



## AKIIRA GEOTHERMAL PROJECT

### GRIEVANCE REDRESS MECHANISM

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**LIST OF ABBREVIATIONS**

AGL	Akiira Geothermal Limited
CLO	Community Liaison Officer
DCC	Deputy County Commissioner
GRM	Grievance Redress Mechanism
GRMC	Grievance Redress Mechanism Committee
PAP	Project Affected Persons
SEP	Stakeholder Engagement Plan

# 1 INTRODUCTION

## 1.1 Overview

Marine Power Generation Company Ltd (MPG), a renewable energy company, was awarded a Geothermal Development License by the then Ministry of Energy and Petroleum (Now Ministry of Energy) No 2/2009 in July 2009, for the development of up to 140 Mega Watts (MW) of geothermal energy in Nakuru County, covering a concession area of approximately 480km<sup>2</sup>. The concession area is located on Akiira Ranch, Mlima Panya and Mount Margaret that lie within Nakuru and Narok Counties in Kenya.

MPG along with several investors further set up Akiira Geothermal Limited (AGL) as a Project company to develop up to 140MW net located in Naivasha Sub-County of Nakuru County. AGL is jointly owned by Centum Investments Company Limited and Frontier Energy, together with the development partners Marine Power Generation Limited (MPG) and Ram Energy Inc. (REI).

Akiira Geothermal Area is part of the Marine Power Generation Ltd (MPG) concession area which covers over 480 km<sup>2</sup>. The concession area has been divided into 4 prospects which are all larger than the Olkaria Geothermal field which has a potential to generate over 1000MWe. The prospects are Akiira (which has been ranked highest based on its proximity to the Olkaria Domes field), Tandamara, Mlima Panya and Mt. Margaret.

The concession has been subdivided into 4 prospects known as Akiira, Tandamara, Mlima Panya and Mt. Margaret. The project area is on the eastern part of the Akiira prospect and to the south of Olkaria area.

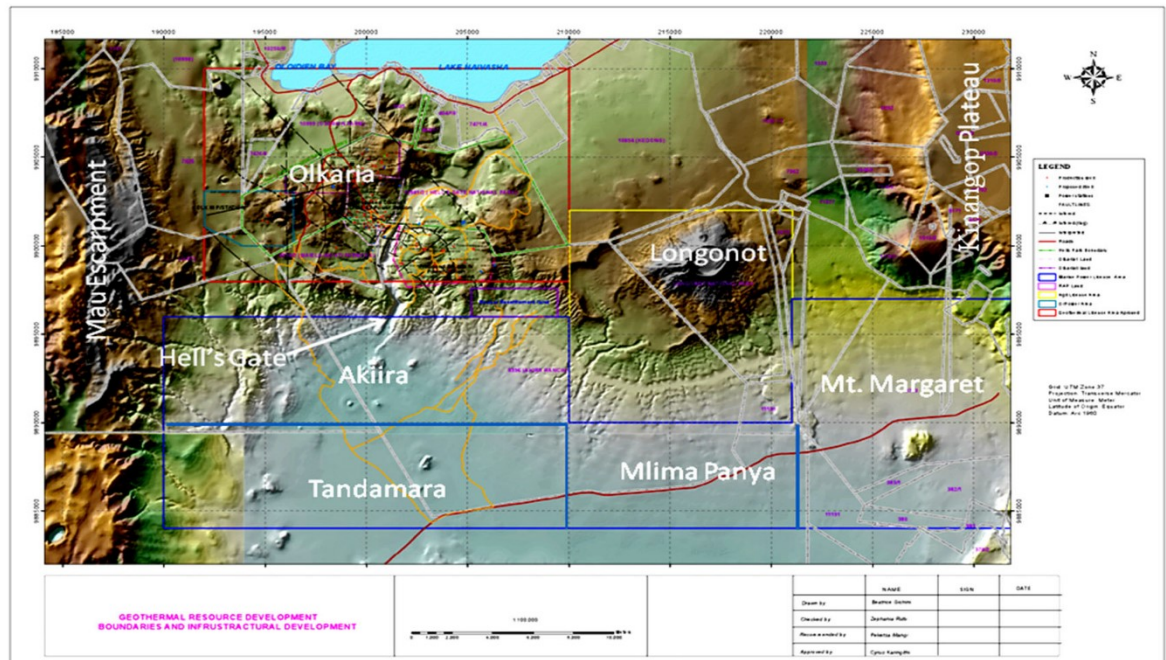


Figure 1.1: The Marine Power Concession Area covering an area of 480km<sup>2</sup>

## 1.2 Purpose

The purpose of this document is to define the project grievance management procedure, specifically the process of receiving, acknowledging/registering, reviewing, investigating, and resolving grievances submitted by individuals, families, groups and/or communities and other local stakeholders' resident within the project affected area.

The GRM provides a fair, legitimate, reliable, and cost-effective redress procedure to enable PAPs and other interested parties present their grievances and find satisfactory resolutions. In this regard, a GRM document has been prepared to define the Grievance Redress Mechanism, specifying the process of receiving, acknowledging, registering, investigating, and resolving grievances submitted by affected people (individuals, families, groups of people) and communities

The GRM will be disclosed in the project area as well as the AGL website. Information leaflets and brochures, both in English and Kiswahili, on the GRM shall be presented during project related meetings and public consultations, as appropriate. Staff training on GRM shall be regularly undertaken to ensure that all AGL staff understand the procedure.

The GRM is disseminated through AGL website indicated below and it's signposted at Naivasha Office and the entrance of the two wells.

**AGL Contact:**  
**Akiira Geothermal Limited**  
**36 Muiri Lane, Karen Nairobi**  
**P.O Box 15546 – 00509 Langata**  
**Telephone: +254 712 196 549**  
**Email: [info@akiiraone.com](mailto:info@akiiraone.com)**  
**Website: <http://www.akiiraone.com/>**

Summarized AGL GRM pamphlets are available at the Deputy County Commissioner's office at Naivasha, two chief's offices (Hells gate and Olkaria locations) and AGL Naivasha Office.

## 1.3 Scope

The redress mechanism will address all minor and serious or long-term issues in all AGL projects. They might be felt and expressed by a variety of parties including individuals, groups, communities, entities, or other parties affected or likely to be affected by the social or environmental impacts of AGL activities and also the 2019 evictions. Timely redress or resolution of grievances is vital to ensure successful implementation of the project. It is essential to have a robust and credible mechanism to systematically handle and resolve any complaints that might arise in order that they do not escalate and present a risk to operations or the reputation of the company (nationally or internationally). If well-handled, an effective grievance redress mechanism can help foster positive relationships and build trust with stakeholders.

This Grievance Redress Mechanism has been considered in parallel to the Stakeholder Engagement Plan (SEP) (refer to AGL SEP document) due to the inter-relationship between these two planning mechanisms. It has been designed to meet the legal requirements of Kenya and the requirements of the International Finance Corporation (IFC) and EIB Environmental and Social Standards in relation to grievance management. The mechanism for addressing employee grievances is not addressed through this mechanism, which is solely to manage the interface with external stakeholders.

A complaint or grievance is an issue, concern, problem, or claim (perceived or actual) that an individual stakeholder or community group has related to AGL and its contractors' operations and activities. For this case the complaint against AGL is in relation to the forceful evictions carried out by the government after the elapse of the notice period to move out of Akiira land by squatters in 2019.

A grievance mechanism offers communities or stakeholders an effective avenue for expressing and achieving resolution for their concerns, promotes a mutually constructive relationship and thereby provides a way to reduce risk for Akiira projects. A well-functioning grievance mechanism:

- ❖ Provides an equitable and context-specific process which respects to the confidentiality of all parties, protects all parties from retaliation and builds trust as an integral component of broader community relations activities.
- ❖ Provides a predictable, accessible, transparent, and legitimate process to all parties, resulting in outcomes that are seen as fair, rights compatible effective, and lasting; and
- ❖ Enables more systematic identification of emerging issues and trends, facilitating corrective action and pro-active engagement.

## **1.4 Application**

This Grievance Redress Mechanism is a fundamental tool with the following objectives to be utilized during the entire project cycle:

- ❖ Provide a predictable, transparent, and credible process to all parties for resolving grievances, resulting in outcomes that are seen as fair, effective, and lasting.
- ❖ Build trust as an integral component of broader community relations activities; and
- ❖ Enable more systematic identification of emerging issues and trends, facilitating corrective action and pre-emptive engagement.
- ❖ Provide a redress mechanism for all the stakeholders including the local community members who were affected during the 2019 eviction process.

To maximise the effectiveness of the Grievance Redress Mechanism, AGL shall uphold the following values during implementation and operation of the system:

- ❖ Commitment to fairness in both process and outcomes.
- ❖ Freedom from reprisal for all involved parties – within AGL and in the external stakeholder group, this includes people who were identified to have had forceful eviction in the past
- ❖ Clear operating rules, and accountability.
- ❖ Validity of all complaints submitted.
- ❖ Culturally accessible and applicable.
- ❖ Accessible to vulnerable groups of stakeholders; and
- ❖ Confidentiality

## **1.5 Notification**

AGL Social Specialist will be responsible for the management and implementation of the Remedial Action Plans (including compensation of identified project affected persons), managing the project Grievance Redress procedure and as part of this, participate in any community Grievance Redress meetings. He / She will work with the CLOs to ensure that all stakeholders understand how they can air their grievances and ensure that they are addressed and closed amicably.

## **1.6 Objective**

The main objective of the GRM is to present all the interested parties with opportunity to air the grievances and to find ways to resolve the grievances and prevent the grievances from escalating and thereby leading to conflicts between AGL and surrounding community. The Specific objectives are:

- ❖ To build trust among project staff and communities.

- ❖ To promote community empowerment and participation in project decisions that affect them.
- ❖ To receive and resolve project related grievances in a timely, appropriate, and efficient manner; and
- ❖ To provide feedback mechanisms to project affected persons on resolution of their complaints.

## 1.7 Principles

GRM recognizes and operates on the following internationally accepted principles of good practice of GRM process.

**Accessibility**– provides adequate assistance to those who wish to access it, including specific groups such as children, women and the disabled accessibility needs to take into consideration language, literacy, awareness, finance, distance, or fear of reprisal.

**Confidentiality** – This will be adhered to in the entire process of the GRM. Information from an individual, group or any stakeholder will be kept private.

**Predictability**– offers a clear and known procedure, with timeframes for each stage, clarity on the types of processes and outcomes it can and cannot offer and means of monitoring the implementation of any outcome.

**Fairness**–all decisions shall be perceived as fair and objective especially in terms of access to information and opportunities for meaningful participation in the final decision.

**Transparency**– procedures and out comes or decisions shall be made public and in a transparent manner.

**Capability**– shall have required technical, human, and financial resources to deal with issues at stake

**Feedback** – Should serve to channel citizen feedback to improve project outcomes for the people

**Legitimate:** has clear, transparent, and sufficiently independent governance structure to ensure that there is no bias or interference and the process can be conducted fairly with respect to all parties

**Community appropriateness:** should recognize cultural values of harmonious relationships and co-existence as well as practice towards handling grievances and dispute.

In addition to the above principles, the following shall also be considered.

The grievance redress procedure to be followed will consider existing and effective community and traditional dispute settlement systems.

The GRM and its application will be widely disseminated to all stakeholders, through Sub County structures and GRM structures at Community level.

Grievance review will be done independently and impartially to foster the trust and confidence of all stakeholders.

All methods and results of consulting the public including the management of grievances will be documented/ recorded and be disclosed to the affected persons as appropriate.

The principle of confidentiality of the issues/information and anonymity of the complainant will apply to GRM processes as appropriate.

## 1.8 Definitions

### *Grievance*

Events or outcomes of a specific and identifiable impact caused by AGL project activity, which is raised by an affected individual, family, group or community of stakeholders with the intent of

bringing the impact to the attention of the project seeking that the impact be mitigated including but not limited to the 2019 removal of individuals out of AGL by government security agencies.

### ***Grievance Redress Mechanism***

A risk management system through which grievances and complaints from any stakeholders' resident within the project area of operations will be received, acknowledged, registered, reviewed, investigated and resolved following a standard operating procedure (SOP) aligned to other company functions and management systems

The Grievance Redress Mechanism (GRM) for the AGL is intended to provide an effective avenue for expressing concerns of community and PAPs and achieving remedies, promoting a mutually constructive relationship, and enhancing the achievement of AGL

### ***Concerns/Issues***

Concerns/issues are questions, requests for information, or general perceptions not necessarily related to a specific impact or incident caused by project activity. If not addressed, concerns and issues can become grievances. Concerns/issues will be recorded as part of the grievance mechanism and resolution procedure but will not be processed as a grievance.

### ***Grievant/Complainant***

Stakeholder or organization having a grievance (or complaint) against Akiira or its contractors and sub-contractors, including individuals that were removed out of the AGL land by the government security team in 2019.

### ***Compensation***

Payment in cash or in kind for an asset or a resource that is acquired or affected by the Project including but not limited to the 2019 removal of individuals out of AGL by government security agencies.

### ***Dispute:***

An argument or disagreement between Project Affected persons or community and AGL regarding project impacts on livelihoods and assets including but not limited to the 2019 removal of individuals out of AGL by government security agencies.



## 2 AGL GRIEVANCE MANAGEMENT PROCEDURE

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### 2.1 Acknowledge

This is a step-by-step approach for receiving, acknowledging, and registering, reviewing, investigating, and resolving complaints and grievances from all projects affected stakeholder's resident in the area of operations.

The procedure has three tiers:

- a) first tier being community level,
- b) the second tier is the inter community and the
- c) Third tier is the sub county level.

AGL will strive at resolving grievances at the lowest level whenever possible through an effective prior stakeholder's engagement to identify individuals and groups which either support or don't support the project. Below is the summary of the procedure:

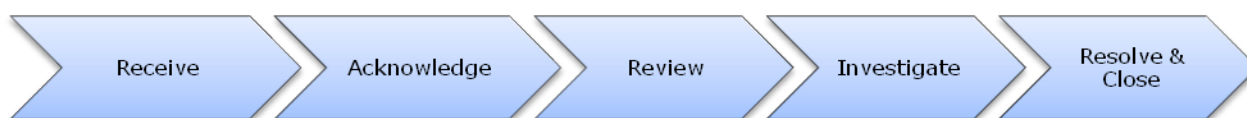


Figure 1.2 Akiira Grievance Management Process

### 2.2 Receive

Grievances (and complaints) may be received through a variety of channels which may include:

- ❖ Phone calls or email.
- ❖ Akiira CLOs Community Office.
- ❖ Akiira Social Specialist
- ❖ Face to face engagements
- ❖ Lodged complaints to the village officials

All staff assigned to receive grievances (complaints) must have:

- ❖ Appropriate training on this procedure provided by the Social Specialist.
- ❖ Relevant grievance forms available; and
- ❖ Clear understanding in terms of forwarding grievances to the relevant assigned persons.

The Akiira staff who receives a grievance must report it within 12hours to the responsible department or person for action to be taken and response given to the aggrieved person or group within 24 hours after receiving whenever possible. Even when action may be delayed a formal response should be given to the aggrieved within 24hours informing him/her of the progress.

### 2.3 Acknowledge

When a grievance or complaint is presented, the staff member receiving it will carefully note and record on the grievance registration form and check the content with the complainant/grievant. Where applicable, the Akiira staff can take pictures and GPS coordinates related to the claim to substantiate the claim.

Confidentiality benefits the grievance process and therefore all Akiira staff will ensure they maintain confidentiality; this will ensure that trust is build with the aggrieved person or party and they will be able to discuss all their issues freely without fear that the information will be improperly disclosed.

Once completed, the Akiira staff member will read and explain what has been recorded to the grievant (or complainant) to confirm that the facts of his/her grievance (or complaint) are as written. If possible, grievances (or complaints) should be in writing. However, verbal grievances (complaints) should also be accepted especially in circumstances where written grievances may be a barrier for some individuals.

Each grievant (complainant) receives a copy of the Grievance Registration and Acknowledgement Form (a copy of which shall also be kept with the Company) which acknowledges that the grievance (complaint) has been received. The Acknowledgement Form has a reference number and includes a commitment from the Company to provide a response within a pre-specified time period (e.g. thirty days) of logging the grievance.

Duplicate booklets with pre-printed and numbered forms (using carbon copy paper) will be used for this purpose.

If possible, and if within the authority and capacity of the Akiira staff member to determine, grievances will be addressed immediately through dialogue with the Grievant within seven days.

## **2.4 Review**

The Social Specialist will review the complaint or grievance in consultation with the CLO's and stakeholders to ascertain the next course of action if it's not yet closed. The complainant will be given feedback within 24hours on reviewing the complaint/grievance. This information will be stored in the Company's achieve for confidentiality purposes.

## **2.5 Investigate**

The Social Specialist is responsible for determining how to investigate a grievance. The investigation shall start **within 7 days** after the grievance has been registered. The aims of the investigation are:

- (i) to determine the validity and truthfulness of the grievance.
- (ii) to verify the claims made by the Grievant, and evidence provided to substantiate the claims; and
- (iii) to determine appropriate redress where required.

Investigation should seek to examine the event leading to the grievance and to verify the impact thereof. Investigation may involve visiting the location of the event leading to the grievance; photographs of the scene; engagement with other stakeholders in the field (i.e. triangulation) to confirm reliability of the account; and other evidence as appropriate.

Potential redress options include an apology, compensation of the aggrieved or any other resolution option within the limits and capacity of the field staff.

If investigation and resolution cannot be achieved within 30 days, a letter will be sent to the Grievant informing them that their grievance is being investigated, setting out the reason for the delay and advising the Grievant of anticipated closure date.

## 2.6 Resolve and Close

It is the responsibility of the Social Specialist to communicate the outcome of the review to the aggrieved person in writing (and/or verbally where literacy may be an issue) and through the Grievance Resolution Form. This response will be either:

- an outcome of the grievance review; or
- a notification that the company needs additional time to examine the issue further.

The final grievance review outcome is communicated both through the Grievance Resolution Form as well as through a verbal explanation. The Social Specialist shall have two (2) copies of the form; one for the complainant and one signed by the complainant for the company records. The Social Specialist will ask the complainant to sign the form at three places: one signature to acknowledge receipt, another signature to acknowledge satisfaction with the outcome, and another signature to acknowledge that the complainant has been respectfully informed about the outcome of the reviews and has no objections.

If the complainant is not satisfied with the outcome of the review, alternative resolutions should be considered and discussed among field operational management and with the complainant before the case is escalated to the DGRM committee who will convene a meeting to address the complaint.

## 2.7 Roles and responsibilities for the Akiira GRM

Due to the 2019 removal of settlers from AGL land, community members in Lorropil, Mlima Tatu, Suswa, RapLand, and administrative units including the DCC Naivasha sub county, the chiefs and their assistance and the religious and civil society groups will be engaged. The developed GRM shall be published to ensure that all stakeholders are aware of the existence of the GRM and how it shall be used to resolve grievances. AGL social specialist and the CLOs will ensure the community stakeholders understand the means to raise their grievances in a timely and effective way. They will also be provided with fliers on the grievance procedure. Below is a summary of key roles and responsibilities for the GRM.

<b>a) Sensitize stakeholders on the grievance redress mechanism</b>		
Akiira CLOs	<ul style="list-style-type: none"> <li>❖ Sensitize all stakeholders on the GRM and ensure continuous awareness / understanding of the GRM existence.</li> <li>❖ Participate in Grievance Management meetings.</li> <li>❖ Work with the Social Officer in implementing the CDAP activities.</li> </ul>	Continuous throughout the project period
Social Specialist	Promote awareness and understanding of the existence and purpose of the GRM	Continuous throughout the project period
ESG Manager	Review and monitor the progress of sensitization.	
<b>b) Receive, Acknowledge and Register Grievances</b>		

Akiira CLOs	Responsible to receive, acknowledge and register grievances submitted by any stakeholder or group for further action.	
Social Specialist	Fully responsible in the management and implementation of the GRM. May also be required to receive, acknowledge, and register grievances.  Implementing and supervising Grievance Redress Mechanism.	
<b>c) Investigate and Resolve Grievances</b>		
Akiira CLOs	<ul style="list-style-type: none"> <li>- Being the bridge between the company and the communities they play a key role in the investigation process.</li> <li>- Ensure the grievance resolution forms are signed off once a grievance is closed.</li> </ul>	
Social Specialist	<ul style="list-style-type: none"> <li>- Follow up with senior management on grievances remedial actions to ensure timely closure.</li> <li>- Also follow up on extra resources required for timely grievance closure.</li> <li>- Main custodian of all the company grievance documents, he ensures confidentiality by ensuring that information is only shared with the relevant parties or individuals</li> <li>- Support the AGL Social Specialist in her efforts to resolve grievances in an amicable manner with a view to achieving a mutually acceptable solution.</li> </ul>	
ESG Manager	<ul style="list-style-type: none"> <li>- Review and monitor the grievance redress resolution and inform the Board.</li> <li>- Technical advice on unresolved grievances while approving budgets where necessary to facilitate timely grievance closure</li> </ul>	
AGL Board of directors	<ul style="list-style-type: none"> <li>- Provide Budget and support to the Project team</li> </ul>	
<b>d) Maintenance of Grievance and Complaints Register</b>		
Social Specialist and CLO's	<ul style="list-style-type: none"> <li>- Tracking grievances and managing the Akiira complaint/ grievance register Documenting the grievances, working with grievance management committee to resolve grievances, documenting feedback from the PAPs, local community administration, community leaders and community members) and reporting to his/her CEO and Frontier ESG Manager.</li> </ul>	
<b>e) Reporting and Analysis</b>		
Akiira CLOs	Provide monthly reports comprising of any issues identified or grievances reported, details / minutes of any major meetings or engagements held with any key stakeholders regarding the GRM	
Social Specialist	Update registers on a weekly basis and prepare a final monthly report for the case of the eviction grievances.	

## 2.8 Gender and Inclusion

The GRM aims to ensure that gender (women, youth, elderly, physically challenged) considerations are and applied during the GRM processes. Some of the likely gender issues such as sexual exploitation and harassment are sensitive aspects of conflicts in communities and families; and where it occurs, it leads to stigma to the affected persons/victims and families. This requires ethical and confidentiality on the part of GRM to effectively support victims and affected families. It is therefore important that victims of gender exploitation and harassment have appropriate channels through which they can report their grievances or complaints, including options to report anonymously.

Whereas gender issues integrated into this GRM it will require a specialized approach considering needed ethics, sensitivity, and confidentiality. Consequently, this GRM shall adopt specified persons within the GRMCs to create confidentiality and ease stigma when dealing with gender issues. For this purpose, each GRMC will select from the very start two people (female and male representative) among them to form a Gender complaints team that will attend to the project related Sexual exploitation and harassment issues.

### **3 THE GRIEVANCE REDRESS MECHANISM**

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#### **3.1 Establishment**

The GRM for AGL and its structures at project area or community level is established by Company. However, the Sub County Level Grievances Redress Mechanisms Committees will be established by the Deputy County Commissioner in consultations with AGL and whose responsibility is to handle grievances escalated from the community level.

#### **3.2 Tier one – Community level**

The Community level GRM is grounded on existing local dispute management models/mechanisms in the project area. It provides a forum whereby the Community and Project personnel listen to and resolve grievances. The GRM is spearheaded by Grievances Redress Mechanisms Committees (GRMC) established at appropriate levels. Establishing the GRMCs shall be done formally with a letter of assignment by AGL at the various levels.

Due to the existing cultural and social dynamics each of the four communities (Suswa, Rapland, Milima Tatu and Lorropil/ Kampi Turkana) within the project area will have a seven-member committee comprising of the members below so that issues that affect a specific community can be handled at each community village level.

Five community members (gender balanced)

- ✓ Area Assistant chief
- ✓ AGL CLO
- ✓ AGL Social Expert

Grievances that are unresolved at the specific community will be escalated to the Inter community grievance level.

#### **3.3 Tier Two: Inter Community Level**

This level will handle grievances escalated from tier one and it will comprise of eleven members as below:

- a) Two representatives from Suswa
- b) Two representatives from Rapland
- c) Two representatives from Lorropil/ Kampi Turkana
- d) Two representatives from Milima Tatu
- e) Area assistant Chief
- f) Area Chief
- g) AGL CLO
- h) AGL Social Expert

This committee will elect its chairperson while considering gender balance.

#### **3.4 Sub county Grievance committee**

The Sub County level GRMC is grounded on the mandate of the national government as an oversight of community development and harmonious co-existence between community and development projects. The Sub County GRMC will handle all the grievances escalated from the Tier Two level..

The 9 -person Committee shall be comprised of the following:

- ❖ Representative RAPland
- ❖ Representative Suswa Community,
- ❖ Representative of PAP's from Lorropil/ Kampi Turkana
- ❖ Representative of PAP's from Mlima Tatu
- ❖ Area Chief
- ❖ Representative from NEMA
- ❖ The Deputy County Commissioner representative
- ❖ AGL CLO's and
- ❖ AGL Social Specialist

The GRMC members will elect the Chair from among themselves while considering gender balance. For consistency AGL staff will be the secretary to this committee.

Note: The GRMC may co-opt other person(s) for agenda items to provide advice or information. Co-opted members will have no voting right.

Representatives to the GRM shall be selected based on the following criteria:

- ❖ Legally recognized community administrative structure responsible for all affairs in the area under its jurisdiction.
- ❖ Gender participation.
- ❖ Customary/traditional mechanism for dispute resolutions.
- ❖ Representative of PAPs.
- ❖ Representative of AGL.

In order to ensure continuity within the GRMC, members shall serve for one year from the time of election. The mandate of the GRMC is to resolve grievances or complaints related to the perceived or related project impacts on people's livelihoods and assets.

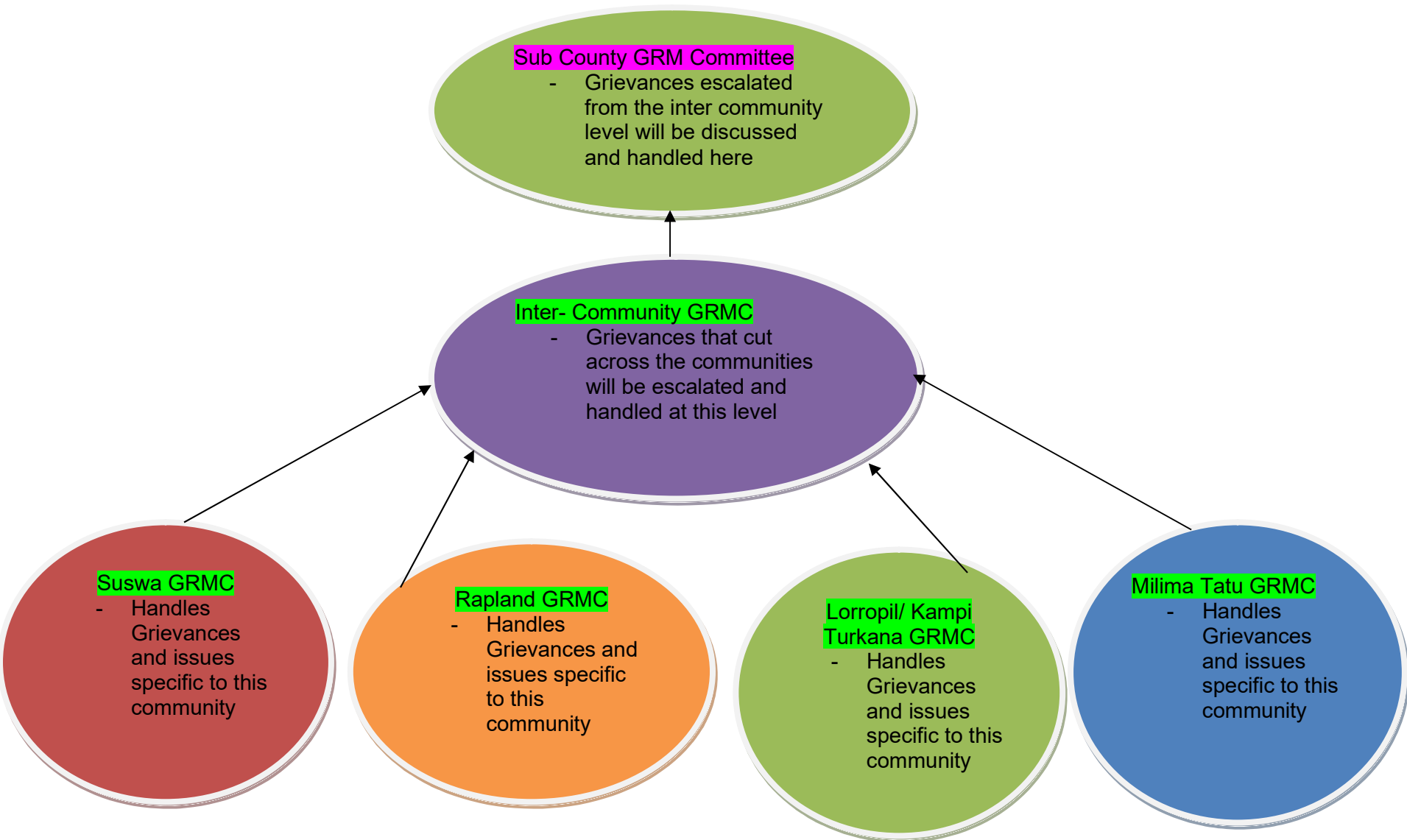
Reporting to AGL, the GRMC shall undertake the following tasks:

- ❖ Sensitize community on rights and responsibilities and channels for registering complaints
- ❖ Receive and record all the complaints reported to the GRMC using prescribed format in the Complaints registration book (herein after referred to as Complaints log).
- ❖ Maintain record of complaints, including registered complaints and action taken.
- ❖ Verify the complaint(s) in terms of attribution to the project activity(s), authenticity of the registered complainant.
- ❖ Determine the resolution process to be taken, inform the complainant and process the follow up actions.
- ❖ Resolve the Complaint that have been determined eligible to be resolved by the GRMC
- ❖ Recommend cases for redress by the Sub County level GRMC.
- ❖ Provide formal feedback to the Complainant the outcome of the resolution.
- ❖ Monitor implementation of the decisions and recommendation made
- ❖ Provide periodic reports to AGL on:
  - i. Performance of the GRM, highlighting the progress made, complaints handed, and action taken, issues affecting the performance of GRM and GRMC.
  - ii. Progress on implementation of GRMC decisions and recommendation.

Members serving on the GRMC shall have the following obligations:

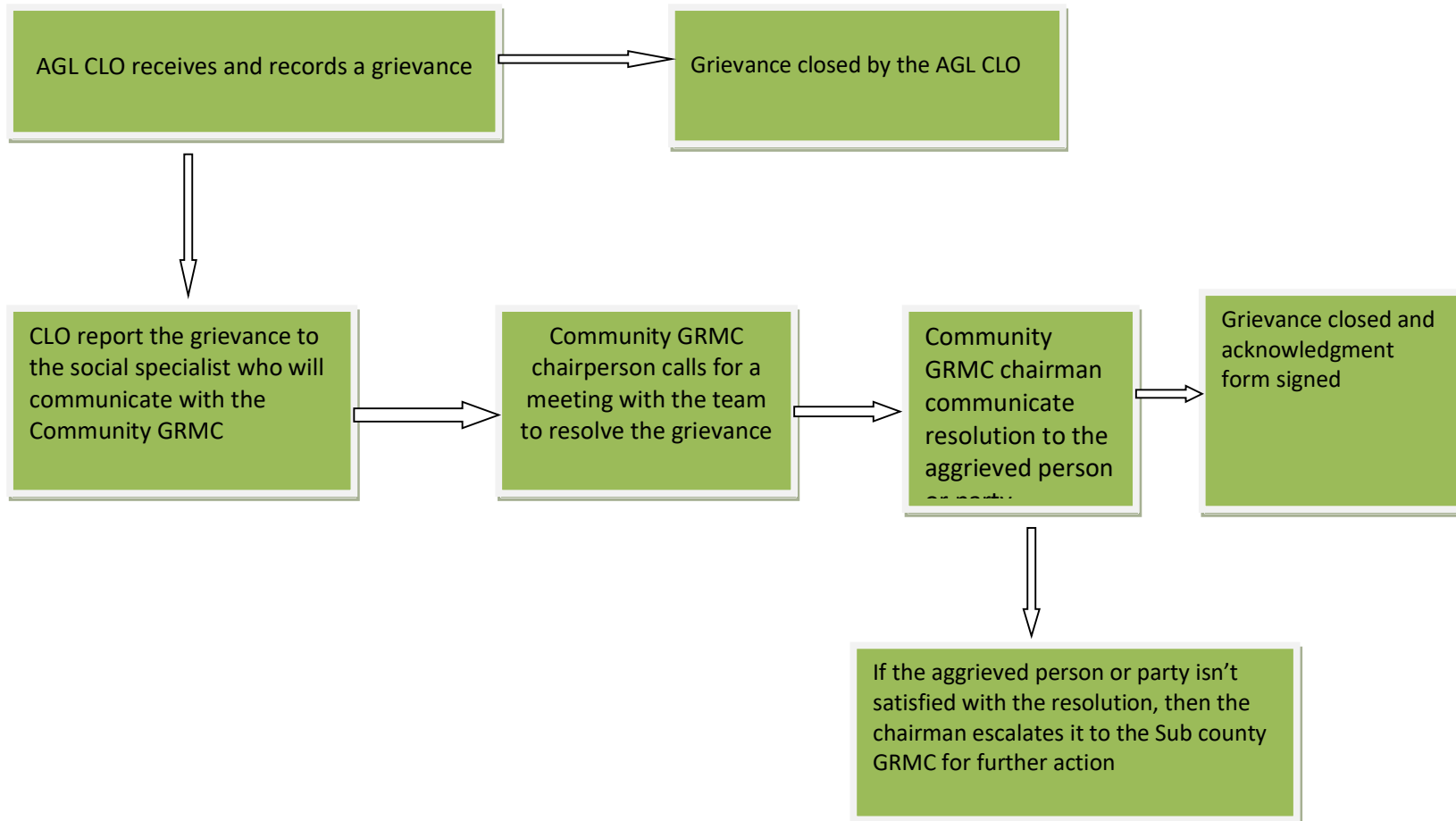
- ❖ Commitment to provide voluntary services.
- ❖ Comply with the requirements for maintaining confidentiality of all information that come into possession during and after the term of office.
- ❖ Respect and support the established communication protocol.
- ❖ Avoid or disclose engagements that depict conflict of interest as defined in the Policy of Conflict of Interest for GRM.

**Figure 1: AGL SUMMARIZED GRM FLOW CHART**

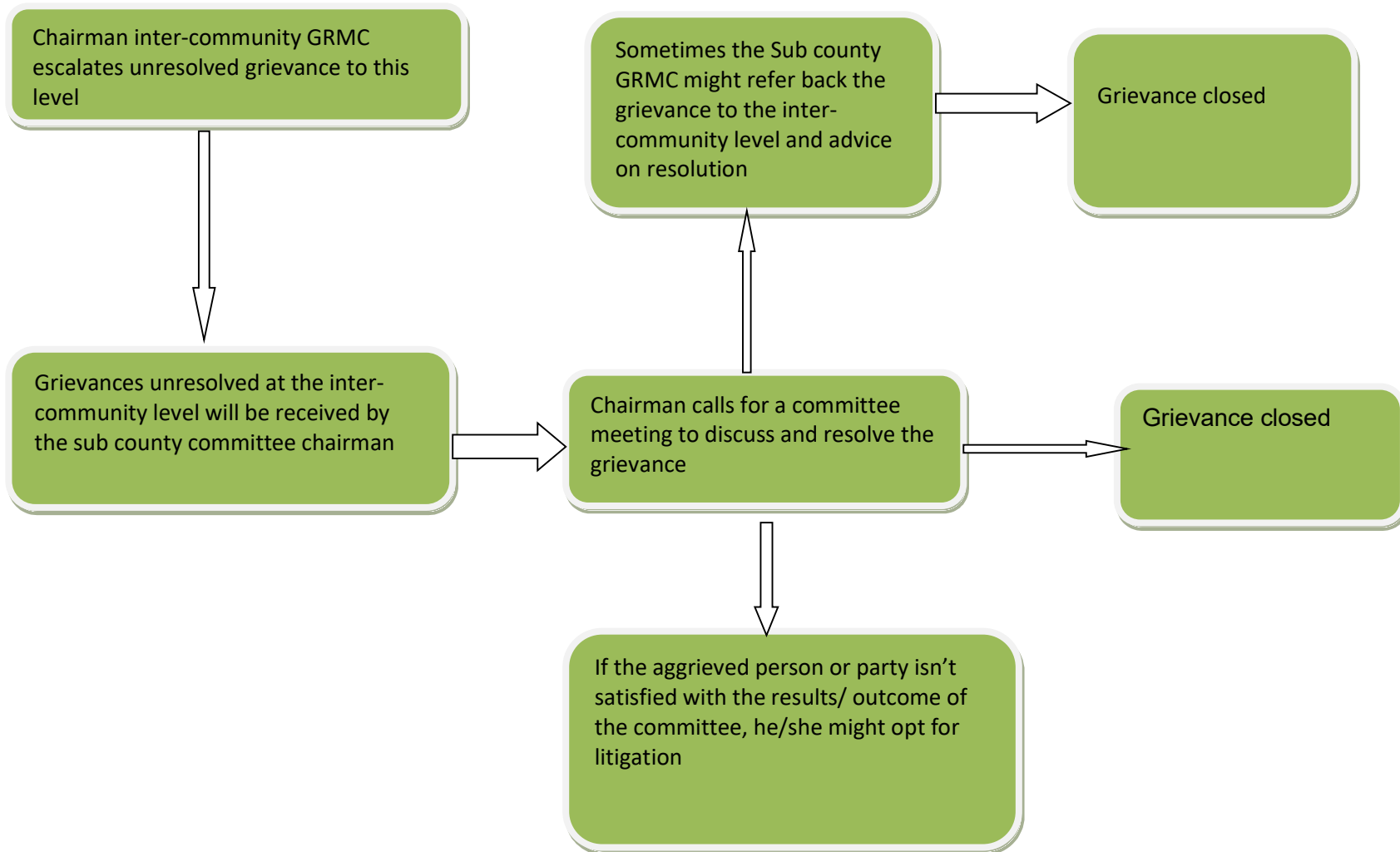




**Figure 2: Community level Grievance Redress Mechanism Flowchart**



*Figure 3: Sub county level Grievance Redress Mechanism Flowchart*



### 3.4.1 Appealing the resolution

The Kenyan laws allow any aggrieved person the right to access justice through systematic administrative and judicial system. (The Bill of Rights, Chapter Four of the Constitution, guarantees a number of civil, political, economic, social and cultural rights, and these reflect human rights standards spelt out in international human rights law. Art. 20 of the Constitution indicates that the Bill of Rights applies to all law and binds all State organs and all persons (including business enterprises). Art. 22 provides access to remedy for any person who claims that a right or fundamental freedom in the Bill of Rights has been denied, violated or infringed, or is threatened) If the complainant remains dissatisfied with any of the structured levels of the grievance mechanism, he or she has a right of appeal to any legal authority.

A complainant who is not satisfied with the response received despite having had the opportunity to request for further clarification or feedback, he/she has the right to make formal communication to the Chairperson GRMC stating the reasons for dissatisfaction. The Chairperson will refer such a case to the district level committee with 30days for redress.

A complainant who is not satisfied with the response received from the Sub County level GRMC despite having had the opportunity to request for further clarification or feedback, he/she has the right to make formal communication to the Chairperson GRMC stating the reasons for dissatisfaction. The Complainant may pursue option for mediation or litigation.

### 3.4.2 Other options for settling complaints

The GRM may use the following options to settle grievances against AGL.

- a) **Document agreed actions:** the complainant shall be given the resolution by the GRMC in writing. This will give confidence to the complainant that issue raised was handled. The complainant will then decide on the next action especially if s/he is not satisfied with the resolution. A copy of the resolution shall also be kept by the secretary to the GRMC for future reference.
- b) **Caution:** AGL may resolve to caution the project staff involved in the grievance. This may be done in the presence of the complainant.
- c) **Apology:** The concerned project staff might be required to apologize to the complainant, preferably in writing.
- d) **Restitution/ restoration:** in case of damage to the property of the complainant, there shall be restitution or restoration to the damaged property.
- e) **Giving information:** sometimes grievances arise from lack of information or misinformation about the project. The GRMC will give such missing information to the complainant.
- f) **Referral to the Sub County level GRMC:** where the grievance cannot be handled at Community GRMC level, it will be referred to the Sub County level GRMC. This decision will be given to the complainant within the stipulated time.
- g) **Determining reasonable compensation:** where compensation is to be done, it shall be reasonable and in accordance with the laws of Kenya, and IFC/ EIB Guidelines.

### 3.4.3 Management of Complaints log and database/tracker

An active complaints Log will be created, regularly updated, and kept by the GRMC, while closed Log will be stored by AGL. AGL will establish and regularly update the Complaints data base/tracker.

All cases and feedback given to the Complainant will be entered in the Complaints Log and Complaints database/tracker.

The Complaints records shall be archived at the end of the project and be subjected to the government data disposal guidelines.

### **3.4.4 Monitoring the GRM process**

The GRM shall be monitored by the ESG Manager. The ESG Manager will monitor the GRM process, achievements and challenges using information in the Compliant log and other correspondences between the GRMC, AGL and Sub County level GRMC. Monitoring results shall be communicated to AGL and Project affected people, as appropriate, through:

- ❖ Monthly progress GMR Committee Reports (using prescribed format. Annex 1 provides sample).
- ❖ Unscheduled GMRC Committee reports.

The ESG Manager will monitor the performance of the GRM process over-all using information in the Complaints tracker and correspondences between the GRMC, AGL and Sub County level GRMC. AGL will periodically share results of the monitoring effort with GRMC through Company semi-annual reports. In addition, AGL shall convene annual GRM performance review meeting with GRMC.

### **3.4.5 Implementation costs**

AGL will cover all costs for the GRM implementation costs, including approved compensations.



## GRIEVANCE REGISTRATION FORM

Reference No \_\_\_\_\_

Date \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Residence: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_ ID Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**Description of Complaint:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of witness (If available) : \_\_\_\_\_

Id of witness ( If available): \_\_\_\_\_

Location where grievance is received	Location where grievance is related to
County	County
Sub County	Sub County
Division	Division
Location	Location
Sub-location	Sub-location
Village	Village

Project area: \_\_\_\_\_

Department grievance is related to: \_\_\_\_\_

### FOR OFFICIAL USE ONLY

Grievance  Non Grievance

Nature of grievance \_\_\_\_\_

Method of receipt \_\_\_\_\_

Phone  Letter  Verbal

Name of recipient: \_\_\_\_\_



Signature \_\_\_\_\_ of \_\_\_\_\_ the recipient:  
\_\_\_\_\_

## GRIEVANCE RESOLUTION FORM

Reference No \_\_\_\_\_

Date \_\_\_\_\_

Name of Complainant: \_\_\_\_\_

Residence: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone No: \_\_\_\_\_ ID Number: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

**Response to Complaint:** \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Name of witness (If available) : \_\_\_\_\_

Id of witness ( If available): \_\_\_\_\_

Location where grievance is received	Location where grievance is related to
County	County
Sub County	Sub County
Division	Division
Location	Location
Sub-location	Sub-location
Village	Village

Project area: \_\_\_\_\_

Department grievance is related to: \_\_\_\_\_

Acknowledgement of resolution by complainant:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Complainant: \_\_\_\_\_

Name of Akiira personnel: \_\_\_\_\_

Signature of Akiira personnel: \_\_\_\_\_

**3 ANNEX 1: SAMPLE REPORTING FORMAT**

**Community level GRMC REPORTING TEMPLATE**

Community/Village.....

**Indicators**

SN	Indicator	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
1.	No of Complaints related to project activities logged per month												
2.	Number of Complaints that received timely response ( <i>within prescribed time frame of xxxdays</i> )												
3.	Number of Complaints received and addressed at Community GRMC level												
4.	Number of recurrent complaints received( <i>past prescribed time frame of xxxdays</i> )												
5.	No. Of meetings-held												
6.	Number of unresolved Complaints												
7.	Number of Complaints referred from Community GRMC to District level GRMC												
8.	Number of Complaints referred from District level GRMC to Community level GRMC												
9.	Number of Complaints referred to other legal institutions e.g. LCs, Police, Courts of Law												

**Provide details on challenges met and remedial action taken or proposed**

.....  
 ...



