
Objectivity and fairness	Complaints are dealt with in an equitable, objective and unbiased manner. This will help ensure that the complaint handling process is fair and reasonable. Unreasonable complainants are not allowed to become a burden.
Confidentiality	Personal information related to complaints is kept confidential.
Remedy	If a complaint is upheld, the organization provides a remedy.
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
Review	There are opportunities for internal and external review or appeal about the organization's response to the complaint, and complainants are informed about these avenues.
Feedback	It should serve as a means to channel citizen feedback to improve project outcomes for the people.
Accountability	Accountabilities for complaint handling are clearly established, and complaints and responses are monitored and reported to the Municipality and other stakeholders.

Principle	Principle details
Continuous improvement	Complaints are a source of improvement for county governments

1.7 How grievances can be lodged.

- Orally/verbal narration from walk-in complainants- which will be recorded in writing by the receiver
- In writing – Letters/filing complaints/petition/memorandum forms
- Text Messages – to GRM focal person/Committees’ contacts
- Phone calls: 0716481984
- Email – emalisultan.municipality@makueni.go.ke
- Directly to implementing line department project managers/GRM departmental representatives

1.8 Procedure for Handling Grievances, Petitions, Memorandums and Complements

- i. Once a complaint is received, it shall be recorded, acknowledged and resolved and feedback provided to the complainant.
- ii. Where the complaint cannot be resolved immediately, it shall be forwarded to the relevant or subsequent unit/department/committee/board respectively for investigation and resolution and complainant informed.
- iii. Where appropriate, GRM Focal Person or committee shall obtain feedback from complainant whose grievances/petitions have been resolved.
- iv. Complaints that cannot be resolved by the internal GRM structure established by this framework shall be referred to the appropriate department/entity/organ and the concerned shall be notified. Should the grievance not be solved within 21 working days, the complainant will be advised to seek recourse through other alternative dispute resolution mechanisms.

NB- The complainant has a right to appeal any committee decision if they feel dissatisfied to the next level committee/office or other constitutional offices and bodies on administrative justices.

1.9 Timeline for Resolution of Grievances

The received complaints/petition shall be acknowledged within 24 hours upon receipt. The resolution period shall be between 14-21 working days.

2.0 Municipal GRM Committee

The committee shall have the following membership;

1. Social development officer
2. Physical Planner
3. Lands Surveyor
4. Water Officer
5. Environment Officer
6. Participatory Development Officer

2.3 Municipal GRM Desk

The municipality has a reception desk that also serves as the grievance recording point. The desk has a municipal office assistant who:

- Receives and directs all visitors and also records all concerns presented by the public.
- Directly or indirectly receive, acknowledge, resolve or forward complaints/petitions/memoranda for resolution by respective municipal departments/divisions.
- Provide feedback for complaints resolved to the complaints/petitioners/memoranda

4.0 Reporting and Documentation

All grievances received shall be recorded on the register log. Received complaints/petitions and memoranda should be filed by committee secretary/desk officer.

The established GRM committees/offices shall be required to submit quarterly and annual reports. The reports shall indicate number of complaints received, number of complaints resolved, complaints referred to other agencies, challenges and proposed reforms.

5.0 Appendices

5.1 Complaints Form - EMASUL/GRM/001

Date: <i>(Date complaint is lodged)</i>	
Personal Details: <i>(Name, contact details, if necessary)</i>	
Complaint ID	

Nature of Complaint:	
Detail of Complaint:	
Person assigned:	
Recording officer(name and signature)	

5.2 Complaints Interventions Form - EMASUL/GRM/002

Complaint ID:	
Date complaint was lodged:	
Officer dealing with the complaint:	
Intervention:	
Follow up required	
Signature	

5.3 Grievance Log Register – EMASUL/GRM/004

S/No.	Complaint ID	Date complaint was lodged.	Details of petitioner/ complainant	Nature of complaint/ details	Case status(closed or open)
1.					
2.					
3.					
4.					
5.					
6.					

5.4 Acknowledgement Receipt (EMASUL-GRM/005)

Complaint no.:

Date of issuing complaint:

Place of issuing complaint:

Subward/Ward/subcounty/HQ office:

Details of the Complainant:

Name: Age:

Address: Gender:

Email address: Phone no.:

Supporting documents submitted:

- i.
- ii.
- iii.

Summary of complaint:

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5.5 Quarterly Report Template (EMASUL/GRM-006)

Level of Committee Date: Reporting Period:
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i. Details of complaints received

Complaint No.	Place of issuing complaint	Name & Address of complainant	Location of complaint/concern	Date of Receipt

ii. Details of Grievance Redress Meetings

Date of meeting	Venue of meeting	Name of participants	Committee Decisions/recommendation

iii. Details of grievances addressed

Date of issuing complaint	Category of complaints	Category of grievance	Brief description of grievance	Date of complete resolution

iv. Appendices – Minutes/GRM register log/complaints/petition

Adoption of the framework

This framework was adopted by Emali-Sultan Hamud Municipal Board and with approval of:

Philip Ngila

Municipal Manager

Emali-Sultan Hamud Municipality

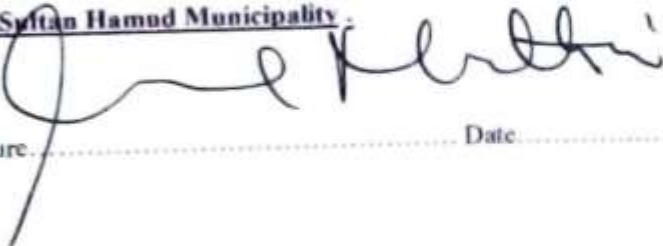
Signature.....

Date..... 28th June 2024

Anne Muthusi

Municipal Board Chairperson

Emali-Sultan Hamud Municipality

Signature.....

Date..... 22/11/2024

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