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DEPARTMENT OF LANDS, HOUSING
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GRIEVANCE REDRESS MECHANISM (GRM)

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INTRODUCTION

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.

Municipality of Busia intends to implement the Kenya Urban Support Program (KUSP) whose overall objective is to enhance and strengthen urban administration and infrastructures.

The GRM will assist the Municipality to ensure that deliberate processes and procedures are put in place to capture, assess and respond to concerns from project beneficiaries, project executors and the general public during the implementation of KUSP projects. This will ensure smooth implementation of the projects and timely and effectively addressing of the problems that would be encountered during implementation.

The stakeholders are categorized as follows:

- i. Funding agencies,
- ii. Implementers,
- iii. Executors,
- iv. Project beneficiaries.

1.1 Objectives of the GRM

The following are the objectives of establishing a GRM;

- i. To address complaints and grievances and enhance conflict resolution arising from, and during KUSP 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.
- iv. To promote relations between the project implementers, executors and beneficiaries.

1.2 Scope of the GRM

The Municipality of Busia GRM provides a channel for dispute resolution during the implementation of programs. However, the GRM serves to complement but not replace the existing legal channels such as courts, tribunals and other recourse mechanisms for addressing grievances.

The GRM is designed to improve project outcomes by creating public awareness about the project and its objectives, deterring fraud and corruption, mitigating socio-economic and environmental risks and providing the Municipality of Busia with practical suggestions and feedback during program implementation.

The targeted audience for this GRM will range from the funding bodies (World Bank and the Government of Kenya), County Government of Busia, Municipality of Busia and project beneficiaries. It is anticipated that this GRM will be robust enough to address conflicts and complaints across the above described scales.

1.3 Principles of the GRM

The effectiveness of this GRM will be guided by the following principles:

- a) **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.
- b) **Predictability:** GRM should be time-bound at each stage, and have specified time frames for the responses.
- c) **Fairness:** All the procedures therein should be widely perceived as unbiased in regards to access of information and meaningful public participation.
- d) **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.
- e) **Transparency and accountability:** The entire GRM process should be done out of public interest.
- f) **Capability:** For an effective GRM, the system needs to be endowed the necessary resources, that is, technical, financial and human resources.
- g) **Feedback:** It should serve as a means to channel citizen feedback to improve project outcomes for the people.

THE GRM STRUCTURE

A Redress mechanism is planned to address all complaints during programme implementation.

2.1 Introduction

The mechanism targets communities and project beneficiaries. At every community unit, three community leaders shall be appointed and trained to handle complaints. These three community leaders shall work under the supervision of the area chief/assistant chief. All project beneficiaries shall be informed of the appointed recipients of complaints. These community level leaders shall dedicate days when they are available to receive and resolve complaints. Once they receive a complaint they shall be mandated to register the complaint, investigate and recommend an action. The received complaint shall be recorded on a standardized **BM-GRM-001** form as shown in Appendix 1. If the complainant is not satisfied with the recommendation they shall be advised to report to the second level of redress. These community leaders shall be obligated to submit a quarterly report using the standardized **BM-GRM-005** format as in Appendix 5. of registered complaints to the County Program Coordination Team (CPCT) for onward transmission to the Municipality of Busia.

2.2 Points of receipt of complaints

The community members shall be advised to register their complaints at the following points:

- i. The appointed community leaders
- ii. Chief/assistant chief of the area
- iii. Project Manger

2.3 Mode of receipt and recording of Complaints

The complaints can be made in writing, verbally, over the phone, by fax or emails. The officer receiving the complaints should try to obtain relevant basic information regarding the grievance. It is anticipated that at this level, most complaints will be made verbally. The three points of receiving complaints as illustrated above shall be in possession of a standardized complaint receiving form which must be filled in for every complaint. As soon as a complaint is received, an acknowledgement form, **BM-GRM-002** as shown in Appendix 2 shall be issued.

After registering the complaint the Grievance Handling Team under the guidance of the area chief shall set a date to investigate the matter, after which they shall provide a

recommendation. If necessary, meetings have to be held between the complainants and the concerned officers to find a solution to the problem and make arrangements for grievance redress. The deliberations of the meetings and decisions taken are recorded in a standardized format as in **BM-GRM-003** (see Appendix 3).

2.4 Timeline

The resolution at the first level will be done within 14 working days and notified to the concerned through a standardized disclosure form, **BM-GRM-004** as shown in Appendix 4. Should the Grievance not be solved within this period it would be referred to the next level of Grievance Redress. However, if the complainant requests for an immediate transfer of the issue to the next level or is dissatisfied with the recommendation, the issue will be taken to the next level.

LEGAL & JUDICIAL REDRESS MECHANISMS IN KENYA

In the event that the complainants are dissatisfied with the outcome of grievance resolution, they shall be advised to seek recourse through the following national arbitration processes:

- i. The Commission on Administrative Justice (CAJ)
- ii. The National Environment Tribunal (NET)
- iii. The Courts

3.1 The Commission on Administrative Justice (CAJ)

The Commission on Administrative Justice (CAJ) also known as the Office of the Ombudsman is an independent commission established by the Commission on Administrative Justice Act, 2011 pursuant to Article 59 (4) of the Constitution of Kenya. It is the foremost constitutional commission whose primary function is to ensure public officers and public institutions respect sovereignty of the people of Kenya. The CAJ is mandated to address all forms of maladministration, promote good governance and efficient service delivery in the public sector by enforcing the right to fair administrative action. The CAJ investigates abuse of power, manifest injustice and unlawful, oppressive, unfair or unresponsive official conduct.

3.2 The National Environment Tribunal

The National Environment Tribunal (NET) is created under section 125 of the Environment Management & Coordination Act (EMCA) of 1999. It has the following functions:

- i. To hear and determine appeals from NEMA's decisions and other actions relating to issuance, revocation or denial of Environmental Impact Assessment
- ii. (EIA) licenses or amount of money to be paid under the Act and imposition of restoration orders;
- iii. To give direction to NEMA on any matter of complex nature referred to it by the Director General;
- iv. In accordance with Forest Act No. 7 of 2005, NET is mandated to review decisions of the board under sections 33 and 63.

3.3 The Courts

The Courts have power to hear and determine disputes, primarily of criminal and civil nature. Criminal cases are those in which the State prosecutes a person or an organization for committing an act which is not in the interest of the public, and therefore considered to be an offence against the State. Civil cases originate from a person who seeks redress for a

Municipality of Busia's Grievance Redress Mechanism

private wrong such as breach of contract, trespass or negligence; or to enforce civil remedies such as compensation, damages or to stop some action.

COMMUNICATION PLAN FOR THE GRIEVANCE REDRESS MECHANISM

This Communication plan describes the approach to be taken by the Municipality of Busia in communicating and collaborating with its relevant stakeholders on the Grievance Redress Mechanism for the KUSP. This plan will facilitate effective and coordinated communication between the Municipality of Busia, funding body, Executing Entities, project beneficiaries and the general public on standard procedures of the GRM before and during program implementation.

4.1 Communication plan objectives

The primary objective of the GRM communicate plan is to:

Outline the strategy and methodologies to be used for GRM communications, GRM information distribution, feedback and stakeholder engagement, and how these will be managed during projects implementation.

4.2 Target audiences

The targeted audiences for this plan are namely:

- i. Funding agencies,
- ii. Implementers,
- iii. Executors,
- iv. Project beneficiaries.
- v. County government offices

4.3 GRM Communication Structure and channels

GRM communication structure

This is a three-tier structure that outlines the types of information that projects implementers and executors will pass down to the targeted audience.

First tier of the GRM communication structure

The targeted audiences for this tier are the project beneficiaries, local institutions and the general public.

This audience will be informed about:

- a) GRM goals, objectives and procedures
- b) GRM planned activities and deliverables, including start and end dates
- c) Criteria for selecting community representatives who will act as recipients of complaints
- d) Details about GRM committee officials who are involved in the GRM procedures

- e) Contact details, including how people can seek for redress if aggrieved by program activities
- f) Community members' right to provide feedback on implementation and make grievances
- g) When and how complaints will be handled

Second tier of the GRM communication structure

The targeted audiences for this tier are the project implementers, executers, communities and project beneficiaries and their related local (county) institutions. These stakeholders informed about:

- h) All first tier level information
- i) Criteria of appointing members to the GRM committee How people can participate in the GRM procedures
- j) Points of receipts of grievances at the national level Mode of receipt and recording of grievances
- k) When and how complaints will be handled
- l) Alternative redress mechanisms open to the public in case their grievances are not handled

Third tier of the GRM communication structure

The targeted audiences for this tier are the funding agency, project implementers, executing entities, general public, project beneficiaries and their related institutions.

Communities are informed about:

- a) All First and Second tier information
- b) Progress of the Grievance Handling performance in relation to its goals and activities
- c) How input from GRM progress reports has contributed to decisions
- d) Key staff, community representatives, GRM committee roles and responsibilities in relation to GRM procedures

4.4 GRM communication channels

In order to communicate all information regarding the GRM to the targeted audience, the Municipality of Busia will need to have platforms and utilize already existing avenue to reach their stakeholders at the different tiers. It is noteworthy that the communication channels will vary for each target audience due to group dynamics and accessibility of such platforms especially to the project beneficiaries and local communities.

Municipality of Busia will use the communication channels listed depending on its target audience:

- a) Print media; e.g. posters, flyers, booklets, notices
- b) Social media; that is Facebook, Twitter, Whatsapp
- c) Use of ICT
- d) Radio stations
- e) Television stations

In addition, the following communication activities and methods will be conducted to promote a two way communication between Municipality of Busia and all its relevant stakeholders, that is,

- a) Setting up Programme's Intranet
- b) Information sessions and workshops on GRM
- c) Bulletins
- d) GRM awareness literature
- e) Public forums
- f) Training on GRM procedures and structure at the community level

APPENDICES

5.1 Complaint Receiving Form (BM-GRM-001)

Date: (dd/mm/yyyy) Place of issuing complaint

Complaint no.:

Mode of Receipt (please tick where applicable):

Writing	<input type="checkbox"/>	Verbal	<input type="checkbox"/>	Phone	<input type="checkbox"/>	Fax	<input type="checkbox"/>	Email	<input type="checkbox"/>
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Details of the Complainant:

Name (optional): Gender:
 Address: Email address:
 Phone no.:

Location of complaint/concern:

Village/Town/City/Area: County:

Category of Complainant (please tick where applicable):

- i. Project Beneficiaries
- ii. Project Executers
- iii. Project implementers
- iv. Funding agencies
- v. Other interested party (Please specify)

Category of Grievances (please tick where applicable):

- i. Project implementation related
- ii. Social
- iii. Environment

Brief Description of the Grievance:

.....

(Attach letter/petition/documents detailing grievance information as submitted)

Attachments: (1) _____ (2) _____ (3) _____

Received/prepared by: Date: (dd/mm/yyyy)

Signature:

5.2 Acknowledgement Receipt (BM-GRM-002)

Complaint no.:

Date of issuing complaint: (dd/mm/yyyy)

Place of issuing complaint:

Village/Town/City/Area:

County:

Details of the Complainant:

Name:

Age:

Address:

Gender:

Email address:

Phone no.:

Supporting documents submitted:

- i.
- ii.
- iii.
- iv.
- v.

Summary of complaint:

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

Name of Officer receiving Complaint: _____

Signature of Officer receiving Complaint: _____

**5.3 Meeting Record Structure (Grievance Redress Committee & Other Meetings)
(BM-GRM-003)**

Date of Meeting: Complaint no.:Venue of Meeting:

List of participants:

Complainant Side	Grievance Redress Committee Members
1) 2)	1) 2) 3)

Summary of Grievance:

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

Key discussions:

- 1)
- 2)
- 3)
- 4)
- 5)

Decisions Made/Recommendations by the Grievance Redress Committee:

- 1)
- 2)
- 3)

Status of Grievance (tick where applicable):

Solved	<input type="checkbox"/>	Unsolved	<input type="checkbox"/>
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Chair person's name: _____

Chair person's signature: _____

Date (dd/mm/yyyy): _____

5.4 Disclosure Form (BM-GRM-004)

Village/Town/City/Area

County

Result of Grievance Redress

1. Complaint no.

2. Name of Complainant:

3. Date of Complaint:

4. Summary of the Complaint:

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

5. Summary of Resolution:

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

6. Level of Redress (please tick where applicable)

First/Community	<input type="checkbox"/>	Second/County	<input type="checkbox"/>	Third/National	<input type="checkbox"/>
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7. Date of grievance redress (dd/mm/yyyy): _____

Name of complainant: _____

Signature of the Complainant, indicating acceptance of the solution to his/her grievance:

Name of Grievance Handling Officer: _____

Signature of Grievance Handling Officer: _____

Date (dd/mm/yyyy): _____

(Note: Copy to be sent to the complainant and NCPT)

5.5 Quarterly Report of Registered Complaints (BM-GRM-005)

Location Date (dd/mm/yyyy) Period (Quarter ending).....

i. Details of Complaints Received:

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

ii. Details of Grievance Redress Meetings:

Date of meeting	Venue of meeting	Names of participants	Decisions/Recommendations made

iii. Details of Grievances addressed:

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

(Note: Copy to be submitted to NCPT)