

# COUNTY GOVERNMENT OF BUNGOMA



## BUNGOMA COUNTY GRIEVANCE REDRESS MECHANISM FRAMEWORK FOR FINANCING LOCALLY LED CLIMATE ACTIONS (FLLoCA) PROJECT

JUNE, 2023



MINISTRY OF  
FOREIGN AFFAIRS  
OF DENMARK  
*Danida*



## CONTENTS

PREFACE.....	iv
DEFINITIONS OF TERMS .....	vvi
ACRONYMS.....	viii
CHAPTER ONE: INTRODUCTION.....	1
1.0.    INTRODUCTION .....	1
1.1.    PROJECT OVERVIEW .....	1
1.2.    JUSTIFICATION .....	3
1.3.    GOAL .....	3
1.4.    OBJECTIVES.....	3
1.5.    GUIDING PRINCIPLES AND VALUES.....	4
1.6.    SCOPE .....	4
1.7.    LEGAL AND POLICY FRAMEWORK .....	5
CHAPTER TWO - GRIEVANCE REDRESS MECHANISM INSTITUTIONAL FRAMEWORK.....	7
2.0.    INTRODUCTION .....	7
2.1.    COUNTY CLIMATE CHANGE GRM DESK .....	7
2.1.1. RESPONSIBILITIES OF THE COUNTY CLIMATE CHANGE GRM FOCAL PERSON .....	8
2.2.    COUNTY CLIMATE CHANGE GRIEVANCE REDRESS MECHANISM COMMITTEE (CCCGRMC).....	9
2.2.1 RESPONSIBILITIES OF THE CCCGRMC .....	9
2.3.    WARD CLIMATE CHANGE GRIEVANCE REDRESS MECHANISM COMMITTEE .....	10
2.3.1. RESPONSIBILITIES OF THE WCCGRMC.....	10
2.4.    COORDINATION OF THE COUNTY CLIMATE CHANGE GRM SYSTEM .....	11
CHAPTER THREE - GRIEVANCE REDRESS MECHANISM IMPLEMENTATION FRAMEWORK .....	12
3.0.    INTRODUCTION .....	12
3.1.    THE GRIEVANCE REDRESS MECHANISM (GRM) PROCESS.....	12
3.2.    REPORTING .....	13
3.3.    GRM COMMUNICATION TOOLS.....	14
3.4.    RESOURCES AND BUDGETING.....	14
3.5.    CAPACITY BUILDING .....	14
3.6.    OFFICE EQUIPMENT.....	15
CHAPTER FOUR - MONITORING, EVALUATION, REPORTING AND REVIEW .....	16
4.0.    INTRODUCTION .....	16
4.1.    MONITORING AND EVALUATION .....	16
4.2.    REPORTING .....	16
4.3.    REVIEW .....	17

ANNEXES.....	18
COMPLAINTS FORM.....	18
PROJECT MANAGEMENT WORKBOOK .....	18
FORM OF A PUBLIC PETITION .....	22

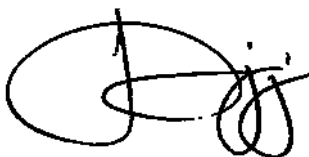
## Preface

People affected by development projects should be provided with access to mechanisms that are legitimate, reliable, transparent, and cost-effective to enable them to present their grievances and find solutions that satisfy their needs and aspirations. This Framework presents a set of guidelines for designing and implementing grievance redress mechanisms (GRM) that can address a variety of grievances arising from implementation of climate resilience projects.

People adversely affected (or about to be affected) by a development project will raise their grievances and dissatisfactions about actual or perceived impacts in order to find a satisfactory solution. These grievances, influenced by their physical, situational (e.g., employment), and/or social losses, can surface at different stages of the project cycle. Some grievances may arise during the project design and planning stage, while others may come up during project implementation. Not only should Project Affected People (PAP) be able to raise their grievances and be given an adequate hearing, but also satisfactory solutions should be found that mutually benefit both the PAP and the project.

A **Grievance Redress Mechanism (GRM)** is a tool through which dispute is resolved and a way forward provided. It involves the receipt and processing of complaints from individuals or groups negatively affected by activities of the project. The County Government of Bungoma acknowledges that effectively addressing grievances from people impacted by projects is a core component of managing operational risk. GRM can be an effective tool for early identification, assessment, and resolution of complaints on projects.

Bungoma County Climate Change GRM process will embrace consultations with stakeholders and the community for successful project implementation. The GRM process will be affordable, transparent, accountable and accessible that takes into account the existence of judicial recourse and traditional dispute settlement mechanisms such as arbitration.



ENG. HERBERT KIBUNGUCHY

COUNTY EXECUTIVE COMMITTEE MEMBER

**DEPARTMENT OF ENVIRONMENT, WATER, TOURISM, NATURAL RESOURCES**

## Definitions of Terms

<b>Climate Change</b>	Refers to changes in global or regional climate patterns, including changes in temperature, wind patterns and rainfall. In particular, climate change refers to a change apparent from the mid to late 20th century onwards and attributed largely to human activities that increase levels of GHG emissions, especially atmospheric carbon dioxide produced by the use of fossil fuels. Climate change is sometimes referred to as global warming, which specifically refers to the long-term trend of a rising average global temperature.
<b>Complaint</b>	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.
<b>Complainant</b>	A person, group of persons, organization or institution making a complaint within the meaning of this guide
<b>Complaint mechanism</b>	Refers to the institution, procedure and process that has been adopted by a public institution to handle complaints.
<b>Grievance</b>	An expression of dissatisfaction related directly to the delivery of services, actions or behavior of anyone involved in implementing a particular project or program, its staff or any other stakeholder and also non-beneficiaries. It is a specific expression of dissatisfaction that expects a response.
<b>Grievance redress mechanisms</b>	Procedures that give access to the safe and confidential means to the complainants and provide guidelines to the staff in providing the feedback after handling the complaint appropriately.
<b>Resolution</b>	Refers to a situation where the county government has provided sufficient information or remedy or solution to the satisfaction of the complainant or where the complaint is unsatisfied and the public institution has taken the complaint through due process and made a just decision.
<b>Respondent</b>	A public or state officer or a public institution against which the complaint is made. Public institution or any institution of the national or county government, constitutional or statutory commission, tribunal, bodies or committee, a parastatal or state or corporate or any institution directly funded from the government consolidated fund.
<b>Sustainable development</b>	Defines Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.

## Acronyms

CAJ	Commission on Administrative Justice
CCU	Climate Change Unit
COP	Conference of the Parties
BCCCGRM	Bungoma County Climate Change Grievance Redress Mechanism
CCCGRMC	County Climate Change Grievance Redress Mechanism Committee
FLLoCA	Financing Locally Led Climate Actions
GRM	Grievance Redress Mechanisms
PAPs	Project Affected Persons
PIU	Project Implementation Unit
UNFCCC	United Nations Framework Convention on Climate Change
WCCGRMC	Ward Climate Change Grievance Redress Committee

## **CHAPTER ONE: INTRODUCTION**

### **1.0. INTRODUCTION**

The United Nations Framework Convention on Climate Change (UNFCCC), the Kyoto Protocol and the Cancun Agreements recognize that climate change is not only an environmental but also a human rights issue for the millions of people around the world experiencing the most severe impacts of climate change. By recognizing Parties' existing human rights obligations, the Conference of the Parties (COP) has determined that Parties must avoid or minimize the human impacts resulting from response measures to mitigate or adapt to climate change. To fulfill these obligations, human rights considerations should guide the development, implementation and monitoring of UNFCCC processes and mechanisms. This can be accomplished by implementing an international safeguard system to prevent social and environmental harm and to promote public participation, transparency, accountability and equity.

The County Government of Bungoma has established a robust Grievance Redress Mechanism (GRM) that ensures that those who may be negatively impacted by climate-related activities can raise their concerns and have them addressed in a timely manner. Such grievance mechanisms are proven tools in helping institutions minimize harm to communities and ecosystems by protecting existing rights, obligations and standards. By facilitating transparency and stakeholder participation, grievance mechanisms also help ensure that policies and projects are legitimate and effective, and promote sustainable development. In addition, BCCCGRM will assist the County to ensure careful processes and procedures are put in place for early identification, assessment and response to concerns from project beneficiaries, project executors and the general public during the implementation of the climate change programs. This will ensure smooth implementation of the projects and timely and effective addressing of the problems that would be encountered during implementation.

### **1.1. PROJECT OVERVIEW**

The FLLoCA Program incentivizes the County Governments performance with regard to climate change Resilient Actions and public participation in climate risk management. The FLLoCA Program aims to increase local level resilience to climate change and other hazards by strengthening the capacity of the County governments to deliver locally-led climate change adaptation and resilience actions. The program is nationwide in scale with a focus on rural communities, linking local level actions to national-level coordination and planning processes, and is designed to strengthen county capacities and structures by devolving and decentralizing climate

funds to support the principle of subsidiarity where local communities have greater influence to identify, prioritize, implement and monitor climate adaptation investments and solutions.

The FLLoCA Program will be implemented as a hybrid program in the following manner: **Investment Project Financing (IPF)** which will be able to support national level climate risk management capacities and facilitate national oversight of the Program and **Program for Results (PforR)** which will leverage improvements in County Government's spending on climate resilience, strengthen institutional capacity of the government's own program and establish a result-based mechanism for climate financing at County level. The PforR targets two result areas across the Counties.

**Result Area 1:** County institutional capacity building for locally-led climatic actions through the conditional **County Climate Institutional Support (CCIS) Grant** which will strengthen climate risk management capacity, including establishment of CCUs and CCCFs and adoption of supporting legislation in the Counties; development and implementation of community education and awareness raising programs; enhancement of the capacity of CCUs and County Assemblies for supporting local participatory climate action prioritization; developing bankable projects and monitoring and reporting on county -level climate finance and actions; development of climate information services and early warning systems to communities and other local stakeholders; and establishment of M&E systems for climate resilience actions and climate finance in Counties.

**Result Area 2:** Locally- led climate resilience actions through the conditional **County Climate Resilience Investment (CCRI) Grant**. The process will begin with participatory climate risk assessment of counties that identify, estimate, map and rate climate change risks and other hazards. Based on the assessments and communities' own knowledge and risk management strategies, communities will prioritize local climate actions with facilitation and technical support of CCU and County Government sectoral departments. The prioritized actions, which are likely to fall within the agriculture, environment and water sectors, will be endorsed and budgeted by the WCCPC and approved by the County Assembly.



## **I.2. JUSTIFICATION**

Grievance Redress Mechanism (GRM) is an instruments, method, and processes by which a resolution to a grievance is sought and provided. GRM provides a predictable, transparent, and credible process to all parties, resulting in outcomes that are seen as fair, effective, and lasting. The justification for such an approach is robust because of the nature of issues anticipated; many major infrastructural projects around the world have stalled due to disputes over natural resources such as forest, minerals, land, water and human labor issues. The consequences of ignoring such disputes are too many. An effective grievance mechanism is the ability to identify minor community incidents before they intensify into unmanageable disputes. This is especially important for development projects, where support from impacted communities is critical to success.

The Bungoma County Climate Change GRM system is crucial in implementation of FLLoCA project since it will provide a platform where PAPs will seek solutions to their grievances and feedback. The BCCCGRM system will also ensure the time taken to resolve the raised concerns is reasonable unlike the existing judicial systems, which could equally expensive.

In addition, the BCCCGRM will be accessible to all members of the community at the Ward level, at the County Head quarter, social media, and County Website so that no one is limited in giving feedback on the services and project implementation. This will encourage stakeholder engagement and support towards implementation of the FLLoCA project.

The BCCCGRM system takes into consideration that delays in project implementation as a result of project related conflicts will increase government expenditures such as compensation to contractors for loss of work, and staff maintenance. Delay can also affect the reputation of the county government.

## **I.3. GOAL**

To provide a guiding framework for climate change complaint handling processes in Bungoma County in order to ensure responsiveness in service delivery.

## **I.4. OBJECTIVES**

The Objectives of the County Climate Change GRM mechanism include: -

- i. To promote positive relationship among the project implementers, executers and beneficiaries.
- ii. To address complaints and grievances and enhance conflict resolution arising from, and during climate change programs implementation.

- iii. To ensure transparency and accountability throughout the project and programs implementation period among all the stakeholders.
- iv. To resolve any emerging environmental and social grievances in project areas.

## **I.5. GUIDING PRINCIPLES AND VALUES**

The implementation of these County Climate Change GRM Framework will be guided by the following principles:

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

## **I.6. SCOPE**

Bungoma County Climate Change GRM provides a channel for dispute resolution during the implementation of climate change programs. It should be emphasized that the GRM serves to complement but not replace the existing legal channels such as courts, tribunals and other recourse mechanisms for addressing grievances.

The County Climate Change GRM is intended to improve project outcomes by creating public awareness about the project and its objectives, preventing fraud and corruption, mitigating socio-economic and environmental risks and providing the County with practical suggestions and feedback during program implementation period.

## 1.7. LEGAL AND POLICY FRAMEWORK

Effective complaints handling mechanism at the county level is underpinned by a number of legal frameworks, including international and regional conventions, national legislations, policies and guidelines. The legal framework aims at ensuring that the County Government has a legal basis for resolution of complaints. This will enable the county to strengthen their legal and institutional structures for effective internal and external complaints handling. The relevant legal and policy framework include;

S/ NO	LEGAL FRAMEWORK	POLICY STATEMENT SUPPORTING GRM
1.	The United Nations Framework Convention on Climate Change (UNFCCC)	Paragraph 92 of the Cancun Agreements describes the need to consider “information from those affected, and evidence of actual impacts” of response measures. This paragraph also requires Parties to consider existing channels, such as national communications and possible submissions of supplementary information, as a means for “those affected” to provide such information. There are also specific mandates to develop grievance processes in some UNFCCC contexts (such as the Adaptation Fund); other such mandates are under negotiation (for the Green Climate Fund and the Clean Development Mechanism, for example)
2.	Constitution of Kenya, 2010	<b>Article 2 (5)</b> Provides that the general rules of international law shall form part of the law of Kenya, and (6) any Treaty and Convention ratified by Kenya shall form part of the law of Kenya. <b>Article 35</b> provides that every citizen has the right of access to information. <b>Article 47</b> every person has the right to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair <b>Article 73(2)</b> guiding principles of leadership and integrity including; objectivity and impartiality in decision making and selfless service solely based on the public interest.
3.	County Government Act, 2012	<b>Section 87 enables</b> affected persons to seek redress for grievances. <b>Section 88 (1)</b> also gives the citizens the right to petition the county government on any matter under the responsibility of the county government. <b>Section 88 (2)</b> Citizen Petitions shall be made in writing to the county government. County legislation shall give further effect to section 88(1). <b>Section 89.</b> 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.

4.	Commission on Administrative Justice Act, 2011.	Section 8 provides for the functions of the Commission. Sec. 8(e) specifically provides that the Commission shall facilitate the setting up of, and building of complaint handling capacity in the sectors of the public service, public offices and state organs.
5.	Fair Administrative Action, Act, 2015	The Act implements article 47 of the Constitution. Section 5(2)(a) of the Act further empowers the public to challenge any administrative action or decision in accordance with the procedure set out under the CAJ Act, 2011.
6.	Access to Information Act, 2016.	This Act gives effect to Art. 35 of the Constitution on access to information. Section 17 (2) of the Act provides for the management of accurate and authentic records in a manner that facilitates access to information.
7.	Public Service (Values and Principles) Act 2015	Section 9 & 13 provide for the establishment of mechanisms to address complaints and the processes involved in complaint handling in the public service.
8.	Environmental Management & Co-ordination Act, Cap 387.	Section 31 (1) provides for the establishment of the Public Complaints Committee that is mandated to investigate environmental related complaints.

## **CHAPTER TWO - GRIEVANCE REDRESS MECHANISM INSTITUTIONAL FRAMEWORK.**

### **2.0. INTRODUCTION**

Climate Change Grievance Redress Mechanism Framework gives the Climate Change Unit (CCU) a platform for the community and the people affected by the climate resilient investments to seek a hearing and their concerns resolved in systematic, transparent, efficient, timely and confidential manner. The County Climate Change Grievance Redress Mechanism (CCCGRM) desk at the Climate Change Unit provides an entry point to submit complaints directly to the County Government, and ensures the department's responsiveness and accountability.

The Climate Change Grievance Redress Mechanism Focal Person will be the officer in charge of the CCCGRM desk. The Ward Offices will serve as the devolved CCGRM desk to receive complaints and feedback from the community. The Ward Grievance Redress Mechanism focal person who will be the chairperson to the Ward Climate Change Grievance Redress Committee (WCCGRMC) would resolve the complaints submitted at the ward level, update the Ward Grievance Log and make the monthly and quarterly reports for onward submission to the CCCGRM focal person.

The CCCGRM focal person will ensure the County Grievance Log is maintained and updated to assist in tracking of the raised concerns and the resolutions made for each case. The Log will be shared with the County Climate Change Grievance Redress Mechanism Committee for purposes of reviewing the cases and conclusion of the issues raised. The CCCGRM focal person, would ensure the GRM System, which coordinates the CCGRM desk, the CCCGRMC, the WCCGRMC and the CCU collaborate to offer a robust social and environment risk management and address the concerns being raised in regard to the relevant legislatures pertaining Climate Change and project implementation.

#### **2.1. COUNTY CLIMATE CHANGE GRM DESK**

The entry point for Climate complaints and compliments to the County will be the CCCGRM desk, which will serve as a one stop GRM Office, equipped to receive, register, investigate, redirect to relevant Department/ Agency/Institution, if need be, resolve and offer feedback to the complainant. The CCCGRM focal person is in charge of the CCCGRM desk and record keeping GRM documentations.

### **2.1.1. Responsibilities of the County Climate Change GRM Focal Person**

The County Climate Change GRM Focal Person is mandated to ensure the raised concerns and complaints during the implementation of the Climate Change Resilient Actions are addressed effectively and timely with regard to the guiding principles and legislative provisions on Climate Change, and Social and Environmental safeguards. The Focal Person can refer the issues to the complaint owners in case substantive expertise is needed and make follow ups with the complaint owners and the complainant to ensure that the issue has been resolved fairly and in a timely manner. In addition, The Focal person would ensure a strengthened communications and awareness on the existing grievance redress mechanism.

The following are the roles of the roles of the CCCGRM Focal Person inter alia:-

1. Lead the establishment of a comprehensive Grievance Redress Mechanism system to receive and address grievances related to Climate Change.
2. Receive complaints from the complainants, acknowledge, and register the complaints
3. Receive grievance reports from the Community Grievance Redress Liaison Officer at the Ward Level.
4. Investigate the lodged complaint by reaching out to the concerned parties and gather information that would be helpful in classification of the complaints as Administrative, Fraud, or in genuine etc.)
5. Assign complaints that cannot be resolved by the Focal Person to a complaint owner.
6. Follow up with complaint owners to ensure complaint resolution is advancing in a timely manner and using a fair process.
7. Work with the Complaint owners to identify alternative dispute resolutions if the mandate lies with other external institutions, Departments and Agencies.
8. Update complaint information in the Grievance Log and share with the CCU and PIU.
9. Monitor any resolutions to grievances to ensure they are implemented.
10. Create awareness on the existing grievance redress mechanism framework in the County in liaison with CCU and the Community Climate Change Grievance Redress Mechanism Liaison Officers at the Ward level.
11. Work with the CCU, the Social Safeguard Officer and the Environmental Officer to assess and identify the possible social and environmental risks and ensure preventive measures are put in place in a bid to minimize complaints.
12. Capacity build the stakeholders and GRM Committees on grievance redress mechanism.

13. Provide inputs into the development of the GRM module of the Integrated Management Information System and utilize the modules once developed.
14. Monitor the GRM system and record the best practices and shortfalls for improvement purposes.
15. Prepare and submit the quarterly Reports to the CCCGRMC, PIU, the CAJ and County Assembly.

## **2.2. COUNTY CLIMATE CHANGE GRIEVANCE REDRESS MECHANISM COMMITTEE (CCCGRMC)**

The County Grievance Redress Mechanism will be a two tier; one at the Ward level and the other at the County level. The County Climate Change Grievance Redress Mechanism Committee (CCCGRMC) main responsibility will be to review the resolutions and actions taken on the complaints lodged and assess if it was handled fairly according to the Framework and the legislations relevant to climate change, complaints handling, and project implementation. The County Executive Committee Member in charge of Climate Change would be the Chief Grievance Officer and the appointing authority of the committee.

The membership of the CCCGRMC will be as follows:-

- I. Chief Officer, Climate Change- Chairperson
- II. Chief Officer, Public Service Management & Administration
- III. Director, Climate Change
- IV. County Attorney or Representative
- V. Director Lands
- VI. Director Environment
- VII. Head of Treasury
- VIII. Director Gender & Culture
- IX. GRM- Focal person who shall be the secretary
- X. Co-opt additional members on need basis

### **2.2.1 Responsibilities of the CCCGRMC**

1. Promote the sensitization of staff and other stakeholders on complaints handling.
2. Coordinate complaints handling and access to information activities in the county and report to the governor
3. Process requests for access to information
4. Coordinate Civic Education on GRM and access to information
5. Make referrals for cases outside the GRM mandate

6. Ensure proactive disclosure of information held by the county
7. Recognize issues within the community that might lead to unrest and provide an early warning system on community issues.
8. Monitor, evaluate and review complaints handling activities in the organization
9. Holds quarterly meetings and ensure reports shared with the Commission of Administrative Justice and Project Implementation Unit (PIU).

### **2.3. WARD CLIMATE CHANGE GRIEVANCE REDRESS MECHANISM COMMITTEE**

The ward levels will establish a grievance redress mechanism at that level with a mandate to receive and resolve the raised concerns and complaints in regard to implementation of the climate Change resilient actions. The Ward Administrators or Ward Social/ Environmental safeguard Officers will be the chairperson of the WCCGRMC.

Membership of the WCCGRMC will be as follows:-

1. Ward Administrator - Chairperson
2. A nominee from the WCCPC
3. Ward environment/ Social Safeguard Officer

#### **2.3.1. Responsibilities of the WCCGRMC**

The Responsibilities of the WCCGRMC include *inter alia*:-

1. Promote the sensitization of staff and other stakeholders on complaints handling.
2. Coordinate complaints handling and access to information activities in the county and report to the governor
3. Process requests for access to information
4. Coordinate Civic Education on GRM and access to information
5. Make referrals for cases outside the GRM mandate
6. Ensure proactive disclosure of information held by the county
7. Recognize issues within the community that might lead to unrest and provide an early warning system on community issues.
8. Monitor, evaluate and review complaints handling activities in the organization
9. Make reports to the County Climate Change Grievance Redress Mechanism focal person and Climate change Unit on the concerns raised from the communities



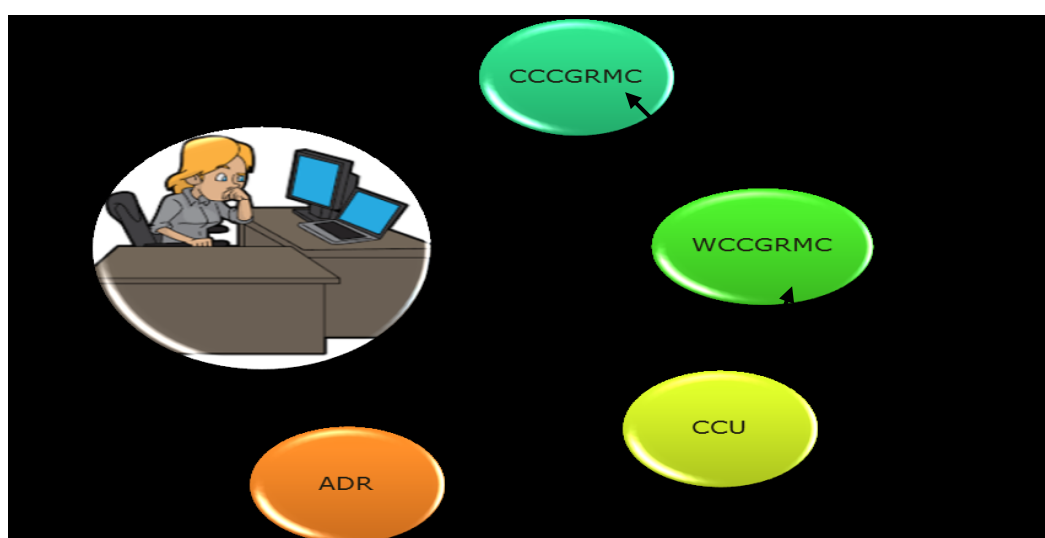
## 2.4 SUB-COMMITTEE ON SEXUAL HURASSMENT, GBV AND CHILD LABOR.

A sub-committee would be formed from the members of the Bungoma County Climate Change Grievance Committee to handle concerns and cases on GBV, sexual harassment and Child labor efficiently and timely.

## 2.5 COORDINATION OF THE COUNTY CLIMATE CHANGE GRM SYSTEM

The Grievance Redress Mechanism system outlines the correlation of the GRM desk, the County, the Climate Change Unit, the GRM Committees, the line Departments, and other alternative dispute resolution Institutions.

### THE GRM SYSTEM COORDINATION



Picture: showing the coordination of the GRM System in Bungoma County.

### THE CCU

The Climate Change Unit major role is to ensure the FLLoCA project is implemented successfully. In its operation and coordination role, the unit will ensure that social and environmental risk assessment and management plan is in place to prevent and minimize complaints and encourage collaborative and participatory implementation of climate change resilience investments. The CCU will also ensure the stakeholder engagement plan is developed and implemented.

### ADR

The Alternative Dispute Resolution (ADR) will be used in circumstances where the complaints raised is beyond the jurisdiction and mandate of the CCU and the County Government Departments /Agencies. Among the alternative Dispute Resolution Institutions are-: the Courts, the Tribunals, the Ombudsman, etc.

## **CHAPTER THREE - GRIEVANCE REDRESS MECHANISM IMPLEMENTATION FRAMEWORK**

### **3.0. INTRODUCTION**

It defines the institutions, instruments, methods and processes by which a resolution to grievance is sought and provided.

### **3.1. THE GRIEVANCE REDRESS MECHANISM (GRM) PROCESS**

The following procedures will be followed in channeling complaints

#### **I. Receipt of complaint**

It involves receiving and registering complaints and continuously updating the register on remedial action taken. The WCCGRMC and CCCGRMC shall acknowledge receipt of the complaint in writing, within 72 hours.

#### **II. Recording, assessment and classification of complaints**

The record of complaint will document contact information of the person or organization making the complaint, issue raised by complaint, their expectations and any other relevant information. The complaint shall be assessed to confirm that it is within the mandate of the FLLoCA framework. The same shall be referred to the appropriate department and the complainant notified subsequently. The officer processing the complaint may contact the complainant/aggrieved to verify the scope of the issues raised and the remedy expected.

#### **III. Refer to concerned institutional department for inquiry/evaluation/investigation**

An inquiry into the claims shall be made and the complaint resolved; and/or

Explore the ADR mechanisms (Arbitration, Mediation, Adjudication, Med-Arb, Conciliation, and Negotiation) to address complaints.

Where a complaint is considered complex, an investigation may be conducted on the issue raised in the complaint. The investigation shall be conducted and concluded within 60 days-90 days.

#### **IV. . Administration action.**

It ensures all the concerns raised are addressed conclusively and also requests for additional information where there is no satisfactory information.

#### **V. Response to the complainant on action taken**

A written response will be prepared to the complainant within 30 days. The CCCGRMC shall refer dissatisfied complainant to the relevant Agencies

#### **VI. Review of status of complaints by CCCGRMC**

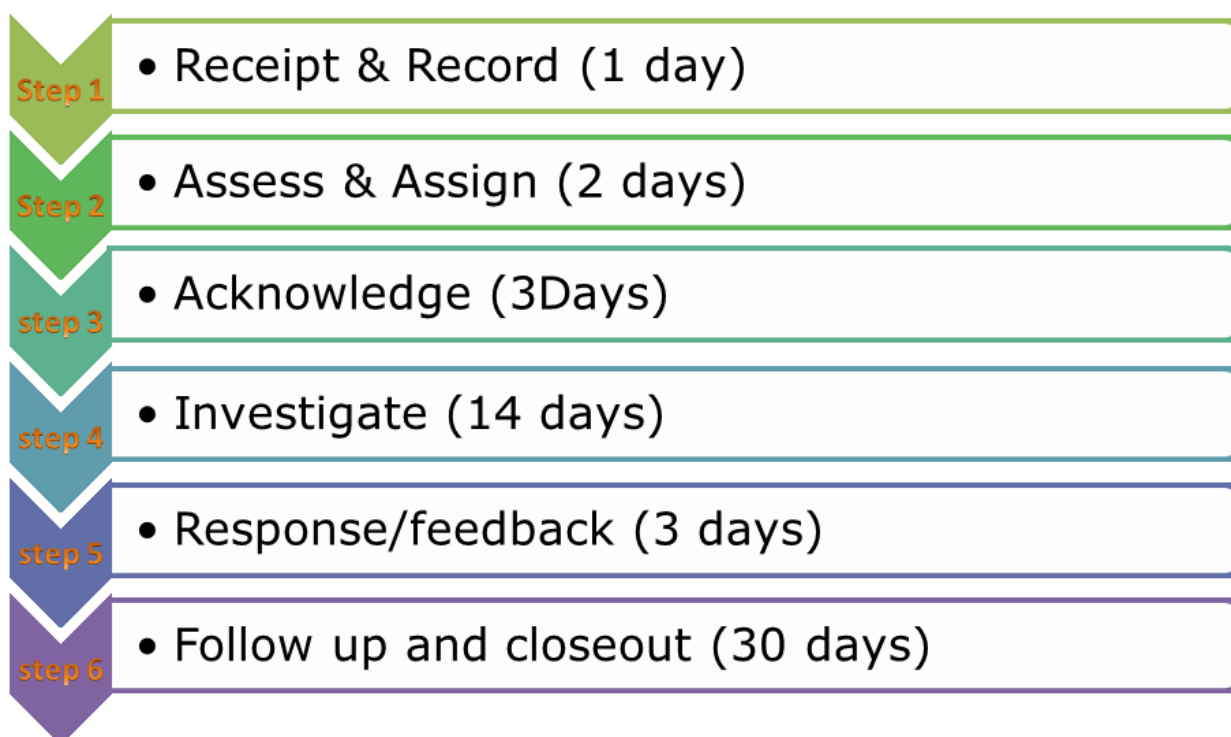
To ensure correct actions are taken on complaints, status of previous cases, follow up on any customer service concerns and consider if there are systemic issues.

All complaints should be analyzed to identify the root causes of specific and/or systemic issues and corrective actions established.

## **VII. Submission of quarterly report on complaint to the program coordinator**

And Commission of Administrative Justice and Project Implementation Unit (PIU)

### **FLOW CHART**



The Public may also channel their complaints directly to Ombudsman, EACC, and Public Procurement Complaints Review and Appeal Board (PPCRAB), National Environmental Complaint Committee, National Environmental Tribunal and National land Commission where they feel dissatisfied.

### **3.2. REPORTING**

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.

The different channels for reporting complaints will be instituted which include: email, website, telephone, in person, letters and suggestion/complaint boxes. The complaints can be made to the respective county government institution through the CECM in charge of Climate change.

### 3.3. GRM COMMUNICATION TOOLS

These are methods and specific tools that shall be used by project beneficiaries or local communities in addressing their grievances. The Department shall put the platforms in place and utilize the already existing ones to reach out the local community at village level. The communication channels vary from one group to another due to group dynamics and accessibility of such platforms especially to the project beneficiaries and local communities.

The communication channels are as below depending on the targeted groups;

1. Fill downloaded form from the county website,
2. Posta mail P.O BOX 437, code 50200
3. Email Environment.tourism@bungoma.go.ke
4. Personal visits
5. Complaint boxes,
6. Call/SMS, WhatsApp **0707761656**
7. Visit the decentralized unit at the ward level and raise the concern

### 3.4. RESOURCES AND BUDGETING

The BCCCGRM system requires a sufficient budget to execute its mandate and the enhancement of the capacities of the communities and staff in charge of complaints handling. As a program the finances shall be made possible through the co- funding; FLLoCA and County government of Bungoma.

### 3.5. CAPACITY BUILDING

The Bungoma County Climate Change grievance redress mechanism handling staff including climate change unit (CCU), Ward climate change grievance redress mechanism committees (WCCGRM) and county climate change grievance redress mechanism committee (CCCGRMC) shall be trained on relevant complaints handling areas, such as customer care, informal dispute resolution, negotiation, communication skills, public relations, conflict management, problem solving and facilitation skills, and root cause analysis to enable them to discharge their responsibilities effectively.

The training should equip the officers and communities with thorough knowledge on the national values and principles of governance and public service best practices in complaints, handling, and the fundamentals of an effective complaints handling system. The staff shall further

be trained on filing the complaint forms, launching, tracking and following up of complaints to conclusion.

### **3.6. OFFICE EQUIPMENT**

The BCCCGRM is domiciled in the department of Environment, Tourism and climate change, the Office shall be provided with adequate office space and equipment. The BCCCGRM shall leverage on technology to make its operations efficient and effective.

## **CHAPTER FOUR - MONITORING, EVALUATION, REPORTING AND REVIEW**

### **4.0. INTRODUCTION**

Performance monitoring, evaluation, reporting and review are key components in the implementation process. It provides decision makers, development partners and other stakeholders with better means of learning from past experience, improving service delivery, planning, and allocation of resources and demonstrating results as part of accountability to key stakeholders.

#### **4.1. MONITORING AND EVALUATION**

Continuous assessment in the implementation of the actions for complaints, disputes and petitions raised by the local communities and the final assessment of the complaints, disputes and petitions raised are critical in assessing the original objectives and for future improvement. The County Climate Change Unit (CCU) in conjunction with the Ward Climate Change Planning Committee (WCCPC) will be the focal point of monitoring and evaluating grievances during the project implementation period.

The GRM Focal person will quarterly evaluate the GRM by analyzing grievance data to reveal trends and patterns through taking stock of all complaints that have been received; how they have been handled and determine what lessons emanate from such complaints. Furthermore, from the lessons learnt it will be determined what actions or decisions are necessary to forestall similar complaints in future.

#### **4.2. REPORTING**

The GRM focal person will develop the GRM reports monthly, quarterly and annually detailing; the number and nature of complaints received; a date and description of the grievances received and whether the cases are ongoing or resolved; complaints referred to other agencies; the rate of settling complaints; timelines for processing and completion of cases; key trends in emerging conflicts, grievances, disputes and resolutions; achievements and challenges; recommendations regarding measures that can be taken by the county government to avoid future grievances and reforms to the BCCCGRM that would enhance its effectiveness, predictability, transparency, legitimacy, credibility and capacity.

The County Government will also provide feedback to GRM users and the public at large about why the GRM is important, enhance the visibility of the GRM among the project beneficiaries and increase users' trust in the grievance redress mechanism under the project.

### **4.3. REVIEW**

The framework will be reviewed after three years to address any emerging issues.

## ANNEXES

### ANNEX I Complaints Form Sample

## COUNTY GOVERNMENT OF BUNGOMA



### DEPARTMENT OF PUBLIC SERVICE MANAGEMENT ADMINISTRATION & ICT

REF NO.: CG/BGM/FLLoCA/GRM//.....

### GRM\_GRIEVANCE LODGING FORM

<p><b>1. Grievance Recording Desk</b></p> <p><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"/></p> <p>Please describe .....</p>
<p><b>2. Name of Person Raising Grievance:</b> <i>(information is optional and always treated as confidential)</i></p> <p><i>Gender:</i> <input type="checkbox"/> <i>Male</i>      <input type="checkbox"/> <i>Female</i></p> <p><i>Please indicate if acting on Representative Capacity</i></p>
<p><b>Information for Person Raising Grievance:</b> <i>(information is optional and confidential)</i></p> <p><i>ID</i> ..... <i>Age</i> .....</p> <p><i>E-mail</i> ..... <i>Phone</i> .....</p> <p><i>Postal Address:</i> ..... <i>Ward/ Village</i> .....</p> <p><i>Occupation:</i> ..... <i>Disability (Yes/ No):</i> ..... <i>If yes, type of disability:</i> .....</p> <p><i>Member of Vulnerable/Minority Group ... (Yes/ No):</i> ..... <i>If yes, describe:</i> .....</p> <p><i>Please Confirm if Acting on Representative Capacity</i></p>
<p><b>Location where grievance/problem occurred</b> (write in detail)</p>



County	Sub County	Ward	Location	Village
<b>Category of Grievance:</b>				
<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	
<b>Brief Description of Grievance or Inquiry:</b> <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:				
Please suggest preferred settlement/resolution for the complaint to be closed. ( what corrective action would close the grievance?)				
Do you request that identity be kept confidential?				
<input type="checkbox"/> Yes <input type="checkbox"/> No				
<b>2. Previous Efforts to Resolve the Complaint</b>				

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?

**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"/> Male <input type="checkbox"/> Female				

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?

☐ Yes ☐ 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.....

## ANNEX 2: Project Management Workbook

Project name.....

No.	Date received	Channel of communication	Complainant (Name, Contact)	Location of project (village /cluster/ ward	Description of the Complaint	Referred to	Action taken towards resolving	Feedback given	Date of resolution
1.									

### ANNEX 3; Form of a Public Petition

To:

The County Government of Bungoma/County Assembly of Bungoma

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 County Government/Assembly by outlining the grievances or problems and summarizing the facts which the petitioners wish the County 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 Bungoma/ County Assembly of Bungoma:-

(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

.....

Address

.....

ID/Passport No:

.....

Phone No:

.....

Signature/Thumb

.....

PETITION concerning

.....

.....

.....

.....

.....

(Here, repeat the summary in first page)

Note;

- 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