REPORT ON

REVIEW OF COUNTY GRIEVANCE REDRESS MECHANISMS &
PROPOSALS FOR BEST FIT MODELS FOR IMPLEMENTATION

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COMMISSIONED BY THE WORLD BANK KENYA ACCOUNTABLE DEVOLUTION PROGRAM
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LITERATURE REVIEW

1.0 Introduction

The Constitution of Kenya, 2010 established a new system of political governance in Kenya. A defining feature of the new political governance system is a devolved system comprising two levels of government, the national and county. Devolution is advanced as a mechanism for organizing division of power and functions between the national and county governments. The Constitution thus lists the four main sets of objectives of devolution as: to break up the centralization of power by decentralizing state power; to promote national unity by recognizing diversity; protecting minority and marginalized communities and sharing resources equitably; to enhance democracy through self-governance and participation of the people in making decisions affecting them; and to promote social and economic development through efficient and improved delivery of services.¹

In the particular context of improved delivery of services, the Constitution echoes the principle of subsidiarity, that public sector functions should be undertaken at the lowest level possible, by expressly linking devolution to access to services.² This emphasizes delivery of services as a parameter of devolution. Further, the Constitution sets out the division of functions between the national and county government.³ That public services must remain accountable to the people that use them is a settled governance principle, hence responsiveness is a key component of service delivery. In regard to redress of grievances, the Constitution is implicit in its over-arching requirement for public service responsiveness and accountability. At a general level, the national values and principles of governance bind all state organs, state officers and public officers to be accountable in service delivery.⁴ The Bill of Rights also enshrines the right of every person to administrative action that is expeditious, efficient, lawful, reasonable and procedurally fair.⁵ At a more specific level, the Constitution expressly lays out the values and principles of public service which require both national and county governments as well as state corporations to be responsive, prompt, effective, impartial and equitable in the provision of services.⁶

The County Government Act contains concrete responsibilities for counties in regard to delivery of services and redress of grievances emanating from service delivery. The Act sets out its objective as providing for county governments responsibilities to deliver services.⁷ In the specific context of redress of grievances, the Act lists the principles of citizen participation in the counties to include legal standing of interested or affected persons or communities or organizations to redress of grievances, particularly for women, youth and marginalized communities.⁸ Further, it establishes the right of citizens to petition the county government, in writing, on any matter under the responsibility of the county government.⁹ The county governments are entrusted with a

¹ Constitution, 2010, Article 174
² Constitution, 2010, Article 6
³ Constitution, 2010, Article 186 & Fourth Schedule
⁴ Constitution, 2010, Article 10
⁵ Constitution, 2010, Article 47
⁶ Constitution, 2010, Article 231(1)(c)
⁷ County Government Act, 2012 (2016)
⁸ County Government Act, Section 87 (d)
⁹ County Government Act, Section 88 (1) & (2).
corresponding duty to respond to the citizens’ petitions expeditiously.\textsuperscript{10} Notably, the Act obligates county governments to enact legislation on the citizens’ right to petition.\textsuperscript{11} The Act also sets out the principles of service delivery in the counties as equity, efficiency, accessibility, non-discrimination, transparency, accountability, sharing of data and information and subsidiarity.\textsuperscript{12} In terms of standards and norms for public service delivery, the Act requires County Governments to regularly review the delivery of services with a view to improvement.\textsuperscript{13}

2.0 County complaints handling/ grievance redress mechanisms

The transition to the devolved system of government in Kenya commenced in March 2013 following the first general election under the Constitution, 2010. Following the election of governors and county assembly members, county governments were established. The transfer of functions and responsibilities for delivery of services was initiated in July 2013,\textsuperscript{14} and subsequently most functions vested in the county governments were transferred. However challenges remain on proper demarcation of responsibilities between the two levels of government particularly, in instances which the Constitution envisages shared responsibilities.

In regard to service delivery at county level, so far few concrete studies have been conducted to evaluate service delivery during the 2013-2017 first phase of devolved governance. The Transparency International County Governance Status Report 2016, conducted in all 47 Counties between June and September 2016 indicated that most citizens rated county service delivery as average or poor.\textsuperscript{15} Of the 14 devolved functions, the Report indicated that respondents considered health services, education, agriculture, county transport and trade development and regulation as the most critical five.\textsuperscript{16} Of the five, only 37% rated pre-primary education as good, 27% rated county health services as good, 35% rated trade regulation as good while 22% rated county transport as good.\textsuperscript{17} Notably, county assembly members rated county executive members as average in service delivery and implementation of county legislation.\textsuperscript{18} Based on the Report, it is reasonable to conclude the service delivery at the counties has faced a number of challenges.

In the specific context of grievance redress in counties, the Transparency International Governance Status Report indicated that 23 counties had mechanisms for complaints against county executive members, while 16 had mechanisms on complaints against members of the public service.\textsuperscript{19} The Report does not however elaborate on the specific counties among the 47 surveyed and on the nature of the mechanisms.

\textsuperscript{10} County Government Act, Section 89
\textsuperscript{11} County Government Act, Section 88(3)
\textsuperscript{12} County Government Act, Section 116(2)
\textsuperscript{13} County Government Act, Section 117(3)
\textsuperscript{14} Legal Notice 16 of 2013
\textsuperscript{15} Transparency International County Governance Status Report, 2016 p 28. The respondents comprised: citizens, 45 county executive officials (County Secretaries, County Executive Committee members, chief of staff and chief officers), 36 county government and 233 officials (Members of County Assembly, Speakers and clerks) and 46 county assemblies.
\textsuperscript{16} As above.
\textsuperscript{17} As above.
\textsuperscript{18} As above.
\textsuperscript{19} Transparency International County Governance Status Report, 2016 p 34.
A review of the Annual Reports of the Ombudsman reveals increased numbers of complaints against county governments, some relating to services ordinarily offered by the counties. The 2014 Annual Report of the Ombudsman indicated Nairobi City, Isiolo and Machakos Counties had the highest number of complaints, in relation to complaints against county governments. Further, according to the Report complaints were received against at least 25 county governments. Similarly, the 2015 Annual Report demonstrated an increased number of complaints against county governments in comparison to 2014 and in proportion to the total number of complaints received by the Ombudsman. The largest number of complaints was received against Nairobi City, Machakos and Embu Counties. In general complaints were received against 33 county governments. While the Ombudsman reports do not clearly indicate the nature of complaints against county governments, it is undoubted that most of the complaints relate to service delivery. These points to the need for complaint redress mechanisms at the county level for first tier complaint resolution.

There are a number of county initiatives and measures at setting up complaint handling mechanisms. For instance, a number of counties have put in place the envisaged legal framework for redressing grievances in line with Section 88 of the County Government Act. Some of these include Laikipia, Nairobi and Nakuru. In addition to the legal framework, and in terms of actual evidence of redress of grievances, there is evidence of a number of initiatives in different counties.

2.1 County grievance redress mechanisms – actual practices

In addition to the literature review, a key objective of the Assignment was to engage with counties to determine the existence of county grievance redress mechanisms, operations, challenges and immediate, medium and long term vision. The engagement with counties was envisioned in terms of interviews with county officials, field visits to select counties and face to face informal interviews with county officials during two World Bank workshops on Annual Performance Capacity Assessment and knowledge sharing (peer-peer learning).

World Bank workshops, informal interviews with the respective county officers, field visits and structured interviews during county visits were used to collect the following information on the actual county grievance redress mechanisms practices. The information is serialized under the headings: anchorage of the grievance redress mechanisms; management of complaints/grievances; collaboration/partnerships with national governments and national government institutions; challenges encountered; county vision for the grievance redress mechanisms; and approaches for vulnerable groups.

23 As above.
24 As above. These Counties are: Nairobi, Machakos, Embu, Isiolo, Kisii, Kisumu, Nakuru, Kiambu, Bungoma, Nyamira, Nyeri, Uasin Gishu, Tana River, Meru, Lamu, HomaBay, Siaya, Kilifi, Transzoia, Muranga, Taita Taveta, Garissa, Baringo, Makueni, Nyandarua, Mandera, Wajir, Nandi, Kajiado, West Pokot, Migori, Kericho and Busia.
Under anchorage of the grievance redress mechanism, issue addressed is twofold: (i) the existence of legal and regulatory framework including other supporting frameworks such as cabinet directives; (ii) institutional anchorage that is where the grievance redress mechanism is placed within the county structures. Management of complaints addresses the overall processing of complaints including existence of tools for complaint handling, manuals, workflow documents and the general form of the grievance redress mechanism, whether centralized at county headquarters or decentralized to the sub-county or ward level or at another lower level within the county. In regard to capacity building and collaboration with national government institutions and the national government, capacity building addresses training of county officials on complaint handling, while on referrals, the primary issue is whether referral linkages exist and also collaboration with institutions that have national level complaint handling mandate for capacity building. The county vision looks into the immediate, medium and long-term plans of the county in regard to grievance redress, while approaches for vulnerable groups looks at access of the grievance redress mechanism for persons with disability, youth, women and elderly and illiterate persons.

2.1.1 Kiambu County

Legal framework and institutional set-up

The grievance redress mechanism is not supported by a legal framework. Although, the Kiambu County Citizen Petitions and Public Participation Act is in force, it does not relate to the grievance redress mechanisms. There is a draft Complaints Handling Policy developed with technical assistance from the office of the Ombudsman. The grievance redress mechanism is anchored in the office of the County Secretary, in-charge of County Public Administration. The overall responsibility of the day to day running of the grievance redress mechanism is vested in the Deputy County Secretary. The rationale behind housing the mechanism in the office of the County Secretary and Public Administration is that the County Secretary is in charge of overall county administration hence in a position to enforce redress of grievances across all county departments. The grievance redress mechanism is decentralized both at the functional level and at geographical level.

Management of complaints/grievances

The management of complaints/grievances is at an advanced level. Notably, the County has benefitted from proactive advice, guidance and training from the office of the Ombudsman. Grievances are received at sub-county level through a number of avenues including telephone, personal visits to the nearest sub-county office, email, suggestion boxes, posted mail and social media. The policy is to address all complaints at the lowest level, which is the sub-county level. Complaints are only referred to the County headquarters when they cannot be redressed at the sub-county level.

Examples of complaints that could not be redressed at sub-county level: relating to the Biashara Fund which could not be redressed at the sub-county level since it involved funds from the national government which had not been released.
Relating to purchase of hospital equipment at the Tigoni sub-county hospital as that would have to await release of funds from national government.

In terms of actual functionality of the grievance redress mechanism, the sub-county administrator is overall in charge of the grievance redress mechanism at sub-county level. The complaints/grievances are sorted and forwarded to the relevant county departments be it health, sports or trade. At departmental level, there are three designated officers with clear roles and responsibilities on complaints handling. There is the desk-officer who receives and records the channeled complaint, the Director in the relevant department and other relevant county officer. There is a standardized complaints register on which all complaints are recorded. At the sub-county level, the relevant officials take the required action in relation to the complaint. Each complaint is acknowledged on the day it’s received. The sub-county committee sits monthly to review the complaints received, action taken and to prepare monthly reports to the County Secretary. The sub-county administrator is responsible for preparation of the overall report to the County Secretary. There are standard templates for the monthly reports to the County Secretary. All complaints not resolved at the sub-county level are escalated to the county headquarters. In addition, the County has an internal workflow on complaint processing (which includes internal referrals) that is in use at all sub-county levels and a draft complaints handling manual. The County also has Service Charters prominently displayed which inform County citizens of the service requirements and timelines for complaints redress.

**Best practices** - Designated grievance redress officers with clear roles and responsibilities

| Standardized tools for the grievance redress mechanism – complaints receiving form, complaints register, complaints reporting template, internal workflow, draft complaint handling manual |

In regard to resourcing of the grievance redress mechanism, there is no dedicated budget line for the grievance redress mechanism. At sub-county level each administrator draws monies mainly for the mobile telephone lines from the general sub-county budget. Equally, at departmental level, sub-county administrators draw their budgets from the general budget. The officers designated to handle complaints are all existing county employees. Grievance redress has been incorporated in the performance targets of sub-county administrators.

**Innovative approach** - Incorporation of grievance redress in the performance targets of sub-county administrators.
INTERNAL PROCESS FLOW FOR CHANNELING COMPLAINTS

Complaint

Acknowledgment of complaint

Sub-county administrator

Sorting of complaints by type of issues

Administrative & system related complaints

Refer to concerned Department

Administrative Action

Response to Complainant

Refer to County Secretary

Fraud & corruption related complaints

Refer to County Secretary / CFO
Capacity building and linkages with national institutions with grievance handling mandates

On capacity building, the County has benefited immensely from coaching by the office of the Ombudsman in the particular context of training on complaints handling and development of the requisite tools. The county secretary, the deputy county secretary, departmental heads and sub-county ward administrators have been trained by the office of the Ombudsman on complaints handling and as trainers. The training was initiated by the County government though an invitation of the office of the Ombudsman to train its officers. The senior county officials who were trained by the office of the Ombudsman have trained the officers working in their departments. The costs of the training by the office of the Ombudsman were met by the County government. Additionally, in regard to peer-peer learning, Kiambu County officials have visited Taita Taveta County to study its grievance redress mechanism and also visited a number of public sector institutions such as Embu and Jomo Kenyatta Universities to observe decentralised complaints handling systems. On further collaboration with office of the Ombudsman particularly submission of complaints resolution reports, although the County had as of 2017 not submitted any reports, there was an undertaking to do so at the earliest opportunity. In terms of collaboration with other national government institutions with a focus on referral linkages, the county collaborates and refers complaints to the police and other national government institutions. These relations are mainly informal though functional.

Challenges, County vision and approaches for vulnerable persons

The challenges identified by the County include capacity building which is adequate training for officers involved in complaints handling, further devolving of the grievance redress mechanisms to ward level and resource constraints.

On the vision of the County in regard to the grievance redress mechanism, in the short term the County intends to have the complaints handling manual approved; in the medium term to further devolve to the ward level and in the long term to be the best county in grievance redress.

In terms of approaches taken for vulnerable persons including persons with disability, youth, women and elderly and illiterate persons, there are no specific measures such as having designated staff familiar with or staff training on sign language etc.

Below are illustrations of devolved grievance redress at various Units.

**Tigoni sub-county hospital**

The focal point person in relation to grievance redress is the hospital director. There is a desk officer stationed at the customer relations cubicle at the hospital entrance where all walk-in complaints are received and registered. The Service Charter is prominently displayed at the entrance of the hospital compound. Complaints are also received through a dedicated mobile telephone number through which County citizens can call in and lodge their complaints or send text messages, suggestion boxes and physical walk-ins to the customer care cubicle. Once a complaint is received through the telephone number it is recorded in the standard county complaints register and forwarded to the relevant
hospital section for action. The suggestion boxes have limited access and are opened weekly, jointly by two officers. A committee comprising of the health management team is responsible for resolution of complaints. Simple complaints are handled at hospital level, while complex complaints are forwarded to the county headquarters. At the end of the month, a record of complaints received and action taken in forwarded to the County Secretary in the standardized County complaints reporting form.

Ruiru sub-county office

The sub-county administrator is the focal person on grievance redress. There are two designated desk officers at the reception of the sub-county county offices. Complaints are received through walk-ins, telephone calls, suggestion boxes, email and posted mail. Once received the complaints are recorded in the standard complaints register. The desk officers are responsible for sorting out complaints, forwarding to the relevant sections and follow-up. The sub-county administrator is overall responsible for complaints handling at the sub-county level. There is an adhoc complaint handling committee whose membership consists of the sub-county administrator, desk officer and officers from the relevant department. Each department has an officer designated as the focal point person. At the end of the month, the sub-county administrator submits reports of the complaints received and the action taken to the County Secretary in the standardized County complaints reporting form.

Kiambu sub-county office

The sub-county administrator is the focal person on grievance redress. There is a sub-county designated desk officer who handles complaints and is stationed at the reception of the sub-county offices. Complaints are received through walk-ins, email, telephone, posted mail and suggestion boxes. Verbal and telephone complaints are reduced into writing. All complaints are recorded in the standardized County complaints register. The desk officer is in-charge of sorting out the complaints and forwarding them to the relevant sections. The desk officer has been trained by the office of the Ombudsman on complaint handling. Simple administrative complaints are handled at the sub-county level, while complex complaints (such as one on moving a dumpsite, construction and repair of county roads) are forwarded to the county headquarters. There is an adhoc committee to handle complaints which comprises the sub-county administrator, desk officer and the relevant department. Complaints relating to national government are referred to the relevant national government institutions. Feedback is given to the complainants when they follow up. At the end of each month, a report on the complaints received and action taken is forwarded to the County Secretary in standardized County monthly reporting forms.
2.1.2 Elgeyo Marakwet
Legal framework and institutional set-up

The County has 4 sub-counties and 20 wards. The Complaints and Compliments Steering Committee is the designated grievance redress committee. There is no legal or regulatory framework on which the Committee is anchored. There are plans to review the Public Participation Act to anchor the grievance redress mechanism in legislation. Further, the County is guided by the office of the Ombudsman Complaints Management Policy. The Committee is housed in the office of the Governor with the overall responsibility for the Committee vesting in the Public Communications Director. The County exemplifies the best example of political leadership in grievance redress. The Committee is tasked with providing of general direction in grievances redress, and specifically tasking departments to address grievances and follow-up on redress. Grievance redress is decentralized to the extent that County citizens can lodge complaints at the sub-county level. In essence, accessibility to the grievance redress mechanisms remains a challenge to most county citizens as Elgeyo Marakwet is largely a rural setting. Complaints not resolved at the sub-county level are forwarded to the County headquarters. Even then, there were no records of returns from the sub-county level to the County headquarters.

Management of complaints/ grievances

Management of grievances is at a nascent level, although the County has had coaching from the office of the Ombudsman. There are several avenues for receiving complaints which include email, walk-ins, post, website, telephone, social media (WhatsApp, Twitter and Facebook) and suggestion boxes. There is a register in which all complaints are recorded. There is a helpline manned by two desk officers for receiving complaints and a WhatsApp group known as the Elgeyo Marakwet interactive forum in which County citizens raise grievances. Other than the complaints register, there are however no standard tools for grievance redress such as complaints forms, complaints reporting forms.

As stated above, there is a Steering Committee whose role is more of a referral body in that it receives complaints and channels to the relevant departments within the County Government. The Committee meets on quarterly basis or sooner whenever a matter that requires its deliberations arises. At departmental level there are mechanisms to actually address the complaints. Complex complaints which cannot be handled at departmental level are taken up by the Committee. Complaints not resolved at the Committee level are submitted to the County cabinet for direction. The tools available for grievance redress are the complaints receipt form and complaints register.

In terms of resource allocation for grievance redress, there is no dedicated budget line. This is one of the challenges as activities for the grievance redress have to rely on donor funding or other sources within the County.
Best practice - Publicizing the county grievance redress mechanism through the twitter account of the governor – political leadership and boost to public trust in the mechanism
Below is a diagrammatic flow of the County grievance/complaints handling model

**Complaint lodged**  
(walk-in, telephone, email, text message, twitter, Facebook, post)

**Acknowledgment and sorting by issues raised**  
(Steering Committee)

**Refer to the relevant Department within the County**  
(Steering Committee)

**Investigations and responsive action**  
(relevant Department)

- Complex Complaints

- Resolved

**Response to complainant**  
(relevant Department)

**Steering Committee**  
(Analysis, monthly reports, identification of recurrent issues)

**Reports to the County Governor**  
(Tabling in Cabinet of systemic issues identified)
Capacity building and linkages with national institutions with grievance redress mandate

In regard to capacity building, the County has benefited from training by the office of the Ombudsman through support from GIZ. In this training, members of the Steering Committee were trained on complaints management. The County has partnerships and collaboration with national government institutions. There exists informal referral agreements and practices. For instance, in regard to complaints involving national institutions, the County has an agreement with Kenya Power to forward complaints lodged with the County Government to Kenya Power. In addition, in relation to environmental complaints, the County has a working relationship with NEMA demonstrated by NEMA’s support to the County law banning charcoal burning. The most ideal collaboration/partnership is envisaged with the office of the Ombudsman, in which the County intends to have an officer from the County stationed at the Elgeyo Marakwet Huduma Center. In this partnership, the County officer will receive complaints relating to both the county and national governments and channel as appropriate. The officer will also receive coaching from the office of the Ombudsman on complaints management.

Innovative approaches - County partnership with the office of the Ombudsman in which a county officer will serve as the office of the Ombudsman’s complaints officer at the Huduma Center - this is a best practice in terms of continuous and long term coaching and mentoring of county staff by the office of the Ombudsman viewed against one off training sessions. In addition in developing linkages between county grievance redress mechanisms and the office of the Ombudsman.

The County also has working collaborations with national institutions which facilitates referrals in redress of grievances (referral fatigue) Kenya Power and NEMA

Challenges, County vision and approaches for vulnerable persons

In terms of challenges, the County identified: low public knowledge on the complaints system, financial resources, lack of investigative capacity within the County government and lack of dedicated budget line for the complaints system.

On the vision of the County on grievance redress, in the short term the County intends to conduct a stakeholder mapping at sub-county level with a view to building synergies, conduct staff education and develop an action plan on sensitization of County citizens on complaints handling. In the medium term, the County will put signage at all service points particularly on complaints handling, procure a call center and the bulk sms platform to provide feedback on complaints. Long term, the County will establish grievance redress infrastructure at sub-county and ward level.

On innovative approaches for vulnerable groups, the County has employed county officials stationed within various departments who are conversant with sign language and Braille, and are
thus able to assist persons with disability. While complaints submitted in Braille can be transcribed by the County officials with expertise in Braille, the County does not provide Braille facilities for citizens with visual impairment to lodge complaints.

On the larger impact of grievance redress on county service delivery, the grievance redress and service delivery virtuous cycle, the Steering Committee identifies recurrent complaints which the Governor submits to the Cabinet for policy decisions and systemic changes. In addition the Steering Committee indicated that the Governor also periodically addresses the County Assembly of recurrent issues identified through the grievance redress mechanisms.

**Innovative approaches:** Vulnerable persons – identifying County staff with expertise in sign language and Braille to assist persons with disabilities.

Virtuous cycle of grievance redress and service delivery – identifying recurrent grievances and submitting the issues to the County Cabinet for policy decisions and systemic changes so that the system of complaints handling enhances overall service delivery.

### 2.1.3 Bungoma

#### Legal framework and institutional set-up

The County has a Complaints Handling Committee. There is no legal or regulatory framework on which the county grievance mechanism is anchored. The grievance handling mechanism is located in the Department of Public Administration in the Governor’s office. Overall responsibility for grievance redress vests in the Deputy County Secretary. Grievance redress is decentralized at both the geographical and functional levels. At the functional level, each Department within the County has two focal persons who receive complaints and record them in the complaints registers, sort them out and follow up on action within the Department. Grievances that cannot be resolved at the Departmental level are forwarded to the Complaints Handling Committee for action. At the geographical level, complaints are received at the sub-county level where customer care desks exist for County citizens to lodge complaints. Complaints that cannot be resolved at the sub-county level are forwarded to the Complaints Handling Committee. Sub-counties also submit monthly returns on the complaints handled.

#### Management of complaints/grievances

In terms of management of complaints, the County receives complaints through multiple channels including suggestion boxes, emails, county website, physical walk-in at county headquarters and sub-county offices. There is a register of complaints in which all complaints are recorded. Other than the complaints register which is found in all Departments and at the main reception in the County headquarters, there are no other tools for complaints handling. The Complaints Handling Committee meets monthly to resolve grievances not resolved at the Departmental and sub-county levels and to compile a monthly report. There is no designated budget line for management of complaints.
Capacity building and linkages with national institutions with grievance redress mandate

In relation to capacity building, the County has not received any training on grievance redress. The County has partnerships with national government institutions such as NEMA and the National Police Service. For instance, the County Executive member for Environment is the Director of the County NEMA Steering Committee. There are informal referral partnerships with government institutions.

Challenges, County vision and approaches for vulnerable persons

The County identified the following challenges in relation to grievance redress: politicization of the grievance redress mechanism so that county staff view grievances as targeting certain officials, lack of political leadership from the Governor’s office, financial resources, lack of public awareness and lack of capacity building for the Complaints Handling Committee. On politicization of the grievance redress mechanism, it is instructive that County officials have not received any form of sensitization or training on grievance redress.

On the vision on the County, in the short term the County intends to carry out public sensitization at ward level on the grievance redress mechanism using public barazas, radio and poster flyers. In addition, the County will conduct training of the Complaints Handling Committee and County staff on grievance redress. In the medium term, the County plans to engage the office of the Ombudsman for training and coaching on complaints handling and identify ways to harness mobile technology for the grievance redress processes. In the long term, the County will build grievance redress infrastructure at the ward level.

On approaches to vulnerable persons, the County has one county staff member trained on sign language who assists persons who are hearing impaired.

An illustration of grievance redress at the Departmental level:

**Department of Trade, Energy and Industrialization**

The Department has a service charter prominently displayed at the entrance. The service charter lists all the services that are offered in the Department, the timelines and charges, if any. There are two focal persons in the Department charged with receiving complaints. Once a complaint is received, it is recorded in the complaints register in the Department and then forwarded to the relevant section for redress. The feedback is then communicated to the complainant directly from the Department using email, telephone or a physical visit by the complainant. A report of all grievances handled is submitted on a monthly basis to the Complaints Handling Committee. Grievances not resolved at the Departmental level are forwarded to the Complaints Handling Committee. For instance, a complaint on Ward trade loan if the money has not been released from the Governor’s office.
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2.1.4 Nairobi

Legal framework and institutional set-up

The County has 85 wards and serves an estimated four million citizens. The County grievance redress mechanism is anchored in the Nairobi County Public Participation Act.25 The complaints handling function in the County is undertaken by the Public Relations Department, which is an appendage of the Governor’s office. There is a designated Complaints Committee in place under this department which handles complaints alongside other public relations activities. The overall complaints redress responsibility vests in the County Secretary.26 Grievance redress is centralized both at a functional and geographical level. At a functional level, grievance receipt is centralized in the Public Relations Department where a designated focal person at the customer care desk receives complaints, records them, sorts the complaints and forwards to the relevant Departments for action and resolution. In addition, a complainant can directly lodge a complaint with the relevant Department. This exemplifies the no wrong door approach policy. However, at the Departmental level the complainant is not recorded although the complainant has access to the relevant officers. The Complaints Committee meets weekly. At the sub-County level, the structure of complaints handling at the County government headquarters is also replicated. Grievances are received centrally by a focal person at the customer care desk who is also responsible for following up resolution of complaints with the relevant departments.

Management of complaints/grievances

On actual management of grievances, the County has multiple channels for receiving complaints which include physical walk-in, email, post mail, county website, social media and telephone. There are no guidelines on complaints handling. As indicated above, grievances are centrally received and recorded at the Public Relations Office customer care desk after which they are entered into a register of complaints and forwarded to the relevant Department. The customer care desk has three focal persons. The tools for grievance redress are the overall complaints register and complaints form which is prescribed by the Nairobi County Public Participation Act. The focal persons are responsible for the following up with the relevant Departments to ensure resolution of the grievance. In addition, grievances are received at the relevant Department without any documentation but the complainant would be required to go to the Public Relations Office and formally record the grievance.

In terms of resourcing for the grievance handling mechanism, the Nairobi County Participation Act provides that two percent (2%) of the annual County budget shall be set aside for public participation which encompasses grievance redress.27 In practice however, it is difficult to establish whether the grievance redress mechanism has any designated resources. At a recent visit to the County headquarters, the Public Relations Office had no complaint forms as it was out of printing paper.

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25 See Section 7 (2).
26 Nairobi County Public Participation Act, Section 14(d).
27 Section 22, Nairobi County Public Participation Act.
Below is a diagrammatic flow of the complaint management process:

- **Complaints lodged**
  (walk-in, email, telephone, Face Book, Twitter, post mail)

- **Recording and sorting**
  (Public Relations Office, Customer care desk)

- **Refer to relevant Department**
  (Customer case desk)

- **Investigations and responsive action**
  (relevant Department)

- **Complaint/grievance resolved**

- **Feedback to complainant**
  (relevant Department)

- **Reports to the Public Relations Office**
  (relevant Departments)
Capacity building and linkages with national institutions with grievance redress mandates

On capacity building, the County has not been trained on complaints handling by the office of the Ombudsman. County staff from the point of entry to focal persons displayed high level of knowledge and appreciation of grievance redress mechanisms. The County has partnerships with national government institutions and because of its centrality, the focal persons are able to advise complainants to lodge complaints relating to national institutions without the need of referral or danger of referral fatigue.

Challenges

In terms of challenges, the County has resource constraints, as indicated above there is often lack of basic necessities to run the grievance handling mechanism, human resource capacity as there are only three focal persons designated specifically for grievance handling and the sheer size of the County in terms of geography and population against public expectations.

Best practice - designated grievance redress budget in the Nairobi County Public Participation Act
The Nairobi County Public Participation Act provides for a grievance redress mechanism and provides that 2% of the annual County budget will be designated for public participation, which includes grievance redress mechanisms.

Best practice – awareness of grievance redress by all County staff
All County staff are aware of grievance redress mechanisms as any staff is able to direct a citizen to the points of grievance receipt. This enhances access of the grievance redress mechanisms.

Simulation – complaint on uncollected garbage
At the entrance I informed the security personnel that I wanted to lodge a complaint on uncollected garbage and was directed to the City Hall Annexe. On reaching the City Hall Annexe I found a long queue of people waiting at the Public Relations Office. I indicated that I wanted to lodge a complaint. I was directed to the customer care officer who further directed me to a third desk, the focal persons on complaints. There is knowledge and appreciation of complaints handling among most County staff. The focal person inquired what the complaint related to. He explained to me that since there were no Complaints Forms owing to lack of printing paper, he would write down my complaint as narrated to him. I narrated the complaint and it was recorded down. I was informed that the complaint would be forwarded to the Department of Environment for action and once a response is received I would be informed or action would be taken to redress the grievance.

On a second visit on the same complaint, I went directly to the Department of Environment to lodge the complaint. At the general County customer care desk I was directed to the Department of Environment on 3rd Floor. In the Department I informed the Secretary to the County Executive Member in charge of Environment that I had a
complaint on uncollected garbage. The Secretary sought details on the physical location and then asked that I wait to speak to the County Executive. I met the County Executive in charge of Environment who took details of the exact location and informed me that the garbage would be collected in the course of the day. I inquired if I could record my complaint in a Complaint Form but was informed that I would have to go to the Public Relations Office. The County Executive explained that his office receives complaints from customer care, resolves them then informs the focal complaints persons in the Public Relations Office. There was no documentation of any complaints referred to the Public Relations Office to the Department.

2.1.5 Nakuru

Legal framework and institutional set-up

The grievance redress mechanism is anchored in a legal framework, the Nakuru County Public Participation Act, 2016. The Act provides that complaints to the County Executive are to be addressed to the relevant committee member and states the prescribed Form to be used. Notably, the objective of the Act provides that it operationalises Part VIII of the County Government Act which deals with among other things grievance redress in the counties. There is a designated Complaints Handling Committee in place. The County Secretary is in charge of the grievance redress mechanism.

Management of complaints/grievances

The management of grievances is at a nascent level. There is no evidence of the County having benefited from mentorship or coaching from the office of the Ombudsman or other external actors. Complaints are received through an interactive county website, email, telephone, social media, walk-in, suggestion boxes and posted mail. The Committee currently holds ad hoc meetings and the County is moving towards having the Committee meet at regular intervals. In regard to resources, there is no designated budget line on grievance redress.

On capacity building, the County has not received any support or training from the office of the Ombudsman. In regard to partnerships there are existing referral mechanisms with national institutions.

The Country in the short term intends to launch an interactive website in which County citizens can lodge complaints and interact with the County government.

2.1.6 Siaya

The County has a designated complaints handling Committee situated in the Office of the. There is no legal or regulatory framework on grievance redress. The Committee meets after every 2 months or earlier whenever urgent issues arise. The Committee is responsible for following up on redressing of complaints.

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28 Nakuru County Public Participation Act, Section 13 (3).
29 As above.
The County has multiple channels for complaint handling which include email, walk-ins, posted mail, county website, social media and telephone.

2.1.7 Embu
The County has no guidelines or legal framework for complaints handling. There is no designated complaints handling committee and no regular meetings on complaints handling are held. Sub-county and ward administrators take up the roles of complaints handling. There are suggestion boxes at ward level which are opened and discussed at ward level. Public complaints received at ward level are therefore discussed at acted upon by the ward and sub-county administrators. The County receives complaints through physical walk-ins, telephone, email, post mail and suggestion boxes situated at sub-county and ward levels. There is no information on how the complaints are processed or resolved.

2.1.8 Taita Taveta

Legal framework and institutional set-up
The County handles grievances in line with Section 119 of the County Government Act which requires county governments to establish citizen service centres at the county, sub-county, ward and other decentralised levels. The Act further designates the citizen service centres as the central offices for the county executive committee in conjunction with the national government to provide public services to county citizens. The County has no specific legal framework that provides for grievance redress mechanisms. As part of the grievance redress mechanisms, the County has service charters which set the timelines for various services. The citizen service centres are under the County Executive Committee Member in-charge of public administration. The citizen service centres are decentralised up to the sub-county level. There is a focal person in-charge of complaints but there is no committee in place yet.

Management of complaints/grievances
On management of grievances, a number of avenues exist for receiving grievances. These are physical walk-in into the centres to lodge complaints or to give compliments or to obtain information; dedicated telephone lines which are answered within 10 seconds, acknowledge receipt of the complaint and refer the citizen to the responsible officer; emails which are acknowledged within 24 hours; Posted letters which are acknowledged within 5 days upon receipt; the County website which allows the public to lodge complaints and directly submit them to the County government; and a County Twitter sms service which allows citizens to receive tweets through sms. Once a complaint has been received, the County will write back to the complainant notifying them how long it will take for the complaint to be resolved.

Partnerships and linkages with national institutions with complaints handling mandate
In terms of partnerships and collaboration with national government, national institutions and other actors, the County has not received any training from the Office of the Ombudsman. The County has received support on the citizen service centres from UNDP.
Best practice - establishment of citizen service centres which serve as grievance redress points
Taita Taveta has established citizen service centres, in line with the County Government Act, which also serve as the grievance redress points. The centres are devolved up to the sub-county level. The citizen service centres as the institutional mechanism for grievance redress have two distinct advantages. First, the centres are anchored in law hence cannot be easily disbanded. Second, the centres bring on board the national government. This is particularly relevant when viewed from the perspective of grievances/complaints that relate to shared government functions.

Best practice - development of service charters
The County has service charters that are displayed in the citizen service centres. The service charters inform the public the services provided by the County, the requirements such as any fees payable or documents required and the timelines within which the service is to be provided. The service charters form the basis of grievance redress as County citizens are informed of the services offered by the County and the requirements if any as well as the timelines.

3.0 Review of National Government Interventions on GRM and their interface with Counties

In order to support the development of grievance redress/complaints mechanisms at county level, a review of reports and assessments from key national institutions in relation to grievance redress mechanisms and interface with counties will be undertaken. These are:

1. Integrated Public Complaints and Referral Mechanism
2. National Environmental Complaints Committee
3. Transparency International sponsored county level integrated complaints mechanisms in Turkana, Wajir, Marsabit and West Pokot
4. Health Service complaint mechanisms (Kisumu, Kwale, Vihiga and Nairobi) supported by GIZ
5. Commission on Administrative Justice
6. World Bank projects complaints handling mechanisms

A review of international best practices on complaint handling at decentralized levels was also undertaken to document models and best practices which could be considered under the best fit approach.

For uniformity, the review is guided by the following questions:

i. What are the existing or proposed grievance redress mechanisms in the counties?
(adequacy of institutional outreach, funding sources and needs, operational structure and efficiencies, accessibility to the public, interfaces with counties)

ii. What key lessons could be drawn from the initiatives so far or visions of various agencies?

iii. What practical models can be built upon to develop GRMs for counties?

3.1 Integrated Public Complaints and Referral Mechanism

The concept of a public complaints and referral mechanism is a statutory requirement for the Commissions established under Article 59 if the Constitution, 2010. The Commission on Administrative Justice Act requires the Ombudsman to work with the Kenya National Commission on Human Rights to establish mechanisms for referrals and collaboration with a view to ensuring effectiveness, efficiency and complementarity in their activities.30 Equally, the Kenya National Commission on Human Rights Act obligates the Commission to work with the National Gender and Equality Commission and the Ombudsman to establish mechanisms for collaboration and referral to ensure effectiveness, efficiency and complementarity.31 Similarly, the National Gender and Equality Commission Act also directs the Commission to establish mechanisms for referrals and collaboration with the National Commission on Human Rights and the Ombudsman in the same formulation.32

The Integrated Public Complaints and Referral Mechanism (IPCRM) was established in June 2013 with six participating institutions. The institutions are: the Ethics and Anti-Corruption Commission (EACC); the Kenya National Commission on Human Rights (KNCHR); the National Cohesion and Integration Commission (NCIC); Commission on Administrative Justice (Ombudsman); National Anti-Corruption Campaign Steering Committee and Transparency International.33 Essentially the IPCRM receives complaints relating to human rights violations, corruption, maladministration, hate speech and discrimination.34

Structure and functioning of IPCRM

The IPCRM is a web-based platform that enables the public to lodge complaints on any of the mandate areas of the six (6) participating institutions. The complaints are then forwarded to the relevant institutions. The complaints are lodged through a toll-free sms, walk-in and emails.35 The rationale is twofold. First, to improve efficiency in receipt and resolution of public complaints since complaints are at the first instance directed to the correct institution. Second, the IPCRM platform also improves access to the participating institutions since public complaints can be lodged at any office where any of the participating institutions has a physical presence. In relation to the public, the IPCRM presents a number of advantages. First, makes it easier for the

30 Commission on Administrative Justice Act, 2011, Section 8 (l).
32 National Gender and Equality Commission Act, 2011 Section 8 (k).
34 As above.
35 As above.
public to lodge complaints since a complaint lodged with any of the participating institutions will be directed to the right institution without the complainant bearing the burden of identifying and visiting the ‘right institution’. Second, the IPCRM solves the problem of referral fatigue by enabling a complaint to be directed to the correct institution without further involvement of the complainant. In a traditional system, a complainant upon visiting one institution would be advised that his/her complaint falls within the mandate of the other institution and he/she would be required to visit the other institution and lodge their complaint there, hence creating referral fatigue.

**Outreach of the IPCRM**

The IPCRM was initially conceptualized and funded by the GIZ Good Governance Programme. It was then handed over to the participating institutions. In terms of institutional outreach, the IPCRM participating institutions have the platform in Nairobi, Kisumu, Mombasa, Nyeri, Wajir and Kitale.

**Efficiency and effectiveness of IPCRM**

On efficiency and effectiveness of the IPCRM, reports from participating institutions are informative. Transparency International in the Annual Report 2013-14 indicated that IPCRM had eased referrals among partner agencies thus facilitating faster feedback to complainants.\(^\text{36}\) In its Annual Report 2015-2016, it reported an increase in the number of cases received from 4,260 to 3,900, which was attributed to among other strategic partnerships, the IPCRM.\(^\text{37}\) The Ombudsman Annual Report 2014 pointed to an increase of complaints received through the IPCRM from 73 to 151.\(^\text{38}\) Further, the 2015 Annual Report of the Ombudsman indicated that through the IPCRM outreach on complaints handling had been conducted in seven (7) counties - Nyeri, Embu, Mandera, Kitui, Transzoia, Kisii and Taita Taveta.\(^\text{39}\) It also indicated that 73 complaints were received through the IPCRM.\(^\text{40}\)

From the above, it is reasonable to conclude that IPCRM has been effective in terms of improving access to the participating institutions by the public, going by the reported increase in number of complaints, for instance by the Ombudsman. Additionally, there is improved efficiency in terms of accountability of the participating institutions for the complaints received through the IPCRM. However, sustainability of the IPCRM remains a concern due to lack of ownership by the participating institutions.

**Lessons from the IPCRM model**

Key lessons that could be drawn from the IPCRM and that would be beneficial in the development of grievance redress mechanisms in the counties are: first, use of an IT platform for complaint handling. Second, the ‘no wrong door’ approach which ensures efficiency both for the participating institutions and the public. Third, IPCRM in the counties is an invaluable resource

\(^{40}\) Ombudsman Annual Report, 2015, p 17.
for second tier complaint handling, since the IPRCM participating institutions are national level institutions. Once county governments fail to satisfactorily redress grievances on service delivery, then the grievances could be referred to the national level oversight institutions through the IPCRM.

3.2 National Environmental Management Authority – National Environmental Complaints Committee

The National Environmental Management Authority (NEMA) is established under the Environmental Management and Coordination Act. The Act concretizes the right to a clean and healthy environment which is recognized and protected by Article 42 of the Constitution, 2010.

Structure and functioning of the NEMA complaints model

In the specific context of complaint handling at national level, the Act establishes the institutional framework as follows. The National Environmental Complaints Committee with an over-arching mandate to receive and redress public complaints against any person or authority on the condition of the environment, on its own motion to institute investigations on any suspected case of environmental degradation and to undertake public interest litigation. The National Environmental Tribunal to which the National Environmental Complaints Committee may refer any matter relating to a complaint. In terms of actual complaints receiving and redress, there is scarce literature on the numbers, nature of complaints and how they were redressed. There is need to explore the mechanisms that exist to redress grievances in relation to county projects.

At county level, the Constitution envisages shared responsibilities between the national and county governments in relation to protection of the environment and natural resources. The national government is responsible for establishing a durable and sustainable system of development with particular reference to fishing, hunting and gathering; protection of animals and wildlife; water protection; and energy policy. On the other hand, county governments have responsibilities over control of air pollution, noise pollution, public nuisance and implementation of national government policies on soil and water conversation and forestry.

In the specific context of county governments, the Act provides for County Executive Committee to be appointed by the Governor. In line with this, a number of counties have appointed County Executive Committees, for instance Isiolo and Kwale Counties.

NEMA County level complaints systems

NEMA has established devolved structures by appointing County Directors of Environment who are vested with overall authority on matters of environmental compliance and report directly to the NEMA Director General. In terms of linkages between the county and national governments,

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41 Environmental Management and Coordination Act, Section 7
42 Environmental management and Coordination Act, Section 31 & 32.
43 Environmental Management and Coordination Act, Section 125 & Public Complaints Committee Regulations, 2007, para 37
44 Constitution, 2010, Fourth Schedule
45 Constitution, 2010, Fourth Schedule
46 Environmental Management and Coordination Act, Section 29.
the County Director of Environment sits in the County Environmental Committee. Further, the National Environmental Policy, 2014 provides for strengthening and devolving of the National Environmental Complaints Committee. There is evidenced, in some counties, of NEMA County Officers receiving complaints at county level, which are redressed at county level and referral of complex complaints to the National Environment Tribunal and the Land and Environment Courts. For instance, in Kwale County the NEMA County Officer receives complaints on environmental issues. Similarly, in Isiolo the NEMA County Directorate receives complaints through the Incident Management System. Complaints are received and recorded and an acknowledgment sent to the complainant. The complaints are then sorted based on the magnitude of the complaint and social impact and directed to the relevant agencies for action. Response to complex complaints of large magnitude is coordinated by NEMA. In instances in which the complainant is not satisfied with the county level resolution of the complaint, the complainant is advised to seek further redress from the National Environmental Tribunal or the Land and Environment Courts. NEMA also keeps records of all resolved complaints.

In both Kwale and Isiolo Counties, the interface between the NEMA complaints management system and County complaints management system is undefined.

**County government environmental complaints structures**

In relation to county governments handling of environmental related complaints, there are no specific county committees or structures dedicated to environmental complaints. Practice from the Counties visited indicate that environmental complaints are received in the ordinary county complaints handling mechanisms, channeled to the departments dealing with environmental issues and resolution and response coordinated by the county complaints committee. This practice was observed in Nairobi, Kiambu, Bungoma, Elgeyo Marakwet and Isiolo Counties.

In terms of key issues arising, there is need to streamline collaboration mechanisms in instances of shared responsibilities between national and county governments. In addition there is need to explore synergies between the national and county governments in relation to shared responsibilities.

**3.3 Transparency International sponsored county level integrated complaint mechanisms**

Transparency International (TI) Kenya is a non-state actor whose aim is to fight corruption through promoting good governance and social justice initiatives. TI-Kenya is a participating institution in the IPRCM, through the Advocacy and Legal Advisory Centres in Eldoret, Mombasa, Kisumu and Nairobi. TI is also supporting integrated complaint mechanisms at county level in Turkana, Wajir, Marsabit and West Pokot.

**Structure and functioning of the integrated complaints mechanism**

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47 National Environmental Policy, 2014, p 53.
49 Ochieng and Amuyunzu (n 48 above) para 52.
The TI integrated complaint mechanisms were launched in 2014 in Turkana, West Pokot, Wajir and in February 2017 in Marsabit. These integrated complaint mechanisms relate to complaints arising out of humanitarian aid and service delivery, particularly, provision of water and education services. The participating institutions are county governments, National Drought Management Authority, Kenya National Commission on Human Rights, international agencies and local civil society organizations. The mechanism allows for referral of complaints from one institution to another while providing a one-stop point for citizens to lodge their complaints regardless of the institutions concerned. The mechanism incorporates a tracking system which sends a reminder to the respondent institution if the complaint is not resolved within a defined timeline. In terms of interfaces with counties, the mechanism is linked to county authorities and national level law enforcement agencies. The mechanism is accessible to the public since complaints can be lodged via sms to any of the participating institutions, while citizens without access to mobile phones and illiterate persons can walk into the nearest reporting institution/structure and lodge their complaints.

Diagrammatic illustration of the integrated complaints mechanism

Complaints are received through tool-free sms, emails and walk ins. For walk-in complaints, complainants visit any of the partner organizations nearest to them to lodge a complaint. All complaints received are entered into the web-based system and referred to the relevant organization. For follow-up, the mechanism generates a tracking number which is sent to the complainant via sms. Complainants are also notified of the progress. The convener is also able to activate follow-up in instances in which no response is received from the participating organization.

Adopted from Transparency International Kenya Inter-Agency Standing Committee flyer.

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51 Interview with Transparency International staff held on 29 November 2017 in Nairobi, Kenya. See also Humanitarian Aid Integrity Programme Referral System for Complaint Handling Summary Note.
52 Transparency International ‘Uwajibikaji pamoja’ (n 50 above).
53 Transparency International, Summary Note (n 51 above).
54 As above.
55 As above.
56 As above.
Linkages with county governments

In terms of actual linkages with the county governments, Marsabit County has for instance incorporated the mechanism in the County structures to support the existing accountability structures.57 According to TI the linkage is attributed to buy-in from the Governor. Even then TI cautions that buy in from Governor does not result in much, what is more important is firm buy in by the County Executive members.58 TI experiences also point to the need to engage different county actors as champions for the grievance redress mechanisms. For example, the County Speaker in Turkana was instrumental in achieving buy in from the Turkana County Government.59

Ideal county grievances redress mechanism

In terms of a working county grievance redress mechanism, TI suggested implementation of a basic IT based system that is able to receive complaints, generate reports for each County Department or Section. Overall responsibility for the grievance redress should vest in a high level official within the county government. There should be focal persons in each Department. The focal persons should provide feedback to the community and should have a physical presence within the community. On deployment of technology for the grievance redress, this should be from the perspective of the county citizens who are the users of the system rather than the county government officials. The approach for the uptake of the grievance redress mechanisms should be bottom-up through public sensitization. There should also be budget allocation for the grievance redress mechanism. The mechanisms should also be decentralized ideally to the ward level.60

TI’s vision is threefold. First, influence the anchoring of the integrated complaints mechanism in within the county government structures in the context of Sections 87-91 of the County Government Act. Notably, these provisions relate to the legal framework for grievance redress mechanisms at county level. Second, support county governments to address feedback and complaints from members of the public. Third, establish linkages with national oversight institutions such as the Ombudsman.61

Lessons from the integrated complaints mechanism

Key lessons drawn from TI’s integrated complaints mechanisms are partnerships with county governments on grievance redress mechanisms, getting county buy-in and use of technology to ensure accountability in participating institutions. TI’s integrated complaints mechanisms offers a firsthand account on establishment of county grievance redress mechanism.

57 Transparency International ‘Uwajibikaji pamoja’ (n 48 above).
58 Interview with Transparency International staff held on 29 November 2017 in Nairobi.
59 As above.
60 As above.
61 As above.
3.4 GIZ Good Governance Programme support to grievance redress mechanisms at county level

GIZ Good Governance Programme is supporting four (4) Counties on the grievance redress mechanisms. These are Kisumu, Vihiga, Elgeyo Marakwet ad Mombasa. The support is at the nascent stages and involves setting up the required grievance redress mechanisms infrastructure and capacity building. For instance, Elgeyo Marakwet and Mombasa Counties have benefited from training of County staff on complaints handling from the office of the Ombudsman which was GIZ funded. Elgeyo Marakwet County is set to be provided with signage at the grievance redress service points from GIZ. The main challenges identified are lack of laws and policies on which to anchor the grievance redress mechanisms, lack of political will and that grievance redress is not a priority in the counties.

In order to secure political will GIZ has entered into Memorandum of Agreement with the County Governments through the office of the County Secretary. In addition to secure buy-in for the grievance redress mechanisms, GIZ is working with County Executive members and providing capacity building.

In terms of operationalization of grievance redress mechanisms at county level, according to GIZ, there should not be single prescribed model, rather, there should be room for contextualization. County grievance redress mechanisms should be county specific and informed or build upon a particular county experiences.

On making grievance redress mechanisms a priority in the counties, GIZ suggested working with counties to enact legislation on complaint handling, working with the office of the Ombudsman to bring counties under the ambit of performance contracting and anchoring grievance redress mechanisms in the job descriptions of county officials.

In the short term, GIZ aims at supporting the four Counties with grievance redress mechanisms infrastructure and enhancing efficient grievance redress.

3.5 World Bank projects complaints handling mechanisms

The World Bank runs a number of complaint handling mechanisms in relation to its projects. The primary grievance redress mechanisms are project level grievance mechanisms that are embedded in World Bank’s projects and are the primary tool for redressing grievances. These project level

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62 Interview with GIZ staff, held in Nairobi, November 23, 2017 at GIZ Good Governance offices.
63 Interview with Elgeyo Marakwet County staff held on 6 March 2018 at Elgeyo Marakwet County.
64 Interview with GIZ staff, on 23 November 2017 at the GIZ offices.
65 As above.
66 As above.
67 As above.
grievance mechanisms are open to people or communities affected or who feel that they are likely
to suffer adverse effects resulting from active World Bank supported projects.69

The Inspection Panel is an independent complaints mechanism that receives and investigates
complaints from persons or communities affected or likely to be adversely affected by World
Bank supported projects.70 The Inspection Panel consists of experts drawn outside the World
Bank Management and staff who upon receipt of a complaint review the projects in question, to
assess whether they harm people or the environment and the project’s compliance with the World
Bank’s operational policies and procedures.71 The operational scope of the Inspection Panel
relates to complaints arising out of projects funded by the International Bank for Reconstruction
and Development and the International Development Association.72

The office of the Compliance Advisor Ombudsman redresses complaints by people or
communities affected or likely to be affected by private sector projects funded by the
International Finance Corporation or the Multilateral Investment Guarantee Agency.73The
Compliance Advisor Ombudsman redresses grievances, improves the environmental and social
outcomes of International Finance Corporation and Multilateral Investment Guarantee Agency
projects and enhances accountability by the two institutions.74 The nature of the complaints is on
any aspect of the project whether planning, implementation or impact.75

The World Bank Grievance Redress Service launched in 2015 provides a single avenue for
lodging complaints on any or would be adverse effects resulting from active World Bank
supported projects by persons or communities that are affected or likely to be affected.76
Complaints can also be lodged in relation to procurement processes by a bidder or a potential
bidder in a World Bank financed project.77 The World Bank Grievance Redress Service is in
addition to project level grievance mechanisms that are embedded in World Bank projects and are
the primary tool in redressing grievances.78 Office of Institutional Integrity receives and redresses
complaints relating to fraud and corruption in World Bank financed projects.79 The office
investigates complaints and issues sanctions based on World Bank policies.80

69 As above.
2017).
71 As above.
72 As above.
74 As above.
75 Compliance Advisor Ombudsman Operational Guidelines 2013, 10, http://www.cao-
76 World Bank Grievance Redress Service, Annual Report 2015, 1
grievance-redress-service-grsopenconsultationtemplate/materials/grievanceredressservicegrsannualreport2015.pdf
(accessed 6 October 2017).
77 As above.
78 As above.
October 2017).
80 As above.
The World Bank’s Guidelines on Combating and Preventing Fraud and Corruption in Program for Results Financing outline the general principles, the obligations of borrowers in preventing and combating corruption and the sanctions and remedies in the event of fraud and corruption.\textsuperscript{81} Under the Guidelines, the borrower has the primary responsibility to combat and prevent fraud and corruption, while the Bank bears a fiduciary duty to ensure that the proceeds of the loan are used efficiently.\textsuperscript{82} The Guidelines lay down practices that constitute fraud and corruption and require borrowers to promptly inform the Bank of all material or credible allegations of corruption or fraud, carry out investigations and inform the Bank of the findings thereof and to remedy and address the situation and prevent its recurrence to the satisfaction of the Bank. \textsuperscript{83} The Guidelines further commit the Bank to inform the borrower of any credible or material allegations that comes to its attention, where necessary initiate an inquiry independent of or in collaboration with the borrower and inform the borrower of the findings and to where necessary sanction any individual or entity whom the Bank determines to have engaged in corruption or fraud.\textsuperscript{84}

3.7 Commission on Administrative Justice – Ombudsman

The Office of the Ombudsman is established under Article 59 of the Constitution, 2010 with an overarching mandate to investigate complaints on maladministration in Kenya relating to any state organ and state or public officer in the national or county governments.\textsuperscript{85} In addition, the Ombudsman is mandated to facilitate the setting up and building of complaint handling capacity in the public service, public offices and state organs.\textsuperscript{86} The Ombudsman has offices in Nairobi, Kisumu, Eldoret and Mombasa.\textsuperscript{87} As discussed earlier, the Ombudsman is also a participating institution in the IPCRM and also has a presence in eleven Huduma Centres.\textsuperscript{88}

In relation to complaint handling/ grievance redress mechanisms, the Ombudsman has two roles. First, the oversight role in which the Ombudsman serves as a second tier complaints redress mechanism when public institutions fail to respond to or satisfactorily redress complaints lodged against them. Second, is the facilitative role in which the Ombudsman is mandated to assist public sector institutions to set up and build complaint handling systems. The exercise of both roles is subsumed the National Government Performance Contracting System in the indicator on ‘resolution of public complaints’. Under this indicator, the Ombudsman requires all public sector institutions to respond to complaints within a specified period, or respond to the complaint and provide a status update on the progress of the complaint. The Ombudsman also monitors the implementation of the recommendations made in the complaint handling process.

\textsuperscript{81} World Bank, Guidelines on Preventing and Combating Fraud and Corruption in Program for Results Financing, 2015.

\textsuperscript{82} World Bank, Guidelines on Preventing and Combating Fraud and Corruption in Program for Results Financing, para 2.

\textsuperscript{83} World Bank, Guidelines on Preventing and Combating Fraud and Corruption in Program for Results Financing, para 4-6.

\textsuperscript{84} World Bank, Guidelines on Preventing and Combating Fraud and Corruption in Program for Results Financing, para 7.

\textsuperscript{85} Commission on Administrative Justice Act, Section 8 (a).

\textsuperscript{86} Commission on Administrative Justice Act, Section 8(e).

\textsuperscript{87} Commission on Administrative Justice, \url{http://www.ombudsman.go.ke/} (accessed 2 October 2017).

\textsuperscript{88} Ombudsman Annual Report 2015, p15.
institutions to submit reports on resolution of complaints lodged against them and also to submit
reports on their institutional capacity and infrastructure for complaint handling.89

Ombudsman’s guide on public sector complaints handling systems

The Ombudsman in May 2016 launched a Kenya Public Sector Complaints Handling Guide to
standardize and streamline complaints handling in the public sector. The Guide lays out the steps
of complaints handling, sample templates for complaints handling and case studies of global best
practices in complaints handling. The Guide provides that complaints handling mechanisms can
take the form of: (i) a desk; (ii) department; (iii) institutional ombudsman; (iv) adhoc or standing
committee; and (v) an officer. The complaints handling mechanism should in addition to
managing resolution of complaints sensitize staff and other stakeholders on complaints handling,
ensure integration of complaints handling in the institution, monitor, evaluate and review
complaints and where appropriate refer complaints to the relevant bodies. The Guide also requires
that the complaints handling mechanism should have full time and dedicated officers well versed
with the affairs of the institution who should also be trained on customer care, communication
skills and public relations. In terms of financial resources, the Guide provides that there should be
a clearly identifiable budget to execute the complaints handling mandate.

The Guide outlines 9 steps in complaints handling. The first step is lodging of complaints through
several avenues and which should include registering the complaints. Instructively, anonymous
complaints should be dealt in a similar manner as other complaints. Step two is receipt and
acknowledgment of the complaint which internally involves assignment of a reference number for
tracking purposes. Step three is documentation of the complaint which involves creating a record
of the complaint with certain particulars such as name of the complaint, nature of the complaint,
institution complained against, parties involved, relevant dates and details on action taken. In step
four the complaint should be assessed for categorization and prioritization. In step five the
complaint should also be referred to the relevant officer or department for action. Step six
involves investigation of the complaint to establish the facts and explore options for resolution.
In step seven, review or authentication of the evidence should be undertaken in which each party
should be given an opportunity to be heard. Step eight involves addressing the issues complained
of and offering the best possible remedy in the circumstances in an objective and fair manner. In
step nine, the decision should be communicated to the complainant, the respondent and other
interested parties. The database is also updated to indicate that the file is closed.

89 See Commission on Administrative Justice, Performance Contracting Guidelines 7th Edition,
2017).
Below is an illustration of the Ombudsman’s Guide complaints handling mechanism.

1. Lodging of complaint
   (walk-in, email, social media, telephone, anonymous letters or emails, postal mail)

2. Receipt and acknowledgment of complaint
   (Desk officers)

3. Documentation of complaint
   (Desk officers)

4. Assessment of complaint
   (Desk Officers)

5. Action on the complaint
   (Relevant Department)

6. Investigation
   (Relevant Department)

7. Review and authentication of evidence

8. Responding to /resolving the complaint
   (Relevant Department)

9. Communication to complainant
   (Relevant Department)

10. Audit and review of the system
    (Public institution)
In the specific context of county governments and grievance/complaint redress mechanisms, Annual Reports of the Ombudsman are informative. Broadly, the Ombudsman has since the inception of the devolved government system received complaints against county governments. As discussed earlier in 2.0 above, the Ombudsman in 2014 received complaints against 25 county governments and 33 county governments in 2015. There are however scant details on the exact nature of the complaints whether they relate to service delivery by the counties or other aspects such as abuse of office by county governments. For instance, the 2015 Report highlighted a complaint against the Muranga County Government for delay in making payment for services rendered. Similarly, the 2014 Report detailed a complaint against the County Government of Embu for encroaching against private land in construction of a bridge and road, and a further complaint against the Nairobi Water and Sewerage Company for failure to supply adequate water supply in a residential area.

**Capacity building for county governments**

On facilitating the setting up and building of complaint handling capacity among county governments, first, the Annual Reports 2014 and 2015 do not indicate any county government as having submitted reports on the resolution of public complaints indicator under the Performance Contracting. Second, in terms of building capacity through training county governments on complaint handling, the 2014 Report indicates that Kirinyaga County Executive Committee was trained. As indicated earlier, County interviews and visits indicate that Kiambu County and Elgeyo Marakwet County have been trained on complaints handling by the Office of the Ombudsman. Further, Kiambu County has been assisted in development of complaints handling manuals and a complaints handling policy by the Ombudsman. Notably, the Reports indicate that most of the complaints are resolved through the performance contracting system, therefore it is necessary to explore performance contracting for county governments. In regard to performance contracting, the Ombudsman has issued Guidelines to assist public institutions in implementation the Performance Contracting indicator on ‘resolution of public complaints’. Under the Performance Contracting Guidelines, public institutions are scored and certified for establishing the complaints handling infrastructure, resolution of complaints, creating awareness on the public complaints mechanism and developing of staff capacity on complaints handling.

On creating public awareness at county level of the Ombudsman as a second tier complaint mechanism and devolving the Ombudsman services, a number of initiatives were undertaken between 2013 and 2015. The Ombudsman held public awareness forums in 22 counties.

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91 Ombudsman Annual Report 2014, p 78.
95 See Ombudsman Annual Report 2015 p 39-40 which indicated that 93% of the complaints were resolved through the performance contract indicator. See also 2014 Annual Report which indicated that 84% of the complaints were resolved through performance contracting.
terms of devolving Ombudsman services, there are three regional offices in Mombasa, Kisumu and Eldoret.

**Linkages between the Ombudsman and county governments**

In terms of linkages between the Ombudsman and county governments, the 2014 Report indicated that the Ombudsman intended to establish partnerships with a view to setting up county ombudsman offices in Bomet, Siaya, Makueni, Kajiado and Kiambu.98 In the 2015 Report, the Report indicated that in 2016 the Ombudsman would establish partnerships with counties.99 There is no information on whether these partnerships have been established or the county ombudsman offices have been set-up. The information will be obtained through interviews.

As for the Ombudsman’s vision for the counties, the 2014 Report indicated that the Ombudsman developed guidelines for setting up Ombudsman offices in the county governments. The guidelines contain a framework on establishment of the county ombudsman, powers, functions and the relationship with the national Ombudsman. In addition the guidelines require county governments to develop legislation for the establishment of the county ombudsman offices to deal with maladministration.100

The Ombudsman also has its own internal complaints handling systems in which one of the Commissioners is designated as the institutional Ombudsman. The role of the Commissioner is to receive internal staff complaints from the Office of the Ombudsman.

**Key lesson from the Ombudsman**

A key lesson that could be drawn from the Ombudsman is on how to create political costs for county governments for failure to redress public grievances. As discussed above, the political costs through penalties and sanctions created by the Performance Contracting System for national level public institutions ensure high complaints resolution rates. This too should be explored for the county governments.

**3.9 International best practices on complaint handling at decentralized levels**

There is generally lack of literature on grievance redress mechanisms/complaint handling mechanisms at devolved levels. These two studies nonetheless provide useful insights.

**3.9.1 UK Local Government Ombudsman**

The UK Local Government Ombudsman, the Ombudsman on local councils adult social care, sets out key principles of complaint handling in combined authorities and devolved levels.101 According to the Local Government Ombudsman, authorities at local settings should create integrated complaint mechanisms that are: better for the public, improve local scrutiny and accountability and that have value for money. In regard to the public, the system should be

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100 Ombudsman Annual Report 2014 p 86.
simple, accessible and well advertised. All persons working at devolved settings should understand the complaints procedure and those charged with the responsibility of responding to the complaints should have the requisite skills and capacity.

Further, the Local Government Ombudsman points out that devolved settings should adopt a ‘no wrong door’ for complaints strategy in which citizens can lodge complaints without having to understand and differentiate between the roles and responsibilities of different bodies involved. In instances in which more than one organization is involved in the complaint, the organizations should work in tandem to provide a single coordinated response. The Local Government Ombudsman also recommends a seamless redress mechanism that incorporates all services and structures at devolved levels. This can be achieved through multi-level complaints handling which incorporates the different levels of responsibilities of different bodies. Finally, the public should be informed of alternative complaint procedures and the Ombudsman’s office should be indicated at the end of the process.

In relation to improved local accountability and scrutiny, the Local Government Ombudsman opines that the authority’s cabinet or its equivalent should have the primary responsibility in championing the complaint mechanism and reviewing all complaints lodged. The cabinet should ensure that the complaints mechanism is functioning effectively, receive reports from all bodies at the devolved level and identify opportunities to learn and improve services as well make periodic reports.

Finally, for enhanced value for money, lessons drawn from the complaints should be shared and escalated among the different bodies to share good practices, learn from mistakes, inform budget and planning and also to inform improvement of service delivery. Further, information on complaints at the local level should be shared with the Local Government Ombudsman.102

Reflecting on the Kenyan context, the ‘no wrong door’ approach is particularly instructive as in a number of instances there are shared responsibilities in service delivery between the national and county governments and also where there are both distinct national government and county government offered at county level. The seamless redress mechanism that incorporates all services and structures at devolved levels through multi-level complaint handling has relevance as it takes into account different actors with different mandates an different levels of responsibility at county level. In terms of operational structure, the requirement that the county level cabinet should have the primary responsibility for championing the mechanism and reviewing all complaints lodged is also informative.

3.9.2 Indonesia national and sub-national complaint handling system

A second study on complaint-handling systems in Indonesia offers practical guidance by making a comparative analysis of the national level complaint handling system and three local systems.103 At the national level, the study examines LAPOR! (Citizen’s Aspiration and Complaint Online

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102 As above.
system), a one stop complaint system by the national government that manages public complaints and requests through sms, smart phone Apps and a website. At the local level, the study examines how the national complaint system is used locally and other complaint handling systems in three regions. The study looks at how and by whom the complaint handling systems are used, the challenges in their use and factors that shape the impact and effectiveness of the systems.  

The LAPOR!, as earlier mentioned, is a one-stop platform set up by the national government of Indonesia to manage citizen complaints and requests without the need of citizens having to find out which agency they should direct their complaints. Follow-up by the institutions in charge and the complainant is done via an online tracking system. Complaints are resolved using standard operating procedures within five days. According to the study the most common method of lodging complaints is through short messaging system (sms). The LAPOR! integrates all existing public complaint systems into one system. Further, the regional systems known as regencies, also introduced their own local complaint handling systems with varying degrees of success. The study highlights a number of relevant issues discussed below.

At a general level, limited knowledge of the national system, LAPOR! in some regions, hampered its use, even where the citizens had the ICTs tools such as mobile phones required to use the LAPOR! system. This highlights the need for campaigns and information on the existence of complaint handling mechanisms.

With specific reference to setting up complaint handling mechanisms at decentralized levels, the study identified political will of the leaders who are responsive and the transmission of that value to government authorities within the region as the main success factor in implementing complaint handling mechanisms. According to the study, technology is of little relevance in the absence of political will. Further in regard to deployment of technology, the study highlighted the need to understand the citizen’s preferred mode of communication at the local levels. The study found that direct dialogues was still the preferred mode of communication particularly for matters of great concern such as land grabbing, environmental issues and political-economic concerns. Equally, ICT based complaint systems were preferred for individual administrative complaints and public-facility related concerns.

Revisiting the issue of political will at decentralized levels, the study highlighted development of legal framework to anchor and institutionalize the complaint handling systems at local level. Further, political will created a conducive environment for both the government and citizens which are vital components of transparency and accountability. The study also pointed out linking of the local complaints handling systems to the national system, in this case the LAPOR! which highlighted the local political leader’s commitment to accountability. This created political

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104 Siregar (n 103 above) 4.
105 Siregar (n 103 above) 8.
106 Siregar (n 103 above) 9.
107 Siregar (n 103 above) 15.
108 As above.
109 As above.
costs for non-responsiveness as all complaints would be tracked online and officials who are non-responsive would be sanctioned while those who addressed the complaints were rewarded.\textsuperscript{110}

The study also addressed the issue of institutional capacity at decentralized levels. In this regard, the study highlighted the need for laws to institutionalize the complaints handling systems. Further, the integration of all complaints systems both the online and offline systems to facilitate periodic monitoring of performance in complaint handling.\textsuperscript{111}

Finally, in relation to citizen participation in complaint handling the study identified civil society as important in advocating for openness in government hence improving the uptake of complaint handling systems by the citizens.\textsuperscript{112}

Reflecting on relevance to the Kenyan context, on the issue of political will the study highlights the need to get buy-in at the highest level in the county governments. Further, on legal anchoring and institutionalizing of complaint systems, it is imperative that the County Government Act in Kenya sets out the legal framework for grievance redress at county level. However, counties must enact this legislation. In addition there is the issue of integrating the local complaint systems to the national system, in the Kenyan context the Ombudsman to embed political costs for non-responsiveness. The study also champions the ‘no wrong door’ approach and integration of all complaint systems at the regional level.

### 3.10 International best practices on capacity building for grievance redress mechanisms at decentralized levels

#### 3.10.1 Asian Development Bank, Office of the Special Project Facilitator

The Asian Development Bank, Office of the Special Project Facilitator (OSPF), outlines practical suggestions on how to build capacity of an organization’s personnel on grievance redress mechanisms.\textsuperscript{113} The OSPF defines capacity broadly to encompass over and above skills, ‘the capability of an organization and those working in it to deliver services effectively and cope with the challenges therein.’\textsuperscript{114} Besides skills, key elements identified as contributing to the overall capacity of a grievance redress mechanism are: orientation, knowledge, processes, credibility and tools.\textsuperscript{115} Orientation is described as the approach of the personnel in an organization to the grievance redress mechanism. The OSPF makes a distinction between two approaches of grievance redress mechanisms – as a complaints department and as a customer service department. Grievance redress mechanisms that are viewed as complaints department are likely to generate negative perceptions and put the organizations concerned in a defensive mode, hence affecting the expectations of both personnel within the organization and the complainants. Contrastingly, grievance redress mechanisms that are viewed as customer service departments,
enhance a positive approach, treat grievances as customer feedback which is seen as a learning opportunity to improve on future projects. In addition personnel within the organization approach their work with enthusiasm.\textsuperscript{116}

On knowledge, the OSPF speaks to three levels of knowledge: knowledge of the context which is understanding the background issues, history and sensitivities; knowledge of the facts as having information and facts on aspects of the project in issue; and knowledge of system that is experience dealing with people, procedures, organizations, the purpose of the grievance redress mechanisms, principles, legislation and one’s role in the mechanism as well as its limits.\textsuperscript{117}

On process, the suggestion is that personnel working in the grievance redress mechanism should understand the relevant procedures. The procedures should be reviewed regularly to ensure that they support the personnel and the rules, standards and policies must be clear, fair and extensively communicated within the organization and externally. The OSPF also identifies organizational support to personnel which includes mapping of existing grievance redress mechanisms to ensure coordination, research for organizational learning, practical resources and administrative support, documentation and media strategy.\textsuperscript{118}

In regard to skills, the OSPF draws a distinction between technical and nontechnical aspects of grievance redress and underscores the need for training on nontechnical aspects of grievance redress. The skill set identified as essential for grievance redress includes: (i) negotiation, influence and conflict management; (ii) choice analysis that is an empathetic understanding of what the complainant is experiencing and how that affects their choices; (iii) brainstorming and joint problem solving; (iv) communication skills which include inquiry and active listening, understanding perceptions, difficult conversations and feedback; (v) facilitation skills, particularly in instances where multiple stakeholders are involved, include designing group processes, running meetings effectively, managing multiple interests, facilitate brainstorming and managing production of documents; (vi) risk management to avoid inconsistency hence lack of credibility of the mechanism; and strategic communication to manage perceptions, disseminate accurate information and respond to negative criticism.\textsuperscript{119}

The OSPF in relation to credibility suggests that the personnel in the grievance redress mechanisms must have minimum credibility with them to generate confidence from the complainants. Confidence its suggested would come from: identity which is the ability of complainants to relate with personnel at the most basic levels; status derived from the seniority or level of experience of the individual personnel dealing with grievances; relationships that is someone who is particularly respected as a political or community leader; reputation that is an officer who is known to be particularly knowledgeable; track record that is personnel with a history of resolving cases; and authority referring to personnel with authority to make commitments on behalf of the organization and to reward and sanction. Finally, OSPF suggests

\textsuperscript{116} OSPF ‘Building Capacity for Grievance Redress Mechanisms’ (n 113 above) 2.

\textsuperscript{117} As above.

\textsuperscript{118} OSPF ‘Building Capacity for Grievance Redress Mechanisms’ (n 113 above) 3.

\textsuperscript{119} OSPF ‘Building Capacity for Grievance Redress Mechanisms’ (n 113 above) 4-6.
that credibility can be built by personnel through effective communication, relationship management and objective criteria.\textsuperscript{120}

Finally, on tools, the OSPF recommends that personnel need to be equipped with an administrative kit which includes guides, diagnostic frameworks, quick reference manuals and feedback and evaluation forms. The essence of the tools is to allow for a more systematic and consistent approaches.\textsuperscript{121}

Contextualizing the above, a number of key points can be drawn. First, is the orientation in setting up grievance redress mechanisms not as complaints departments, rather as customer service departments. This point finds relevance both in the actual setting up of grievance redress mechanisms and in building capacity of the counties in the context of skills building. Notably, this point is impliedly anchored in the County Government Act which mandates county governments to ‘carry out regular review of delivery of services with a view to improvement.’\textsuperscript{122} The grievance redress mechanisms should in capacity building (both setting up and skills building) be emphasized as contributing to this statutory requirement, that is a source of learning with a view to improve service delivery.

Second, and with particular reference to skill building, the specific skills building areas highlighted in the OSPF relate to familiarity with the grievance redress mechanism and nontechnical skills to facilitate actual grievance redress. On familiarity with the grievance redress mechanism, the skills are knowledge of the grievance redress mechanisms and their context and the process which include the procedures, rules, policies and standards of the grievance redress mechanisms. The nontechnical skills meant to facilitate actual grievance redress which include negotiation, influence and conflict management, choice analysis, brainstorming and joint problem solving and risk management. Ideally, these skills set serve as pointer to the skills building that should be envisaged in the training of county personnel on grievance redress mechanisms.

Third, on the tools, a number of tools such as guides, diagnostic frameworks, user friendly guides, quick reference manuals and feedback and evaluation forms are identified as essential in building capacity for grievance redress mechanisms. Equally, these tools point to ideal components that should be developed as part of capacity building.

3.10.2 World Bank Grievance Redress Mechanisms - How to Notes - The Practice of Grievance Redress Mechanisms

The World Bank Grievance Redress Mechanisms ‘The Practice of Grievance Redress’ identifies training staff to handle grievances as one of the building blocks in designing an effective grievance redress mechanism.\textsuperscript{123} The Guide highlights that staff and even possibly community members should be trained on how to handle grievances and the value of the grievance redress mechanisms to the project. In terms of the actual skills set, the Guide recommends training on how to interact with complainants, the organization’s customer service standards and internal

\textsuperscript{120} OSPF ‘Building Capacity for Grievance Redress Mechanisms’ (n 113 above) 6-7.
\textsuperscript{121} OSPF ‘Building Capacity for Grievance Redress Mechanisms’ (n 113 above) 7.
\textsuperscript{122} County Government Act, Section 117 (3).
\textsuperscript{123} World Bank, How to Notes ‘The Practice of Grievance Redress’ (2011) (on file with author).
policies and procedures on grievance redress. Further, the Guide underscores establishing or building on existing local grievance redress mechanisms by training stakeholders at local level to enhance ownership of the process and to reduce costs.\textsuperscript{124}

Reflecting on the above, the key points for the Kenyan context are: possibility of training community members on grievance redress and building on existing local grievance mechanisms. In terms of skills building, the skills set suggested are both technical skills on the grievance redress mechanisms and nontechnical skills to facilitate actual redress of grievances by the responsible personnel.

3.10.3 Capacity Building for Complaint Handling: the OSPF Experience in Aceh, Indonesia

Writing in the Book, \textit{Complaint Handling in the Rehabilitation of Aceh and Nias: Experiences of the Asian Development Bank and Other Organization}, Oswald documents the capacity building assistance provided by the Office of the Special Project Facilitator (OSPF) in Aceh and the lessons learnt.\textsuperscript{125} First, he identifies building on existing mechanisms which he writes commenced by a rapid scanning of existing mechanisms from different organizations with a view to putting in place a more systematic and streamlined process.\textsuperscript{126} The challenges associated with this, he offers were how to draw lessons and experiences from the existing initiatives and then based on that develop a simple mechanism with clear responsibilities, referrals system and process flow.\textsuperscript{127} Second, Oswald highlights working with diverse implementers, particularly in the skills building training. In regard to the actual methodology of skills building, Oswald highlights giving opportunity key officials (of target organizations) to discuss their ideas on complaint handling and facilitating discussions on existing mechanisms.\textsuperscript{128} Further, he emphasizes setting complaint handling at the most basic level, underscoring the role of village facilitators in providing feedback to complainants and assisting them in filing complaints. Third, Oswald highlights gathering and sharing lessons after the trainings and setting up of the grievance handling mechanisms, which in this instance was undertaken after one year in the form of workshops and exhibitions.\textsuperscript{129}

In summary, Oswald views the role of the OSPF in capacity building for complaint handling as: (i) providing the ‘start up gear’; (ii) a platform to learn; (iii) awareness creation; (iv) pilot training; (v) training modules which integrated traditional ways of problem solving into the grievance handling mechanisms; and (vi) guidance. Additionally, he states that the implementers were encouraged to learn from existing experiences, existing complaints were used and case studies, different levels were trained differently and linkages with existing mechanisms were clarified.\textsuperscript{130}

\begin{footnotesize}
\begin{enumerate}
\item World Bank, How to Notes ‘The Practice of Grievance Redress’ (n 123 above) 8.
\item Oswald ‘Capacity Building for Complaint Handling’ p12-13.
\item As above.
\item Oswald ‘Capacity Building for Complaint Handling’ p 13-15.
\item Oswald ‘Capacity Building for Complaint Handling’ p 16.
\item Oswald ‘Capacity Building for Complaint Handling’ p17.
\end{enumerate}
\end{footnotesize}
From the above, key points that can be picked for the Kenyan scenario include: building on existing initiatives, while seeing the extent to which traditional ways of problem solving can be integrated in the grievance handling mechanisms. In skills building, facilitating discussions with county government officials on their views on complaint handling and training different levels of personnel to be involved in grievance redress differently. There is also the aspect of setting up grievance redress mechanisms at the lowest levels of county government administration that is at the village level which is a point worth exploring with a view to striking a balance between accessibility or reach of the grievance redress mechanism and resource constraints. In addition, the roles that could be played by persons that are at the most basic level of county government administration – the village administrators. Further, there is clarifying of linkages between existing mechanisms particularly in the county context where there are mechanisms that exist at county level for national government services, at the national level as national oversight and at county level for county government services.

4.0 Recurring themes and prevalent best practices for decentralized level redress mechanisms and capacity building

Based on the discussions above, the following recurring themes and best practices have so far been identified for county level grievance redress mechanisms and capacity building:

1. Political will or buy-in from the authorities which was highlighted in the TI integrated complaints mechanisms, in the Indonesia case study, GIZ health services complaints and also alluded to by the Local Government Ombudsman in the recommendation that an authority’s cabinet should have primary responsibility in championing the complaint handling systems.

2. ‘No wrong door’ approach which is one of the success factors in the IPCRM and the TI integrated complaints mechanism. The approach was also highlighted by the Local Ombudsman and the Indonesia case study. In the context of county grievance redress mechanisms in Kenya, perhaps what ought to be explored is the possibility of the public being able to lodge complaints through one platform regardless of whether the complaint relates to the county or national government. This would also apply in instances of shared responsibilities over a given issue e.g the environmental issues, between both levels of government.

3. Closely related to 2 above is multi-level complaints systems which would allow lodging of complaints even in instances in which different actors have different mandates and different levels of responsibilities. This was highlighted by the Local Ombudsman.

4. Leveraging on technology which has been highlighted as a success factor in all the complaint handling mechanisms reviewed.

5. Linking of the decentralized grievance redress mechanisms with the national system to foster political accountability. This was recommended by the Local Ombudsman, the Indonesia case study and the TI integrated complaints mechanism.

6. Skills and capacity for the people with responsibilities in the complaint handling systems.
7. Anchoring the complaint handling mechanisms in legislation and institutionalization.

8. Partnership with civil society and citizen participation.

9. In relation to skills building, training on both technical and nontechnical skills on grievance redress as highlighted by the OSPF of the Asian Development Bank and World Bank.

10. Overall orientation of grievance redress mechanisms as part of service delivery rather than complaints systems.

11. Building the skills of different actors differently so as to emphasize and clarify their roles and responsibilities.

12. Building on existing grievance redress mechanisms and trying to integrate the traditional problem solving methods in the grievance redress mechanisms.

13. Training communities and village level administrators on grievance redress mechanisms.

14. Documenting and sharing lessons after the trainings and setting up of the grievance redress mechanisms.

These themes and best practices will be developed through further research and information obtained through interviews, focus group discussions and participant observation.
5.0 Summary of findings

The Section reviews status of counties in relation to grievance redress mechanisms, the best and innovative practices identified from the counties studied and international best practices and outlines what can be done in the short, medium term and long term.

5.1 Status of counties in grievance redress mechanisms

An ideal grievance redress mechanism includes the six steps of: uptake; sorting and processing; acknowledgment and follow-up; verify, inquire and act; monitor and evaluate; and providing feedback. From the seven (7) counties studied, counties are at different levels in regard to development of grievance redress mechanisms. For instance, while Kiambu has an advanced system in which all the six steps can be observed, Embu has no grievance redress mechanism. Most counties are only in the initial first and second steps that is, setting up grievance uptake mechanisms and the sorting and processing of grievances. With the exception of Kiambu County, most of the other counties do not have any structures for acknowledgment and follow-up and do not have evidence of having provided feedback on grievances addressed.

In relation to step one, all seven counties have multiple means of receiving complaints which include email, walk-in, telephone, post, suggestion boxes and social media. At the second step, the Bungoma, Elgeyo Marakwet, Nairobi, Siaya and Nakuru Counties all have complaints handling committees which carry out the sorting of grievances and channeling to the relevant Departments. Even then, the processing in these counties is at a rudimentary level.

Although each of the seven Counties has its own model of grievance redress, there are more commonalities than differences. For example, decentralization of grievance redress at both the functional and geographical levels, grievance handling structures in the form of complaints handling committee, the aspiration to harness technology for efficiency, the overall housing of the grievance mechanisms in the office of the County Secretary.

Similarly, the seven Counties have similar challenges which include: lack of capacity for grievance handling among county staff, lack of tools for guiding grievance redress such as guidelines for sorting, in some instances lack of political leadership, low priority of grievance redress in county government which is linked to poor or no budgetary allocations and low public awareness of grievance redress mechanisms.

5.2 Best and innovative practices from the counties

A number of best practices and innovative approaches were identified in the seven Counties in relation to grievance redress. Below is a highlight of the practices and approaches.

In regard to management of grievances, the use of standard tools for receiving complaints, submitting monthly returns from the decentralised Units and a standard internal workflow. The standardized tools ensure uniformity in grievance redress throughout the county. Another innovative approach is incorporating grievance redress in the performance contracts of relevant officers which creates an incentive for county officials to be responsive to grievances. This goes hand in hand with developing clear job descriptions on grievance redress for county officials.
In relation to anchorage of the grievance redress mechanism, having a legal framework that is express provisions on grievance redress in the county public participation legislation. This insulates grievance redress mechanisms from political whims.

In terms of resourcing grievance redress mechanisms, the most innovative approach was designating a certain percentage of the annual county budget to grievance redress and also embedding that allocation in legislation to insulate the money from politics.

In regard to partnership with the office of the Ombudsman, the innovative approach identified was an envisaged collaboration in which a county grievance handling officers doubles up as the office of the Ombudsman complaints handling officer at the County Huduma Centre. In this collaboration, there is constant mentoring and coaching of the county officers by officers from the office of the Ombudsman and establishes the linkages between the county grievance redress mechanisms and the office of the Ombudsman.

For vulnerable persons, the innovative approaches were counties using county employees with expertise in sign language and Braille to assist whenever necessary rather than counties specifically hiring experts.

In relation to grievance redress enhancing overall service delivery in the counties, the best practice was instances in which recurring grievances are identified and analyzed and presented to the county cabinet for policy decisions on systemic changes.

5.3 Summary of Existing County Grievance Redress Models

5.3.1 Institutionalization of Grievance Redress Mechanisms in the Counties

Institutionalization refers to anchorage in legal/policy or other regulatory framework and to the placement of the GRM in the county organizational structure. Of the eight (8) Counties reviewed, Nairobi and Nakuru have the GRMs anchored in the Public Participation Act. Kiambu has a complaints handling policy. There is a general appreciation among all the Counties reviewed to anchor the GRMs in legislation.

On the placement of the GRMs in the County organizational structure, the two recurrent practices were:

i. placing the GRM in the office of the County Secretary (Kiambu, Nakuru) or relatedly the Department of Public Administration (Taita Taveta, Bungoma); and

ii. placing the GRM in the Public Relations or Public Communications Office (Nairobi, Elgeyo Marakwet).

*Ombudsman guide:* GRMs should be headed by senior and respected persons within the institution to ensure redress of grievances receives the necessary support and goodwill.
5.3.2 Structure of Grievance Redress Mechanisms in the Counties

Structure of the GRM examines: the nature of the GRM whether centralized or decentralized; the form that is whether a person, department, standing or ad hoc committee, institutional ombudsman or a desk; appointment of officers; and membership of the GRM.

Most of the Counties have decentralized GRMs both at geographical and functional levels (Kiambu, Nairobi, Bungoma, Elgeyo Marakwet, Taita Taveta, and Embu). At geographical level, complaints can be received at the sub-county level (Taita Taveta, Kiambu, Elgeyo Marakwet, Bungoma) and at the ward level (Nairobi, Embu). At functional level, grievances are received directly in the relevant county Departments rather than at a centralized place. All the Counties have functional decentralization with Nairobi embracing both functional centralization and decentralization.

On the form of the GRM, most Counties have both desk officers and committees (Kiambu, Nairobi, Bungoma, Elgeyo Marakwet, Nakuru, Taita Taveta). The desk officers directly receive grievances, sort and channel to the relevant Departments while the committees investigate and resolve grievances not resolved at departmental or ward/sub-county level or if resolution is not possible escalate to the County Secretary/Governor.

Appointment to the GRM committee in most Counties is done by the Governor or the County Secretary. In most of the Counties the membership draws from all the Departments. A promising practice observed was to have the head of the decentralized unit as the chairperson of the committee and the committee drawing its membership from the departments or units in which the grievance relates (Kiambu County).

*Ombudsman guide:* Complaints are an aspect of service delivery and the best practice would be to decentralize grievance redress mechanisms to the nearest possible service points.

5.3.3 Resourcing – dedicated budget line, human resource and grievance redress capacity

Only Nairobi County had a dedicated budget line for the GRM, anchored in the Public Participation Act. Under the Public Participation Act, 2% of the County budget is set aside for public participation which includes grievance redress. In Kiambu County, although there is no dedicated budget line, resources for grievance redress are successfully drawn from the budget lines of the particular unit or department from which the grievance relates.

On human resource, all Counties have deployed existing staff as desk officers and in the GRM committees. All the Counties pointed to low grievance redress capacity among the desk officers and the GRM committees. Two Counties (Elgeyo Marakwet and Kiambu) have been specifically trained by the Office of the Ombudsman on complaints handling. The skills identified as necessary to enable staff handle grievances include customer care, informal dispute resolution, communication skills, negotiation, influence and conflict management, problem solving and facilitation skills.

*Ombudsman guide:* There should be an identifiable budget line for the execution of the complaints handling mandate and complaints handling should be incorporated in the strategic plan and work-plans.
Staff in the GRMs should be full time, dedicated and persons of high integrity. Training of the GRM staff should include skills such as communication, public relations, customer care, alternative dispute resolution, investigation, counseling, information technology and on the public service, national values and best practices. The training should be continuous and that public entities should liaise with the Ombudsman to undertake a training needs assessment and develop a training strategy.

5.3.4 Procedures of grievance redress

All the Counties have similar steps of grievance redress. These steps are: receipt, acknowledgment, sorting and channeling to the relevant unit or department, investigation, responding to the complaint and submission of internal reports to the County head of GRMs.

Step 1: receiving and acknowledgement of complaints, all the Counties reviewed have multiple systems of receiving complaints which include telephone, emails, short text messages, social media, website, post mail and physical walk-ins. Nakuru also has an interactive website in which County citizens could engage County staff directly on resolution of grievances. In addition, all the Counties indicated that grievances are acknowledged once received through letters, emails or short messages. All Counties also have tools for receiving and acknowledging of complaints such as the complaints receiving forms and complaints register.

Opportunity - explore use of technology to acknowledge complaints and provide the procedure for grievance redress, the expected timelines as well as follow-up contacts.

Step 2: sorting and channeling of complaints to relevant unit/department - a number of Counties (Kiambu, Nairobi, Bungoma, Elgeyo Marakwet, Taita Taveta) have systems for sorting and channeling of grievances. Kiambu County has an advanced system and it is possible to trace the movement of a complaint within any unit/department. There are informal referral systems with external agencies such as NEMA, National Police Service and Kenya Power.

Opportunity – develop a template for external referrals and checklists to assist in sorting out grievances based on county government functions versus national government functions; administrative versus criminal issues; and complex systemic issues versus straightforward issues.

Step 3 investigations – all the Counties reviewed expressed the need for capacity building on conducting investigations on grievance redress. Kiambu and Elgeyo Marakwet Counties have received training by the Office of the Ombudsman on complaints handling. The training in Kiambu involved sensitization of all County management staff on complaints handling and training of mid level staff on complaints handling and as trainers of trainers. The mid-level staff have in turn trained other staff on complaints handling.

Opportunity – explore opportunities for peer to peer learning and coaching by the Office of the Ombudsman on investigations of grievances and resolution. The most promising coaching approach is for County complaints officers to work in County Huduma centers in the Office of Ombudsman’s desks. In addition explore opportunities for peer to peer learning among Counties and to develop a training strategy between the Office of the Ombudsman and Counties.
Step 4 response – The Counties reviewed all offer written responses to grievances at the end of the investigation process. In Kiambu County the whole cycle of grievance redress including written responses is observable. A number of Counties are also using technology to communicate responses on grievances (Elgeyo Marakwet, Taita Taveta).

Opportunity – explore use of technology in providing feedback.

Step 5 closure of complaints and using complaints to improve service delivery – in most of the GRMs reviewed, the process ends with submission of reports to the overall leadership of the GRM. In Kiambu County, final reports are submitted to the County Secretary, in Elgeyo Marakwet County to the Governor and in Nairobi County to the Public Relations Officer. In Kiambu County the reports are discussed and systemic issues arising out of the grievances identified. Similarly in Elgeyo Marakwet, the Governor tables the reports to Cabinet, which considers the report and deliberates over systemic issues.

Opportunity – explore use of the GRM mechanisms to improve service delivery in Counties by identifying systemic issues arising out of the grievances.

5.3.5 Success factor of GRMs

Two distinct contributory success factors were identified in the GRMs reviewed – political will from the top County leadership and citizenry demand (Kiambu, Elgeyo Marakwet, Nairobi, Taita Taveta, Bungoma and Isiolo). In Kiambu County, political will from the County leadership (County Secretary) and demand for GRMs from the County citizens are the success factors of the GRM. For instance, in terms of political will the County has factored in the GRM in the day to day operational budget, undertaken study visits to other government institutions to learn, contacted the office of the Ombudsman for training and integrated grievance redress as part of performance contracting. As for the demand from the County citizenry, the County’s population is mainly urbanized hence knowledgeable on service delivery and complaint handling systems. The demand by the County citizens has also contributed to the success of the GRM.

In Elgeyo Marakwet County, the main success contributory factor is the political will from the Governor. The Governor has publicly launched the County GRM and invited members of the public to lodge grievances on the various County services. In addition, the County has partnered with the Ombudsman in training of County officials on complaints handling and is also exploring avenues for coaching and mentoring by the Office of the Ombudsman through the County Huduma Centre.

In Nairobi County, the main success contributory factor is the demand for GRMs by the County citizenry. Nairobi County citizens are knowledgeable on GRMs both due to urbanization and the existence of well developed and effective parallel GRMs in National Government institutions.

In Taita Taveta, Isiolo and Bungoma Counties, the success of the GRMs is attributed to political will from the Governor. In all the three Counties, the first Governors were responsible for putting in place the GRM by appointing staff and in the case of Taita Taveta establishing the Citizen Service Centres through which complaints are received.
5.3.6 Sustainability of the GRMs

As discussed, political will is a key success factor in the GRMs and in most instances embodied in the Governor. Due to the periodic nature of governorship positions there is need to embed the GRMs in county structures for sustainability. Four approaches observed in the Counties reviewed would ensure sustainability of the GRMs.

First, institutionalization of the GRM by anchoring it on a legal framework to shield it from county politics and individual preferences. Nairobi and Nakuru Counties have the GRMs anchored in the Public Participation Act. A number of other Counties are in agreement on the need to anchor their GRMs on a legal framework.

Second, providing a dedicated budget line for the GRM operations. The Nairobi County Public Participation Act designates two percent of the County budget to public participation which includes GRMs. This is a promising approach which would ensure dedicated resources for the GRM.

Third, integrating GRMs into the County performance contracting system to ensure that GRMs remain a critical component of county service delivery and also that technical staff with GRM responsibility carry out their duties effectively.

Four, sensitizing the public on the GRMs and creating demand for grievance redress services. In the absence of political will, County citizenry demand can create political costs for elected officials for not responding to public concerns.
5.4 Potential models of Grievance Redress Mechanisms

Drawing from the existing County GRM models, the Kenya Ombudsman guide and literature review on existing national complaint models and international best practices, a simple model of county GRM would comprise 5 steps. These are: receiving of complaints; sorting and acknowledgment of complaints, investigations and action; response; and submission of reports and audit of the complaints to identify systemic issues.

The primary characteristics of the model would be:

i. Political will and buy-in from the highest level of the county government that is the Governor and Cabinet.

ii. No wrong door approach to enable county citizens lodge grievances through the platform even in instances in which the grievances relate to national government institutions. The grievances would then be externally referred to the relevant institution and the complaint notified.

iii. Leveraging on technology for receiving complaints, acknowledging complaints, giving feedback/response to the complainant and also for referral.

iv. Anchoring the GRMs on legislation and institutionalization

v. Integrating traditional grievance redress mechanisms in the GRM processes

vi. Orientation of the GRM as part of service delivery rather than a public relations initiative

vii. Linking the county GRMs to the Office of the Ombudsman for political accountability

viii. Training staff on both technical and non-technical skills which include communication skills, dispute resolution, facilitation and problem solving skills.
Below is a graphical representation of the potential models

Step 1

Uptake of complaints
(Telephone, social media, email, physical walk-in, suggestion boxes, post mail)

Step 2

Sorting and Acknowledgment of complaints
(Desk officers)

Complaints outside County mandate
Referral to appropriate institution
(Desk officers)

Complaints within County mandate

Step 3

Investigation and Action on the complaint
(Standing or ad hoc committee in the relevant Department)

Complaints resolved

Step 4

Response to the complainant
(Standing or ad hoc committee)

Complaints not resolved
Referral to the County Secretary
(Standing or ad hoc)

Step 5

Reports to the County Secretary and audit of systemic complaints
(Standing or ad hoc committee)

Step 6

Reports to the Office of the Ombudsman
(County Secretary)
**Tools and skills required in the GRMs**

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<tr>
<th>Processes</th>
<th>Tools</th>
<th>Skills required</th>
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<tr>
<td>1. Receiving complaints</td>
<td>Complaint handling forms, IT platform</td>
<td>Communication skills,</td>
</tr>
<tr>
<td>2. Sorting and Acknowledging complaints</td>
<td>Checklist for sorting, IT platform, referral forms</td>
<td>Technical skills on complaints handling, public administration,</td>
</tr>
<tr>
<td>3. Investigation and taking responsive action</td>
<td>IT platform, manuals, quick reference manuals</td>
<td>Problem solving skills, facilitation skills, technical skills in complaints handling, dispute resolution, conflict management, influence and negotiation</td>
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<tr>
<td>4. Responding to the complainant</td>
<td>IT platform</td>
<td>Strategic communication, risk management, conflict management</td>
</tr>
<tr>
<td>5. Reports to the overall GRM head</td>
<td>Standard internal reporting templates</td>
<td>Documentation</td>
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<tr>
<td>6. Reports to the Office of the Ombudsman</td>
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<td>Documentation</td>
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5.5 **Capacity Building Plan**

The Office of the Ombudsman is mandated to train all public institutions on complaints handling. Past training has been conducted at the request of the public institutions including Counties. Kimabu and Elgeyo Marakwet Counties have been trained under this arrangement. According to the Ombudsman, the capacity building plan should commence with the Ombudsman conducting a needs assessment of county staff and then development of an effective training programme or strategy. The Ombudsman is as of August 2018 reviewing the complaints handling training manual.

The range of skills required for effective grievance redress include: technical skills on complaints handling; non-technical on communication, facilitation, negotiation and influence, dispute resolution and strategic communication.

**Mode of capacity building**

The capacity building skills developed can be conducted in the following suggested phases:

i. Basic introduction to grievance redress and grievance redress mechanisms

ii. Technical and non-technical skills for core grievance redress staff

iii. Peer learning for grievance redress staff among counties

iv. Coaching for grievance redress mechanism staff by the Ombudsman
The first phase, a basic introduction to grievance redress and grievance redress mechanisms, should be offered to top level county management and technical staff. The rationale of this first phase is twofold. First, to create basic awareness on grievance redress and grievance redress mechanisms. Second, and importantly to orient the County management to view grievance redress and grievance redress mechanisms as an integral part of service delivery to County citizens. This positive approach to grievance redress mechanisms as feedback on the services offered will create the necessary political will to sustain the mechanisms. The topics in the basic introduction should cover knowledge on the context of grievance redress and knowledge on grievance redress systems. Knowledge on the context of grievance redress would cover understanding of background issues on service delivery, politics, sensitivities and culture of the service recipients, the County citizens. Knowledge on grievance redress systems would cover perspectives in dealing with people and institutions, objectives of the grievance redress mechanism, the guiding principles governing treatment of grievances, relevant legal, regulatory and policy framework including the Ombudsman’s guidelines, roles of top level management and technical officers and the scope of the grievance redress mechanism. This first phase training could be offered through the ordinary class learning setting as it aims to impart basic level knowledge and generate discussions.

The second phase of technical and non-technical skills should be offered to core staff of the grievance redress mechanism. The rationale of the second phase is to equip technical staff of the County mechanism with knowledge on the system and the procedures to enable them resolve grievances. The technical and non-technical skills training would include: knowledge on the system, process and non-technical skills required to effectively deal with grievances and engage with complainants. Knowledge on the system would cover perspectives in dealing with people and institutions, objectives of the mechanism, guiding principles of the mechanism and the relevant legal, policy and regulatory framework. Knowledge on process covers rules, procedures and standards of the grievance redress mechanism. The non-technical skills would include negotiation, influence and conflict management, choice analysis, brainstorming and joint-problem solving, communication and facilitation. The specific communication skills are inquiry and active listening, constructive dialogue and feedback. This second phase could be offered through detailed and comprehensive online modules with a component of online certification as the skills sought to be imparted are the core skills and relate to the core people in the system.

The third phase peer learning among core grievance redress mechanism staff would involve shared learning between and among counties. This should be considered a key mode of capacity building as it prompts learning through shared experiences and observation. This would involve matching Counties appropriately based on the level of development of their grievance redress systems and creating an environment of open and effective engagement. The peer learning would include paired engagements, site visits, joint peer activities and peer documentation of knowledge products.

The fourth phase is coaching and mentoring from the Ombudsman for core grievance redress mechanism staff. The rationale of this phase is a long-term relationship/ engagement in which officers from the Ombudsman would assist County grievance redress staff learn how to resolve complaints. The benefit of the long-term engagement is that it would improve collegiality
between County governments and the Office of the Ombudsman, promote collaboration and networking between the two institutions. Ultimately the engagement would culminate in County governments submitting annual reports to the Ombudsman under the performance contracting framework which promotes accountability in County grievance redress mechanisms. The best model for coaching and mentoring was in Elgeyo Marakwet County through a proposed partnership in which County grievance redress staff would sit alongside or on behalf of Ombudsman staff at the Huduma Centre Ombudsman desk and receive grievances both for the Office of the Ombudsman and the County and work together at redressing the grievances.
## 5.6 Outline of an Action Plan

This Action Plan outlines what can be done in the short term, medium term and long term based on the review of the counties including their vision for county grievance redress mechanisms.

<table>
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<tr>
<th>Short Term</th>
<th>Medium Term</th>
<th>Long Term</th>
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<tbody>
<tr>
<td>1. Develop standard tools for grievance redress including checklist for sorting and processing grievances, manuals on grievance redress</td>
<td>Anchoring grievance redress mechanisms in legal framework</td>
<td>Establishing grievance redress infrastructure at the ward level</td>
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<tr>
<td>2. Training of county officers on grievance redress including peer learning</td>
<td>Putting signage at service points to improve access to the grievance redress mechanisms</td>
<td>IT infrastructure in receiving grievances such as establishment of call centres</td>
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<tr>
<td>3. Public awareness campaigns to educate the public on the grievance redress mechanisms</td>
<td>Harnessing on IT to provide feedback on grievances e.g. bulk sms, interactive websites</td>
<td>Using data from the grievances to identify recurring issues and initiate systemic reforms</td>
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<tr>
<td>4. Establishing linkages and partnerships with national government institutions including the office of the Ombudsman</td>
<td>Analyzing the grievance redress mechanisms and establishing the bottlenecks</td>
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<td>5. Developing service charters and prominent display</td>
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