



COUNTY GOVERNMENT OF HOMA BAY



Grievance Redress Mechanism (GRM) For FLLoCA Projects in Homa Bay County

FRAMEWORK

Adapted from the Commission on Administrative Justice Complaints Handling Guide

1 BACKGROUND

Introduction

The Constitution of Kenya 2010 establishes two levels of government; the National and County Governments which are distinct and interdependent. The County Governments became operational in 2013 after the first election under the new Constitution. The functions of county governments are enumerated in the Fourth Schedule of the Constitution. These include agriculture, primary health care services, pre-primary education, environmental conservation and ensuring participation of communities in governance at local levels. Implicitly, execution of these functions requires robust complaint handling processes. Integration of complaints mechanisms in service delivery at the county level is key in promoting responsiveness and accountability.

Complaints provide valuable feedback and insight from recipients of a service or consumers of a public good. For the County Government of Homa Bay, complaints handling process is an avenue for improvement of service delivery processes, helping to achieve the constitutional ends of devolution and better governance. Effective service delivery is predicated on the legal architecture enshrined in the Constitution and statutes that recognize that executive power held and exercised at all levels of government is a public trust. This is buttressed by values and principles of good governance provided in Article 10 of the Constitution. This public trust should be fostered by adhering to the provisions of the requisite legislation on devolution, including the County Governments Act which amplifies the objectives of devolution enshrined in Article 174 of the Constitution. In devolving governance, it was envisaged that county governments would achieve, among others, the following objects for *mwananchi*:

- a) Promotion of democratic and accountable exercise of power.
- b) Giving powers of self-governance to the people and enhancement of participation of the people in the exercise of the powers of the State and in making decisions affecting them; and
- c) Recognition of the right of communities to manage their own affairs and to further their development.

Under the County Governments Act, the foregoing objectives are echoed by Sections 88 and 89, which promote accountable governance by empowering citizens to petition a county government on any matter under the responsibility of the government. Conversely, a county government faced with a petition has a duty to respond expeditiously and deliver services while observing the principles of equity, efficiency,

accessibility, non-discrimination, transparency, accountability, sharing of data and information, and subsidiarity. An effective complaint handling process will assist the Homabay County Government in the Identification, assessment and resolution of complaints which may arise during sub-project implementation to achieve these objectives for better service delivery and citizen-centered outcomes.

When complaints arising from service delivery are supported by well-implemented complaint handling processes, the following key benefits will be realized:

- a) Timely and cost-effective resolution of complaints which could forestall costly disputes.
- b) Improved service delivery through information harnessed from complaints.
- c) Improved cordial working relations between Homabay County Government and her residents.
- d) Improved reputation and public confidence of residents in Homabay County Government
- e) Enhanced good governance and citizen satisfaction.

The complaint handling framework is thus a crucial tool for institutional strengthening of the County Government of Homa Bay to deliver on its mandate. To inculcate a culture of citizen-oriented, mission-driven and quality enhanced governance, it is imperative that the County Government of Homa Bay adopts this Complaint Handling Framework to its operations.

Goal

To provide a guiding framework for complaint handling processes in the County Government of Homa Bay to ensure responsiveness in service delivery.

Objectives

The objectives of this framework are to:

- a) Provide an integrated framework for management and resolution of complaints in the County Government of Homa Bay.
- b) Strengthen the legal and institutional structures for effective internal and external complaints handling.
- c) Ensure learning from complaints management for continuous improvement of the services rendered by the County Government of Homa Bay.
- d) Promote an institutional culture that supports complaints as citizen feedback for improved service delivery.

Scope

This framework applies to complaints relating to all Sub-projects funded from the CCRI grant disbursed by the National Treasury under the FLLoCA Program and complaints relating all public services provided and action taken by the County Government of Homa Bay and its officer and

2 FRAMEWORK OF GRIEVANCE REDRESS IN HOMABAY COUNTY

Homabay County has established a County GRM System with Key Components which are as follows is as follows:

Online Portal-Homabay County has adopted an easily accessible user-friendly website homabay.go.ke for submitting grievances online which has a secure login to enable tracking and Update.

GRM Logbook-The department of climate change in Homabay has put in place a GRM logbook in the Climate change Offices in Homabay town and in ward Administration offices in various wards, for receiving and recording in person complaints. The complainants are issued with tracking numbers for the complaints received for ease in following up with the complainants.

Helpline-Homabay County has established an active call centre with trained personnel and a Toll-free Number: [0800000870](tel:0800000870) for receiving calls on complaints/Concerns promptly and directing them to the concerned department when required.

Anonymous Reporting: Homabay CCU has ensured there is an option for users to submit grievances anonymously to ensure confidentiality and encourage honest feedback through suggestion boxes located in the county offices and in the ward administrative offices in the wards.

Public Awareness Campaigns- Informative campaigns to educate the public on the grievance handling process have been carried out in Homabay county in preparation for the Implementation of the FLLoCA subprojects.

Community events and social media platforms such as Facebook and Twitter managed by the CCU have also been Utilized to spread awareness on the grievance Redress mechanism and systems in place.

Local Grievance Centres-Physical centres have been established across Homabay county wards and Sub-counties with trained staff to assist citizens in filling in grievances and record any grievances that may arise during project implementation from the local communities.

Timely response and resolution-The Homabay County GRM focal person and the CCU department ensures strict timelines for acknowledging and addressing grievances and gives regular updates to the complainants on the status of their complaint.

Feedback Loop-The system ensures a prompt and effective feedback loop on the grievance resolution process to ensure continuous improvement based on the feedback received.

Complaints box: Homabay CCU has established complaint boxes within the CCU offices and located in the local grievance centres for receiving complaints from complainants who may want to be anonymous and to promote confidentiality of the complainant.

Escalation Protocols: Homabay County has ensured a clearly defined escalation pathways for unresolved grievances such that complex issues receive appropriate attention.

FLLoCA Projects will be domiciled at the office of **CEC for Climate Change** who shall therefore be chiefly responsible for **resolution of all FLLoCA project related grievances**. The County Executive Committee Member (CECM) in charge of Climate Change at the County can delegate to other officers under them.

There shall be **complaints/grievance boxes** at every project site and at the County offices in every ward.

GRM STRUCTURE

Homabay County has utilized Existing grievance frameworks developed under Kenya Devolution Support Program (KDSP) for complaints resolution.

The County has also established a functional GRM committee for conflict resolution purposes. The structure allows for complains to be received from the grass root level to the National level and allows for concerns to be addressed promptly and effectively in a transparent manner that is culturally appropriate and readily accessible to all project affected parties at No cost and without retribution. The County Climate Change Unit (CCCU) together with Ward Climate change Planning /Implementation Committees implementing FLLoCA activities at County level will be the focal points for resolving grievances during sub project implementation stage and ensure that all projects are solved at County Level.

The proposed GRM mechanism In Homabay county also allows for alternative dispute resolution mechanism. The five-tier approach to grievance handling will also ensure that there is a continuous avenue to follow if the issue is not satisfactory addressed at a previous tier or level. The Tiers are as follows:

1. The Project Level PMC
2. First Tier – Ward Climate Change Unit Grievance Committee
3. Second Tier – CCCU grievance committee
4. Third Tier – CECM Climate Change /Governor
5. Fourth Tier – FLLOCA PIU/COG
6. CAJ/ Court of law

GRM FOCAL PERSON

By 30th June 2023, every county had designated GRM **focal person** who will have a dedicated **GRM desk** at the county level to provide a single-entry point to submit complaints directly to the Government and ensures the county's responsiveness and accountability. There is also a focal person at the Ward Climate Change Implementation Committee based at the office of the Ward Administrator. The GRM focal person is responsible for managing grievances on a day-to-day basis and recording them on a grievance register. Grievances shall be received in multiple formats including in person, phone calls, text messages, social media, and through the FLLoCA email address provided.

The GRM focal person is: Linda Nyambok *Tel No: 0701619924*

GRM COMMITTEE

Homabay County has a **Grievance Redress Committee** (Technical) at the **County** level with a presence at the **Ward** and at every Sub Project. The committee will ensure community engagement activities and will be made publicly available and a record documenting the responses to all grievances received (while ensuring confidentiality). Handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the members of the public. The mechanism will also allow for anonymous complaints to be raised and addressed.

The Members of the GRC at the County Level are:

- a) County Ombudsman- Chief Officer Administration and Devolution, Tel: 0724745819*
- b) Member- Mr. Kennedy Ongeko Tel:0722584678*
- c) Member- Director Project Finance, Tel:0715576508*
- d) Member- Director Environment & Forestry, Tel:0716326850*
- e) Member- Director Social Services, Tel:0714317300*
- f) Member- County Attorney, Tel: 0722660042*
- g) Member- Director Stakeholder Management and Public Participation, Tel:0722353156*

Roles of The County Grievance Redress Technical Committee

- Promote the sensitization of staff and other stakeholders on complaints handling.
- Coordinate complaints handling and access to information activities in the county and report to the governor.
- Process requests for access to information
- Coordinate Civic Education on GRM and access to information.
- Make referrals for cases outside the GRM mandate.
- Ensure proactive disclosure of information held by the county.
- Monitor, evaluate and review complaints handling activities in the organization.

The role of the grievance committees at the Ward level is to:

- Sensitize the community and other stakeholders on the existence and utilization of the GRM.
- Receive, record, sort, and resolve grievance that may arise from project implementation within their mandate at the Community, County and National levels.
- Escalate unresolved grievances to the next level.
- Receive the feedback on the escalated grievance resolutions and relay to the complainant and stakeholders.
- Acts as an intermediary between the project coordinating units and the target communities and stakeholders for GRM.
- Analyze and document the resolved grievance and report on a quarterly basis.
- Participate in the monitoring and evaluation of GRM.

3 LODGING OF COMPLAINTS

SUBMITTING A COMPLAINT/GRIEVANCE

Homabay County has put in place systems for lodging of complaints that allows for individuals, groups, organizations, and Institutions to lodge complaints. At the County, the grievance focal person is designated for receiving and documenting grievances.

Ways in which Complaints can be lodged include:

- *In person (persons with disability will be assisted to lodge the complaints)*
- *Complaints on behalf of persons unable to lodge complaints.*
- *Online via email, website, web posting, or a complaints management information system (CMIS) if it is available in the county.*
- *Telephone*
- *In writing*
- *Text messages*
- *Social media*
- *Any other mode as may be determined by the county.*
- *County Website*

INFORMATION TO BE INCLUDE IN A COMPLAINT

Complaints must:

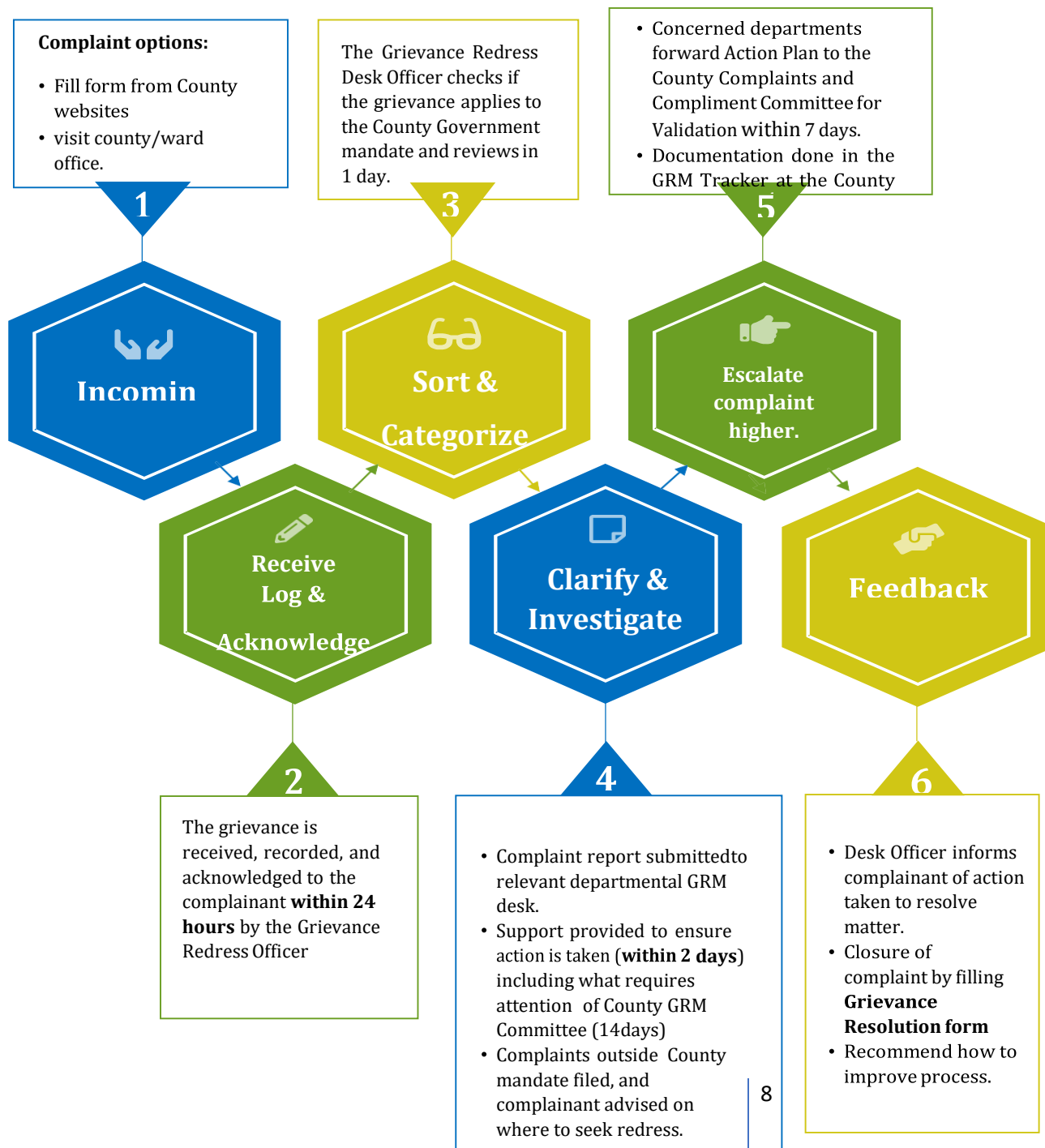
- ✓ identify the sub project subject of the complaint.
- ✓ clearly state the project's adverse impact(s)
- ✓ identify the individual(s) submitting the complaint.
- ✓ specify if the complaint is submitted by representative of the person(s) or community affected by the project.
- ✓ if the complaint is submitted by a representative, include the name, signature, contact details, and written proof of authority of the representative.

There is a grievance/complaint reporting form at the Ward or County office where the grievance is made. However, a complainant is free to report in the way that is convenient for them.

EVIDENCE NECESSARY

Supporting evidence is not necessary but may be helpful in reviewing and resolving the complaint. The complaint may also include suggestions on how the individuals believe the complaint could be resolved. All complaints will be treated as confidential. The GRM will not disclose any personal data that may reveal the identity of complainants without their consent.

4 PROGRESSION OF GRIEVANCE RESOLUTION



TYPES OF COMPLAINTS/GRIEVANCES ANTICIPATED

Grievances may arise from members of the public who are dissatisfied with the consultations, PCRA, Sub-project selection and implementation processes, Environmental and Social concerns during construction, harm to livelihoods, involuntary resettlement, environmental degradation, and biodiversity concerns among others. The grievances will also arise from workers employed by the contractors procured for sub-projects especially those from the local community. This GRM will address all grievances including those from the workers.

SUBMITTING A COMPLAINT TO THE GRM SYSTEM

Any individual or community who believes that a FLLOCA project has or is likely to, adversely affect them can submit a complaint/grievance. They can be sent:

BY LETTER or BY HAND delivery to any of the following officers in the County Climate Change Unit.

1. Designated Grievance Redress Focal Person- Linda Nyambok [Tell: 0701619924](tel:0701619924) OR
2. Social Safeguards Focal Person- Flora Akinyi [Tell:0701393729](tel:0701393729)
3. Environmental Safeguards Focal Person
4. The County Ombudsman- Chief officer Administration and Devolution [Tell: 0724745819](tel:0724745819)
5. Existing Complaints System in the County- Through the county Website Homabay.go.ke
6. Director of County Climate Change Offices- [Tell: 0722287563](tel:0722287563)
7. Chief Officer Climate Change- [Tell: 0722789110](tel:0722789110)

5 GRIEVANCE REDRESS ACCESS POINTS

CCU Toll Free Number

0800000870

Grievance/Information Box
in every County /project site
and Ward Admin offices.

County Grievance Desk/
Grievance Focal Person tel No.
0701619924

Email address:

climatechangehbc@gmail

Website

Homabay.go.ke