



REPUBLIC OF KENYA
COUNTY GOVERNMENT OF NYANDARUA
DEPARTMENT OF LANDS, PHYSICAL PLANNING AND
URBAN DEVELOPMENT
OL KAOU MUNICIPALITY



OL KALOU MUNICIPALITY GRM POLICY

1. MEANING OF GRM POLICY

- a) A Grievance Redress Mechanism (GRM) is a locally-based, formalized way to accept, assess, and resolve community feedback or complaints.
- b) It should offer an accessible point for complaints to be received and provide a predictable process and timeline for communities to receive a response.

2. OBJECTIVE OF GRM

The primary objective of the GRM is to increase transparency and accountability. The GRM aims to reduce the risk of adversely affecting citizens/beneficiaries and serve as an essential feedback and learning mechanism to enhance the impact of the project.

3. PRINCIPLES OF GRIEVANCE REDRESS SYSTEM

- a. The municipal GRM team is responsible for evaluating the overall performance of the grievance redress mechanism and ensuring compliance with principles of fairness, impartiality, accessibility, and responsiveness.
- b. This evaluation process will identify weaknesses in the system and allow adjustments to be made to the process and procedures as necessary.
- c. Receiving, processing, and resolving grievances should follow a systematic process guided by clear guidelines and principles of objectivity, integrity, and respect for the rights and confidentiality of all involved stakeholders.
- d. The provisions of the grievance procedure should be straightforward.
- e. It should operate promptly and efficiently.

4. COMPONENTS OF GRIEVANCE REDRESS SYSTEM

There are several key common components for a successful GRM. The municipal GRM team should include community mobilization, sensitization forums on the process and procedures for resolving issues, identifying lodged complaints, including outreach and communication, uptake

channels, a grievance resolution process, an information system, performance evaluation, and institutional capacity.

i. Receive and log grievances. ii. Acknowledge grievances. iii. Assess and investigate. iv. Grievance Resolution. v. Sign-off on grievances. vi. Monitor.

5. CARDINAL PRINCIPLE OF GRIEVANCE IN LAND SETTLEMENT

a. Settlement at the lowest level. b. Settlement as quickly as possible. c. Settlement to the satisfaction of the aggrieved person/community.

POINT TO NOTE: The affected persons must undergo a counseling process to minimize stress and accept the outcome. When handling grievances, focus must be on addressing the causes of trouble or the resulting trouble.

6. GRIEVANCE POLICIES KEY

a) Timeliness: Grievance procedures should operate in a timely manner.

i. Built-in Advantages. ii. Nature of Grievance. iii. Representation. iv. Explicitness. v. Equal Rights. vi. Confidentiality. vii. Informal Resolution.

b) Five Steps in the Grievance Process:

1. Understanding the options.
2. Raising a formal grievance.
3. Responding to a formal grievance.
4. The grievance Meeting.
5. Deciding the outcome.
6. After the grievance procedure.

7. SECOND CARDINAL PRINCIPLE

If the affected person/community does not receive a response within the stipulated time or is unsatisfied with the answer, there is an opportunity to present the case to the board's GRM management team for further clarification designed for that purpose.

8. TYPES OF GRIEVANCES IN PROJECTS DURING IMPLEMENTATION

The municipal GRM team must establish modalities for minimizing grievances in the project to maintain funding from the World Bank:

a) Mitigate adverse social impacts that can affect the project. b) Land acquisition guidelines where physical relocation is required. c) Land acquisition agreements, including letters from both parties (buyer/seller), adoption minutes from the board, and endorsement letters from the assembly. These approvals and endorsements should be obtained prior to detailed project design.

9. WAYS OF RESOLVING DISPUTES AND GRIEVANCES

A. (i) Steps in dispute resolution and grievance handling mechanism. (ii) Report of the grievance or dispute to the project implementation committee through the;

B. Steps to be taken in the grievance procedure:

i. Study the problem. ii. Work out possible solutions. iii. Rate your choices. iv. State the grievance clearly and prepare carefully. v. Present the grievance to management. vi. Get the first response. vii. Take the matter further. viii. Decline a dispute.

LAND DISPUTES

a) The Municipality GRM management can refer complicated issues to the land dispute settlement mechanism established by the land office.

b) Public notice on establishing a complaints mechanism for land administration and management.

c) Ways to hold community meetings to facilitate open dialogue:

I. Addressing unjust customary practices that disadvantage vulnerable groups. II. Resolving disputes within a community about shared use of natural resources and land. III. Resolving border disputes between neighbours.

Alternative ways of land dispute resolution mechanisms for matters arising within the KUSP Framework:

1. Report the grievance to project implementation KUSP projects.
2. Record the grievance.
3. Convene the parties by the municipal board for arbitration or conciliation.
4. If the municipal board cannot resolve the matter, refer it to the KUSP oversight.
5. Escalate it to the top-level management of the parent department.
6. Refer it to the county Executive committee meetings headed by the governor.
7. Forward it to the KUSP National steering committee for resolution.
8. When alternative dispute resolution has been exhausted, take the matter to court for legal interpretation and settlement, which may include conciliation, conflict resolution, mediation, and negotiation.

C. Environmental and Land Court (ELC)

Article 162 (2) of the constitution established the ELC, a superior court with jurisdiction throughout Kenya to hear and determine disputes relating to the environment, land use, occupation, and title to land.

MUNICIPALITY'S EFFORTS TO PROMOTE INCLUSION IN PUBLIC PARTICIPATION

A report is a structured written representation directed at interested leaders in response to a specific purpose, aim, or interest. A report may also be described as a compilation of descriptive information. There are many varieties of reports, but...

ELEMENTS OF A GOOD REPORT

- Accurate
- Logical
- Clear & Concise
- Focused on results and accomplishments
- Assesses performance over the past period
- Specifies actions to overcome problems or accelerate performance
- Identifies the need to adjust resource allocation, indicators, targets

FACTORS TO CONSIDER WHEN WRITING A REPORT

- The intended audience
- The use of clear language
- The purpose of the report (to inform, solve a problem, or communicate)
- What to include in the report's content
- The importance of project reporting

Reporting enables the assessment of progress and achievement and helps focus audiences on the results of the activities. Reporting helps form the basis for decision-making and learning at the program level. Project presentation is important in communicating the results of what has been done. Project results are only important to the extent that they are communicated. Project reports may be used to answer questions from stakeholders, such as board members, the community, donors, etc. Project reports are important in offering solutions to problems, as indicated in the recommendations made in the report.

Standard page numbering begins with the introduction; the abstract or executive summary is usually numbered with lower-case Roman numerals (i, ii, iii, etc.)

ABSTRACT/EXECUTIVE SUMMARY

The abstract or executive summary is presented at the beginning of the report and provides a concise summary of the report, including its purpose, scope, achievements, and conclusions.

INTRODUCTION

The introduction provides essential background information about the report, its objectives, scope, limitations, approach, intended audience, potential benefits, and any instructions that may be useful for the reader. It sets the context for the discussion.

DISCUSSION

The discussion section constitutes the main body of the report and contains headings and sub-headings.

WAYS IN WHICH GRM CAN BE MANAGED BY A THIRD PARTY

It is recommended that the GRM be managed by the client.

Based on common practices and principles, here are some ways in which a GRM can be managed by a third party:

1. **Outsourcing Services:** One way to manage a GRM by a third party is to outsource the entire process to an external organization or service provider with expertise in grievance management. This third party can handle the intake, assessment, investigation, and resolution of grievances on behalf of the municipality.
2. **Independent Ombudsman:** Another approach is to appoint an independent ombudsman or mediator as a third party to oversee the GRM. The ombudsman can provide an impartial perspective and ensure that grievances are handled fairly and transparently.
3. **Community-Based Organizations:** In some cases, third-party management of a GRM may involve partnering with local community-based organizations (CBOs) or non-governmental organizations (NGOs). These organizations can play a role in receiving and facilitating the resolution of grievances from the community.

4. **Consultants or Experts:** Municipalities can hire external consultants or experts in grievance management to design, implement, and oversee the GRM. These consultants can provide guidance, training, and evaluation services to ensure the GRM operates effectively.
5. **Advisory Committees:** Establishing an independent advisory committee composed of external experts, community representatives, and stakeholders can be another way to involve third parties in managing the GRM. This committee can provide recommendations and oversight.
6. **Online Platforms:** Third-party management of a GRM can also involve the use of online platforms or software solutions provided by external vendors. These platforms can streamline the grievance process and ensure data security.
7. **Government Regulators:** In some cases, regulatory agencies or government bodies may act as a third party to oversee the GRM of municipalities, especially in sectors with strict regulations, such as environmental or land disputes.
8. **Conflict Resolution Organizations:** Organizations specializing in conflict resolution and mediation can be engaged as third parties to manage complex grievances or disputes, ensuring that conflicts are resolved peacefully and fairly.

It's important to note that the choice of how to involve a third party in GRM management depends on the specific needs and objectives of the municipality, as well as the nature of the grievances and the local context. The key is to ensure that the third party is impartial, trustworthy, and capable of handling grievances effectively while upholding transparency and accountability.

GRIEVANCE REDRESS MECHANISM FOR CONTRACTORS IMPLEMENTING KUSP PROJECTS IN NYANDARUA COUNTY GOVERNMENT MUNICIPALITIES

CRIME MANAGEMENT, CHILD PROTECTION, GENDER EQUITY, AND SEXUAL HARASSMENT

In order to address and mitigate contractor grievances, the Ol Kalou Municipality has instituted the following measures:

1. **Child Protection and Prevention of Child Labour:** The laws of Kenya strictly prohibit contractors from engaging children in economically exploitative, hazardous, or detrimental activities that interfere with their education, health, or overall development. Particular vigilance should be exercised to prevent potential sexual exploitation of children, especially young girls. Contractors are required to adopt a Child Protection Code of Conduct, which all staff must sign, committing themselves to safeguarding children and clearly outlining acceptable and unacceptable behaviours.
2. **Crime Management During Construction:** Crime incidents may occur in the project area during construction and operation, including theft of construction materials or personal property, physical altercations, petty crimes like pickpocketing, drug abuse, and alcoholism, among others.
3. **Gender Equity Concerns:** There is a possibility of gender inequality arising during project construction, characterized by an unequal distribution of work and discrimination against women due to the mixing of men and women at the construction site.

MITIGATION MEASURES (DESIGN):

- Proper design should incorporate enhanced lighting to improve security at the construction site.
- The design should include the provision of fencing along the property boundary to control entry and exit points.

MITIGATION MEASURES DURING CONSTRUCTION:

- i. Ensure strict compliance with national labour laws to prevent the employment of children on the construction site.
- ii. Promptly report any child sexual relations offenses among contractors' workers to the police for necessary action.
- iii. The client and the contractor shall jointly adopt a "CHILD PROTECTION CODE OF CONDUCT" setting stringent standards for personal behaviour.
- iv. The contractor shall require all employees, subcontractors, sub-consultants, and personnel engaged in construction works to individually sign and adhere to this code of conduct.
- v. Implement measures to remove any employee persisting in misconduct, incompetence, negligence, or any conduct prejudicial to safety, health, or environmental protection.
- vi. Take all reasonable precautions to prevent unlawful or disorderly conduct by or amongst the contractor's personnel, ensuring peace and protection of persons and property on or near the site.
- vii. Prohibit the presence of alcohol, drugs, arms, or ammunition on the worksite among personnel.
- viii. Maintain a log to record all events of criminal nature, accidents, incidents, or grievances from stakeholders/community associated with civil works activities. This log should include details such as the nature of grievances, names, dates, contact information, and signatures.

- ix. Report all criminal activities on the worksite, whether on or off the site, to the police/municipality for grievance management. Crime reports should include information such as the nature of the offense, location, date, time, and other relevant details.
- x. Conduct sensitization programs for construction workers, local residents, and security personnel to be vigilant about suspicious activities near the construction site.
- xi. Contractors bear responsibility for workers' conduct within the worksite, which includes but is not limited to:
 - xii. Preparing and enforcing a "NO SEXUAL HARASSMENT POLICY" in accordance with local laws and customs, equal opportunity of employment, and gender sensitization.
 - xiii. Providing gender-segregated bathing, changing, and sanitation facilities.
 - xiv. Establishing a grievance redress mechanism, including protection against retaliation, for workers. Contractors' workers should be trained in responding to accidents and incidents to facilitate swift action.
 - xv. Ensuring the provision of health and safety measures during works activities.

OBJECTIVES OF GRM (Grievance Redress Mechanism):

The primary objectives of the Grievance Redress Mechanism are to enhance transparency and accountability in project implementation. The GRM aims to reduce the risk of the project inadvertently affecting citizens/beneficiaries and serves as an essential feedback and learning mechanism to maximize project impact.

Main Principles for Handling Grievances:

1. Grievance procedures should be conducted fairly and impartially.
2. The provisions of the grievance procedure should be clear and well-defined.
3. The grievance procedure should serve as a constructive process that contributes positively to the well-being of project stakeholders and promotes project ownership.

Note (NB/):

- i. Adequate budget allocation is required to successfully execute grievance resolution activities and achieve active consensus.
- ii. Ongoing training and capacity building for grievance management personnel are essential to ensure they remain updated with relevant knowledge and skills.
- iii. The GRM draft may be subject to amendments and improvements over time.

REVIEW AND DEVELOPMENT:

The framework shall undergo an annual review, as determined by GRM management, to ensure its continued relevance to the needs of the Nyandarua County government municipalities.

Responsibilities:

All policy makers, staff, service providers, implementers, and beneficiaries should conduct their activities and duties in alignment with the gender mainstreaming approach described in the policy.

Monitoring and Evaluation:

The Nyandarua County Municipality, through department heads and other personnel in supervisory roles, should collect and analyse gender-related data using sex-disaggregated data tools every quarter. Bi-annual reports on gender-related issues should be developed based on this data analysis.

Monitoring and evaluation (M&E) play a crucial role in the successful implementation of the Grievance Redress Mechanism (GRM) for contractors involved in KUSP (Kenya Urban Support Program) projects within Nyandarua County government municipalities. M&E is a systematic and ongoing process that provides essential feedback, data collection, analysis, and reporting mechanisms to assess the effectiveness and impact of the GRM and associated project activities.

Within the context of the GRM:

- **Data Collection:** M&E involves the systematic collection of data related to project activities, including grievance resolution processes, gender equity initiatives, child protection measures, crime management efforts, and adherence to codes of conduct. This

data is collected from various sources, including project beneficiaries, contractors, supervisors, and relevant stakeholders.

- **Regular Assessment:** M&E is carried out at regular intervals, often quarterly, to monitor the progress of the project and the GRM's performance. This assessment involves the examination of key performance indicators, the identification of challenges or bottlenecks, and the documentation of success stories or best practices.
- **Feedback Loop:** The M&E process establishes a feedback loop that ensures that lessons learned, issues, and grievances are promptly addressed and integrated into project decision-making. It provides a platform for stakeholders to voice concerns, offer suggestions for improvements, and seek redress for any grievances they may have.
- **Gender-Disaggregated Data:** Gender-disaggregated data is a critical component of M&E, focusing on how project activities impact different genders. It helps identify any disparities or inequities that need to be addressed and ensures that gender mainstreaming principles are effectively applied.
- **Reporting:** The data collected through M&E activities is used to develop bi-annual reports that provide a comprehensive overview of the project's progress and its impact on the community. These reports are shared with relevant stakeholders, including government authorities, project funders, and the public, to maintain transparency and accountability.
- **Adaptive Management:** M&E findings guide decision-makers in making necessary adjustments to project strategies, policies, and interventions. It allows for adaptive management, where project managers can respond to changing circumstances and emerging challenges promptly.
- **Continuous Improvement:** The M&E process is not static; it aims for continuous improvement. Lessons learned from M&E activities are used to refine the GRM and the broader project design, ensuring that it remains effective and responsive to the needs of the community and stakeholders.

In summary, the M&E component of the GRM is an integral part of the project's governance structure. It serves as a dynamic tool for tracking progress, identifying issues, and making informed decisions that contribute to the overall success of the KUSP projects in Nyandarua County government municipalities while upholding transparency, accountability, and community engagement.