

# KENYA DEVELOPMENT CORPORATION GRIEVANCE MANAGEMENT MECHANISM



## REVIEW & APPROVAL FORM


Description:

This Grievance Management document ensures the Corporation is consistent and effective in management of potential Environment and Social Risks from its operations, products and services.

### Document Properties & Approvals

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## LIST OF ABBREVIATIONS

AJS	Alternative Justice Systems
CPU	Child Protection Unit
CAJ	Commission on Administrative Justice
DRIVE	De-risking, Inclusion and Value Enhancement
E&S	Environmental and Social
ESMS	Environmental and Social Management System
EMCA	Environmental Management and Coordination Act
GM	Grievance Mechanism
GRS	Grievance Redress Service
GMC	Grievance Mechanism Committee
GBV	Gender Based Violence
GBVRCs	Gender – Based Violence Recovery Centers
GCPUs	Gender and Child Protection Unit
GoK	Government of Kenya
HoA	Horn of Africa
IDA	International Development Association
KDC	Kenya Development Corporation
KJET	Kenya Jobs and Economic Transformation
KNEST	Kenya National Entrepreneurs Savings Trust
LSK	Law Society of Kenya
MSMEs	Micro, Small and Medium Enterprises (MSMEs)
MSEA	Micro Small Enterprise Authority
NET	National Environment Tribunal
NEC	National Environment Council
PAP	Project Affected Person
PFI	Participating Financial Institutions
SDGs	Sustainable Development Goals
SASRA	Societies Regulatory Authority
TDRMs	Traditional Dispute Resolution Mechanisms

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# 1 INTRODUCTION

## 1.1 Background

Kenya Development Corporation (hereinafter, KDC or Corporation) is a state corporation established in 2020 with the objective to:

- Facilitate the social-economic development of Kenya by the initiation, assistance, expansion or by aiding the initiation, assistance or expansion of development, commercial or other undertaking of enterprises in Kenya or elsewhere.
- Promote sustainable economic development by providing development finance, infrastructure finance, business support, and advisory services to medium and large-scale industries, infrastructure projects, and commercial undertaking in target sectors in Kenya and elsewhere.
- Establish or participate by way of joint or private equity ventures, finance, or otherwise, assist in the establishment of development projects and companies for execution of undertakings, works, projects, or enterprises whether of private or public character and to acquire, underwrite and dispose of shares and interests in such companies.
- Provide venture capital, seed capital and risk capital, for the establishment of projects, enterprises, or industries.
- Provide technical assistance through advisory and project management support.
- Promote the government's agenda, including the Sustainable Development Goals (SDG) goals and Vision 2030.

KDC is mandated to extend financial assistance in three primary ways i.e. debt, equity and advisory services/technical assistance/grants. The products and services that the Corporation offer shall be in these three categories and shall be customized based on the specific customer requirements.

KDC has developed and is implementing an Environmental and Social Management System (ESMS) which includes an E&S policy, and procedures for integrating E&S considerations into investment and advisory decisions of its lending/investment

operations. Through this ESMS, KDC ensures consistent and effective implementation of E&S risk management practices in all its activities, products and services.

This Grievance Mechanism (GM) is a key component of KDC's E&S policy and ESMS. Through the ESMS and this GM, KDC ensures consistent and effective management of potential E&S risks from its operations, products and services. These documents and associated policies and procedures are developed in line with international standards<sup>1,2</sup> and best practices for environmental and social management, as well as applicable national laws and regulations. Its purpose is to establish formal and deliberate processes and procedures for the management of grievances from KDC's stakeholders, project beneficiaries, project affected persons (PAPs), project executors, project funders and the public.

## **1.2 Scope**

Kenya Development Corporation's GM is applicable to all projects funded through the Corporation including multilateral partners funded projects a highlighted below:

### **1. SAFER Project:**

The World Bank (WB) through the International Development Association (IDA) is supporting the Government of Kenya (GoK) under the Supporting Access to Finance and Enterprise Recovery (SAFER) Project. The SAFER project development objective is to increase access to financial services, enhance the capabilities, and support the COVID-19 recovery of Micro, Small and Medium Enterprises (MSMEs) in Kenya.

#### **Component 1: Innovation and Liquidity support to MSMEs (US\$ 55 million)**

- Credit lines through Apex Financial Institutions to Participating Financial Institutions (PFIs) who will provide sub-loans to eligible MSMEs.
- Credit lines through Apex Financial Institutions to Participating Financial Institutions (PFIs) operating digital channels for the provision of Sub-Loans to Eligible MSMEs.

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<sup>1</sup> World Bank. Environmental and Social Safeguard Policies.

<sup>2</sup> World Bank. Environmental and Social Framework

## **2. DRIVE Project:**

The World Bank is supporting the Government of Kenya (GoK), through a project named “De-risking, Inclusion and Value Enhancement of Pastoral Economies (DRIVE).” The objective of the project is to protect pastoralists against drought with enhanced access to financial services, including them in the value chains and facilitate the livestock and livestock products trade in the Horn of Africa (HoA).

### **Component 2: Value Chains and Trade Facilitations**

- This component intends to include pastoralists in the livestock value chains and facilitate trade. This will be in the form of private investment so that pastoral producers can be linked to reliable markets and extract greater value addition from their livestock- rearing activities.
- Credit lines to Participating Financial Institutions (PFIs) who will provide sub-loans to eligible pastoralists in the livestock value chains and facilitate trade.

## **3. KJET Project:**

This World Bank funded project ; Kenya Jobs and Economic Transformation (KJET) is designed to increase private sector investments, improve market access and enable sustainable financing to create and improve jobs.

### **Component 3: Scaling Up Green Financing and Strengthening Climatic Resilience for SMEs:**

- Promotes sustainable investments and climate adaptation initiatives and provides access to funding for green technologies and practices.

#### **Subcomponent 3.1: Scaling Up Green SME Financing Green Investment Fund (GIF):**

- Mobilizes long-term, risk-adjusted capital (equity and mezzanine financing) for green investments in sectors such as energy efficiency, sustainable irrigation, and electric transportation.

#### **Subcomponent 3.2: Strengthening MSMEs’ Climatic Resilience, Climate Disaster Credit Facility:**

- Provides concessional, non-collateralized credit to MSMEs affected by climate disasters such as droughts and floods.

Furthermore, this GM serves to complement but not replace formal legal channels for managing grievances like the court system and organizational audit mechanisms. It does not prevent or obstruct stakeholders from seeking redress through other formal alternatives like:

- i. The Commission on Administrative Justice (CAJ).
- ii. The National Environment Tribunal (NET).
- iii. The Courts.
- iv. Alternative Justice Systems.

### **1.3 GM Objectives**

The GM has been established to enhance KDC's financing operations under the multilateral financial partners funded projects as well as through normal KDC funding. It is envisaged to meet the following objectives:

- I. To resolve and address complaints and grievances arising from KDC's funded projects' stakeholders and beneficiaries.
- II. To build confidence and enhance its relations with its stakeholders by receiving feedback on its operations and financed projects.
- III. To ensure proper and accurate documentation of grievances and complaints and their corrective measures and resolutions.
- IV. To manage and mitigate potential or realize environmental and social risks and impacts in project areas.
- V. To establish transparent redress procedures and ensure accountability in KDC's operations and throughout the implementation of its projects.
- VI. To create awareness of the GM to all project stakeholders.

### **1.4 GM Principles**

To ensure effective resolution of stakeholder grievances and complaints. This GM has been designed and will be implemented using the following guiding principles:

- I. **Accessibility** – The GM should be accessible to every KDC stakeholder by considering factors like awareness, language, literacy, costs, location and fear of reprisal.

- II. **Predictable** – The GM should provide clear procedures with timeframes for resolving grievances and complaints. Additionally, it should indicate expected outcomes and the means of monitoring implementation.
- III. **Equitable** – The GM should demonstrate unbiasedness in its processes by ensuring that all stakeholders have access to information regarding KDC's grievance resolution and management.
- IV. **Transparent and legitimate** – The GM should safeguard the interests of its stakeholders. This is achieved by ensuring that the grievances resolution process cannot be interfered with, and confidentiality is provided for where necessary.
- V. **Rights compatible** - The GM should ensure that where outcomes have implications for rights, they should be consistent with nationally and internationally recognized standards and that they do not restrict access to other redress mechanisms.
- VI. **Continuous engagement and learning** – The GM data should be regularly analyzed to allow improvement and incorporate stakeholder feedback and views. This will ensure the GM meets stakeholders' needs and enhances its performance.
- VII. **Feedback:** It should serve to channel stakeholder feedback to improve project outcomes for the people.

## **2 LEGAL & JUDICIAL REDRESS MECHANISMS IN KENYA**

If the complainants are dissatisfied with the outcome of grievance resolution, they shall be advised to seek recourse through the following national arbitration processes:

- i. The Commission on Administrative Justice (CAJ).
- ii. The National Environment Tribunal (NET).
- iii. The Courts.
- iv. Alternative Justice Systems

### **2.1 The Commission on Administrative Justice (CAJ)**

The Commission on Administrative Justice (CAJ) also known as the Office of the Ombudsman is an independent commission established by the Commission on Administrative Justice Act, 2011 pursuant to Article 59 (4) of the Constitution of Kenya. It is the foremost constitutional commission whose primary function is to ensure public officers and public institutions respect sovereignty of the people of Kenya. The CAJ is mandated to address all forms of maladministration, promote good governance and efficient service delivery in the public sector by enforcing the right to fair administrative action. The CAJ investigates abuse of power, manifest injustice and unlawful, oppressive, unfair or unresponsive official conduct.

Level 1 Complaints Handling Process:

- i. Complainant fills in Complaint Form.
- ii. Complaint is assessed for compliance with Mandate.
- iii. If within mandates, CAJ commences inquiries, and complainants are issued with copy of communication.
- iv. If NOT within CAJ mandate, the Complainant is advised accordingly and/or referred to appropriate agencies.
- v. If a response is not received from the respondent after 14 working days, CAJ sends a first reminder giving the respondent 7 days to comply.
- vi. If no response is received after this, a final reminder of 7 days is sent.
- vii. If there is still no response after 28 days, summonses are issued to the respondent.

Level 2:

- i. Proceed to make a complaint in the absence of the Respondent.
- ii. Institute legal proceedings against the respondent.
- iii. Cite the respondent as an unresponsive State or Public Office or Officer, and/or declare such State or Public Officer to be unfit to serve in the Public Service.

Level 3: In resolving a complaint, the Commission may:

- i. Conduct investigations.
- ii. Demand and obtain information or documents.
- iii. Conduct an inquiry.

- iv. Undertake mediation, negotiation and conciliation.
- v. Constitute a hearing panel.
- vi. Invite or summon any person or person to attend to the Commission.
- vii. Obtain warrants of arrest for breach of any summons or orders of the Commission
- viii. Obtain orders from the Court authorizing Searches or Seizures.

Level 4: The Commission may:

- i. Make a formal determination that the Respondent is in breach of the Constitution, the Commission on Administrative Justice Act 2011 or any other legislation.
- ii. Declare the Respondent to be a person ineligible to hold a public office.
- iii. Enter the name of the Respondent in the Commission's Citation Register which shall be signed and sealed by the Chairperson and shall include the nature of the complaint and the determination made.

Level 5: In resolving the Complaint, the Commission may:

- i. Recommend an appropriate remedy.
- ii. Award appropriate compensation to the Complainant.
- iii. Recommend the removal of the respondent from public office.
- iv. iv. Issue a formal caution or warning to the Respondent.
- v. Publish the action taken in the Commission's Statutory Report.

## **2.2 The National Environment Tribunal**

The National Environment Tribunal (NET) is created under section 125 of the Environment Management & Coordination Act (EMCA) of 1999. It has the following functions:

- i. To hear and determine appeals from NT's decisions and other actions relating to issuance, revocation or denial of Environmental Impact Assessment (EIA) licenses or amount of money to be paid under the Act and imposition of restoration orders.
- ii. To give directions to NT on any matter of a complex nature referred to it by the Director General.
- iii. iii. In accordance with Forest Act No. 7 of 2005, NET is mandated to review the decisions of the board under sections 33 and 63.

### **2.2.1 Composition of the Tribunal**

The NET established under section 125 of EMCA consists of 5 members nominated as follows:

- i. A chairman nominated by the Judicial Service Commission.
- ii. Two lawyers, one nominated by the Law Society of Kenya (LSK) and the other appointed by the minister; and

- iii. Two people with exemplary academic competence in environmental management are appointed by the minister.

#### 2.2.2 Power of the Tribunal

On receiving an appeal or referral, the Tribunal shall enquire into the matter and:

- i. Make an award, order or decision or give directions.
- ii. Confirm, set aside or vary the decision in question.
- iii. Exercise any of the powers which could have been exercised by NT.
- iv. Make orders for costs; and

Order that status quo be maintained pending determination of the appeal. During its proceedings, the Tribunal May:

- i. Compel attendance of any person.
- ii. Order for discovery or production of documents.
- iii. Order investigation of any contravention of EMCA as it deems necessary or expedient.
- iv. On its own motion, summon or hear any person as a witness.
- v. Take evidence on oath and administer oaths; and
- vi. Visit sites which are subject of dispute.

#### 2.2.3 Rules of the Procedure

- i. The Tribunal shall determine its own procedure.
- ii. The proceedings are open to the public.
- iii. The Tribunal is not bound by the rules of evidence; and
- iv. The prescribed rules of procedure are in Legal Notice No. 191 as of 21st November 2003.

#### 2.2.4 Appeal from the Tribunal

- i. Parties have a right to appeal to the High Court.
- ii. Such an appeal must be lodged within 30 days after the tribunal's award, order or decision.

#### 2.2.5 Independence of the Tribunal

The Tribunal is a quasi-judicial body which makes its own decisions in accordance with the law and free from any interference.

- i. It operates independently of all other institutions established under EMCA including NT and its committees and the National Environment Council (NEC).
- ii. It makes its own decisions without reference to any other party.
- iii. It determines its own procedure.

- iv. Administratively, the Tribunal falls under the Ministry of Environment and Natural Resources.

## 2.3 The Courts

The Courts have power to hear and determine disputes, primarily of criminal and civil nature. Criminal cases are those in which the State prosecutes a person or an organization for committing an act which is not in the interest of the public and therefore considered to be an offence against the State. Civil cases originate from a person who seek redress for a private wrong such as breach of contract, trespass or negligence; or to enforce civil remedies such as compensation, damages or to stop some action.

### 2.3.1 Court Structure

The courts under the Constitution operate at 2 levels, namely: superior & subordinate courts.

1. Superior Courts:
  - i. Supreme Court
  - ii. Court of Appeal
  - iii. High Court
2. Subordinate Courts
  - i. Magistrates' Courts
  - ii. Local Tribunals established by an Act of Parliament

#### i. The Supreme Court

Supreme Court is the highest court in the Judiciary while the lowest Court is the Magistrates Court. The court hears appeals on cases that have been concluded by the Court of Appeal, issues advisory opinions on matters concerning County Governments, in any case involving the interpretation or application of the Constitution and in matters of public importance. Further, the Supreme Court hears appeals from any other court or tribunal as prescribed by national legislation. It comprises of the Chief Justice, the Deputy Chief Justice and 5 judges.

#### ii. The Court of Appeal

This handle appeals arising over the decisions of the High Court as well as any other court or tribunal as provided for in law. The court comprises a maximum of 30 judges. The Court of Appeal has been decentralized and currently has a total of 6 registries namely: Nairobi, Mombasa, Nyeri, Kisumu, Nakuru and Eldoret.

#### iii. The High Court

The high court has jurisdiction to hear all criminal and civil cases as well as appeals from the lower courts. The High Court comprises a maximum of 150 judges and has original jurisdiction in all criminal and civil matters. The High Court is a premier court in interpreting the Constitution, hears appeals from subordinate courts and tribunals and supervises all administrative bodies. The High Court divisions include family, commercial and admiralty, constitutional and judicial review, land and environment, criminal, industrial and environmental and land court. There are at least 20 High Court stations countrywide.

#### iv. Magistrates' Courts

This deals with most cases in Kenya. There are 116 court stations manned by at least 455 magistrates. A Magistrate's Court has the authority to hear selected criminal cases and all civil cases except those limited by statute.

#### v. Tribunals

Tribunals are bodies established by the Acts of Parliament to exercise judicial or quasi-judicial functions. They supplement ordinary courts in the administration of justice. Tribunals, however, do not have penal jurisdiction. Like the courts, they must respect the Bill of Rights in their decisions and not be repugnant to justice & morality or be inconsistent with the constitutions or other laws of the land. Most tribunals are under the supervision of the High Court, and all are under Judiciary.

### 2.3 Alternative Justice Systems

The Alternative Justice Systems (AJS) model in Kenya represents a significant shift from conventional judicial processes, focusing on traditional and community-based methods of dispute resolution. This approach acknowledges the diverse cultural, ethnic, and social landscapes of Kenya, seeking to provide accessible, affordable, and culturally appropriate justice. Here's an in-depth overview of the AJS model in Kenya, including its foundations, implementation, and impact.

#### 2.3.1 Foundations of AJS in Kenya

##### 2.3.1.1 i. *Constitutional and Legal Framework:*

Constitution of Kenya (2010): The Constitution recognizes and promotes the use of traditional dispute resolution mechanisms. Article 159(2)(c) explicitly mandates the Judiciary to promote alternative forms of dispute resolution, including reconciliation, mediation, arbitration, and traditional dispute resolution mechanisms (TDRMs).

Judiciary Strategic Plan: The Judiciary of Kenya has incorporated AJS within its strategic plans to enhance access to justice. This includes the Judiciary Strategic Plan (2019-2023), which emphasizes the integration of AJS into the formal judicial system.

#### 2.3.1.2 *Policy and Guidelines:*

- a. Alternative Justice Systems Policy (2020): This policy framework outlines the principles, objectives, and implementation strategies for AJS in Kenya. It aims to streamline the application of TDRMs, ensuring they are consistent with constitutional values and human rights standards.
- b. AJS Baseline Policy and Guidelines (2020): Developed to provide a standardized approach to the use of AJS across Kenya. The guidelines include best practices and procedural standards to be followed in AJS processes.

### 2.3.2 Implementation of AJS

#### 2.3.2.1 *Community-Based Mechanisms:*

- a. Traditional Elders and Councils

Many Kenyan communities rely on elders and community councils to resolve disputes. These entities often address issues related to family, land, and minor criminal matters. Their decisions are respected and adhered to due to the social standing and cultural significance of the elderly.

- b. Religious Leaders:

In some regions, religious leaders play a critical role in dispute resolution. Their involvement is particularly significant in communities where religious norms and values are deeply entrenched in daily life.

#### 2.3.2.2 *Mediation and Arbitration*

- a. Court-Annexed Mediation

The Judiciary has introduced mediation centers attached to courts. These centers handle civil cases, especially family and commercial disputes, aiming to reduce the backlog of cases in formal courts.

- b. Independent Arbitration Centers

Various independent bodies and organizations provide arbitration services. These are particularly relevant for commercial disputes where parties seek a neutral and expedited resolution process.

### 2.3.3 Impact of AJS

#### 2.3.3.1 *Accessibility and Affordability*

AJS offers a more accessible and cost-effective means of resolving disputes, especially for marginalized and rural communities who may find the formal judicial system inaccessible due to distance, cost, or complexity. The informal nature of AJS processes

often allows for faster resolution of disputes compared to the formal judicial process, which can be protracted and bureaucratic.

#### *2.3.3.2 Cultural Relevance and Acceptance*

AJS respects and incorporates local customs and traditions, ensuring that justice mechanisms are culturally relevant and widely accepted within communities. This promotes social cohesion and reinforces the legitimacy of the justice process. By leveraging traditional authority structures, AJS fosters a sense of ownership and responsibility within communities, enhancing compliance with and respect for resolutions.

#### *2.3.3.3 Challenges and Criticisms*

##### *i. Human Rights Concerns*

There are concerns about the potential for AJS to perpetuate discrimination, particularly against women and minority groups, due to patriarchal and sometimes conservative traditional practices.

##### *ii. Consistency and Oversight*

Ensuring consistency in AJS practices across different regions and communities is challenging. There is a need for robust oversight mechanisms to ensure that AJS processes adhere to constitutional principles and human rights standards.

#### **Conclusion**

The AJS model in Kenya represents a pragmatic and culturally sensitive approach to justice. By integrating traditional dispute resolution mechanisms with formal judicial processes, Kenya aims to enhance access to justice, particularly for underserved communities. While the model has shown promise in terms of accessibility and cultural acceptance, ongoing efforts are needed to address human rights concerns and ensure consistent application of justice across diverse regions.

## **2.4 The World Bank's Grievance Mechanism**

The World Bank provides a Grievance Redress Service (GRS) for individuals and communities who believe a World Bank-supported project has or is likely to have adverse effects on them, their community, or the environment. This mechanism serves as an escalation point if project-level grievance mechanisms haven't delivered a satisfactory resolution.

Here's how the GRS functions:

- **Eligibility:** Anyone directly or indirectly affected by a World Bank project can file a complaint.

- **Filing a Complaint:** Complaints can be submitted online, by mail, or in person at the World Bank's headquarters. The complaint should clearly explain the project, the nature of the grievance, and any steps already taken at the project level.
- **Review Process:** The World Bank investigates the complaint to assess its eligibility and legitimacy. If eligible, the Bank works with the project team and the complainant to find a solution.
- **Confidentiality & Transparency:** The Bank protects the complainant's identity while ensuring transparency throughout the process. The complainant receives updates on the progress of their grievance.
- **Resolution Options:** Depending on the situation, resolutions might involve mediation, facilitating communication between the project and the community, or recommending further investigation.

While the GRS prioritizes resolving grievances at the project level, it offers a crucial safety net for communities who haven't received a fair outcome at the project stage.

## **2.5 The World Bank's Inspection Panel**

The World Bank Inspection Panel established in 1993 is an integral component of the World Bank's Grievance Mechanism, providing a platform for communities adversely affected by World Bank-financed projects to voice their concerns and seek redress. Here's an overview of its structure, purpose, and functioning:

### **Structure and Independence**

- Composition:** The Panel is composed of three members appointed by the World Bank's Board of Executive Directors for non-renewable five-year terms. These members are independent and are not involved in the World Bank's day-to-day operations.
- Secretariat:** The Panel is supported by a small secretariat that assists in handling complaints and investigations.

### **Purpose**

The primary purpose of the Inspection Panel is to ensure that the World Bank adheres to its own policies and procedures, particularly in relation to social and environmental safeguards. It aims to provide an accountability mechanism through which communities can seek redress for harm caused by Bank-funded projects.

- **Functions**

1. **Receiving Complaints:** The Panel receives complaints (referred to as "Requests for Inspection") from individuals, communities, or their representatives who believe they have been or are likely to be harmed by a project financed by the World Bank.
2. **Eligibility and Registration:** Upon receiving a complaint, the Panel first determines its eligibility. To be eligible, complaints must:
  - Be submitted by two or more affected individuals or an authorized representative.
  - Relate to a project financed by the World Bank.
  - Assert that harm has occurred or is likely to occur as a result of the Bank's failure to follow its operational policies and procedures.
3. **Investigation:** If the complaint is deemed eligible, the Panel investigates. This includes:
  - Reviewing project documents.
  - Conducting site visits.
  - Meeting with affected communities, government officials, and Bank staff.
  - Assessing whether the World Bank has complied with its policies and procedures.
4. **Reporting:** After the investigation, the Panel submits its findings and recommendations to the World Bank's Board of Executive Directors. The Board then decides on actions to address the findings.
5. **Follow-up:** The Panel may also monitor the implementation of the Board's decisions and the actions taken by the World Bank in response to the findings.

### **Impact and Significance**

*Accountability:* The Panel enhances accountability within the World Bank, ensuring that its operations do not cause undue harm to communities and the environment.

*Transparency:* By making its reports public, the Panel contributes to greater transparency in the World Bank's operations.

*Community Voice:* The Panel provides a formal channel through which affected communities can raise their concerns at the highest levels of the World Bank.

Overall, the World Bank Inspection Panel serves as a crucial mechanism for upholding social and environmental standards in World Bank-financed projects, ensuring that development benefits are not achieved at the expense of the well-being of local communities.

### 3 KDC GM STRUCTURE AND PROCEDURES

#### 3.1 Introduction

This section describes KDC's GM structure and procedures. The main objective of this Grievance Mechanism (GM) is to assist in resolving issues, concerns, complaints, and grievances in a timely, effective, and efficient manner that satisfies all parties involved. Specifically, it provides a transparent and credible process for fair, effective, and lasting outcomes. At a minimum, all grievances must be acknowledged to the aggrieved party within 24 hours after they are lodged and should be resolved or escalated within 10 days after receipt of the same.

KDC implements its projects in partnership with other key government institutions and partners. Due to this multisectoral/stakeholder aspect of project implementation. KDC's GM complements all other GM established by its implementing partners/agencies. KDC's project stakeholders are at liberty to utilize the other GM channels provided for projects. These partner GMs are described as follows:

**SAFER Project:** Complaints mechanisms that exist under the National Treasury and Economic Planning, Ministry of Cooperatives and Micro, Small and Medium Enterprises Development State Department of MSMEs, Kenya National Entrepreneurs Savings Trust (KNEST), Micro Small Enterprise Authority (MSEA), Kenya Development Corporation (KDC), Central Bank of Kenya (CBK) and SACCO Societies Regulatory Authority (SASRA), and the new Kenya Credit Guarantee Company (KCGC). In addition, operational GMs established at beneficiary level are also applicable and operational.

The SAFER Project GM is structures in four levels; **first level GM** – The Participating Financial Institutions (PFIs) implementing SAFER project activities as they extend financial services and products to MSMEs are the first level of grievance redress. **Second level GM** – The Apex Financial Institution (KDC) Grievance Mechanism to manage complaints that are escalated participating financial institutions. **Third-level GM** - A Grievance Committee (GC) will be constituted at the PIU, chaired by the PIU Project Manager and will comprise key stakeholders including representatives from the NT, the State Department of MSMEs development, the CBK, SASRA, CGC, MSEA & KDC. **Fourth level GM** – The aggrieved party if not satisfied with the proposed resolution of the grievance is entitled to seek legal redress in the Kenya judicial system.

**DRIVE Project:** Complaints mechanisms that exist under the Ministry of Agriculture and Livestock Development, state department of livestock in addition to operational GM's established at beneficiary level will be applicable and operational.

**KJET Project:** Complaints about mechanisms that exist under the Ministry of Investment, Trade, and Industry, Ministry of Co-operatives and Micro, Small and Medium Enterprises (MSME) Development.

### **3.1 Grievance Mechanism Disclosure Strategy**

KDC's GM will be disclosed through the following components.

#### **Web-Based Disclosure:**

The Grievance Mechanism details will be prominently displayed on its websites including the GM details, procedures for submitting grievances, and contact information.

#### **Contact Information:**

The contact details for submitting grievances will include the specific departments or individuals responsible within KDC. This ensures clear guidance on where and how grievances can be submitted. The contact details will consist of phone numbers, email addresses, and physical addresses where applicable.

### **3.2 GM Process**

#### **i. Receive and Categorize**

**In person/over the phone:** If a grievance or complaint is received face to face or over the phone and the stakeholder wishes to address the grievance formally, it is the responsibility of the employee who receives the grievance to complete a Grievance Lodgment Form (see Appendix). The employee (appointed focal person) completes the Grievance Lodgment Form and passes it to the Grievance and Complaints Committee Chair for processing.

**Electronic:** Once the grievance or complaint is received electronically through email or KDC's website. The recipient departments should collate and send the grievance forms to the GM committee chairperson<sup>3</sup> for processing in accordance with the GM procedure.

#### **ii. Record and Acknowledge**

All grievances and complaints received from KDC stakeholders will be recorded systematically in a Grievance Register (see Appendix). This will assist in monitoring and evaluation.

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<sup>3</sup> The appointed GMC chair is the custodian of all grievances and complaints associated data.

### iii. Assign & Assess

#### Assign.

Once a grievance or complaint is received, the GM chairperson will assign a grievance owner<sup>4</sup> to liaise with the aggrieved stakeholder (s) and resolve the issue. The GM chairperson will also screen the grievance and allocate it a level depending on the severity of the grievance. This will guide on who will be responsible for finding a resolution and how it will be solved. The table below describes the categorization of different levels.

Category	Description (Nature of Grievance)	Grievance Owner
Level 1	If the grievance can be resolved immediately using a set of actions or providing more information.	GMC Chairperson and officer (s) involved in the specified project.
Level 2	If the grievance is regarding KDC's lending operations and might require more time and multi-department engagement to come to a resolution.	GMC Chairperson and the associated project officers from the pertinent departments.
Level 3	If the grievance is voiced on behalf of a community that is aggrieved by a project that KDC is financing.  If the grievance is high-profile and may impact environmental and social outcomes negatively <sup>5</sup> for KDC funded project.  If the grievance is repeated and may threaten KDC's reputation.  If the grievance is a human rights issue.	GMC members, associated project officers, management and Director General. Inform the Board of Directors on the issue, action taken and proposed way forward for mitigation.

**Table 1 Grievance Categorization**

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<sup>4</sup> The grievance owner should collaborate with one or two member (s) of the GMC if they are not in the committee.

<sup>5</sup> This will be in line with KDC's ESMS

### **Acknowledge**

The assigned grievance owner (s) should acknowledge a grievance within four working days of a grievance being submitted. The grievance owner (s) should acknowledge the grievance by communicating to the aggrieved stakeholder (s) either in a meeting (physical, online or via telephone) or in written form. (the aggrieved stakeholders should indicate which form of communication they prefer). The acknowledgement should be given a summary of the methods to be used to resolve the grievance and an estimated timeframe that will be taken to resolve the grievance.

### **Assess**

The grievance owner (s) is responsible for assessing grievance by conducting meetings, site visits, and consultations (with internal or external stakeholders) to determine the resolution of the grievance (this process should be conducted in consultation with the aggrieved stakeholder (s)). Records of meetings, consultations and activities should be documented and filed by the GMC Chairperson.

## **iv. Resolution and Follow-up & Closure**

### **Resolution**

Once the grievance owner (s) has/determined a resolution. They should develop an action plan outlining the steps to be taken to resolve the grievance. They are responsible for ensuring that these action steps are taken and the set upon and agreed timelines are adhered to. Once all actions have been completed, the grievance owner will then formally advise the aggrieved stakeholder (s) via their preferred mode of communication.

### **Follow-up and closure**

A month after the grievance is resolved, the grievance owner (s) will contact the stakeholder (s) to verify that the outcome was satisfactory. Records of these engagements should be filed, and the grievance should be closed in the external grievance register (see appendix).

### 3.3 Grievance Reporting Channels

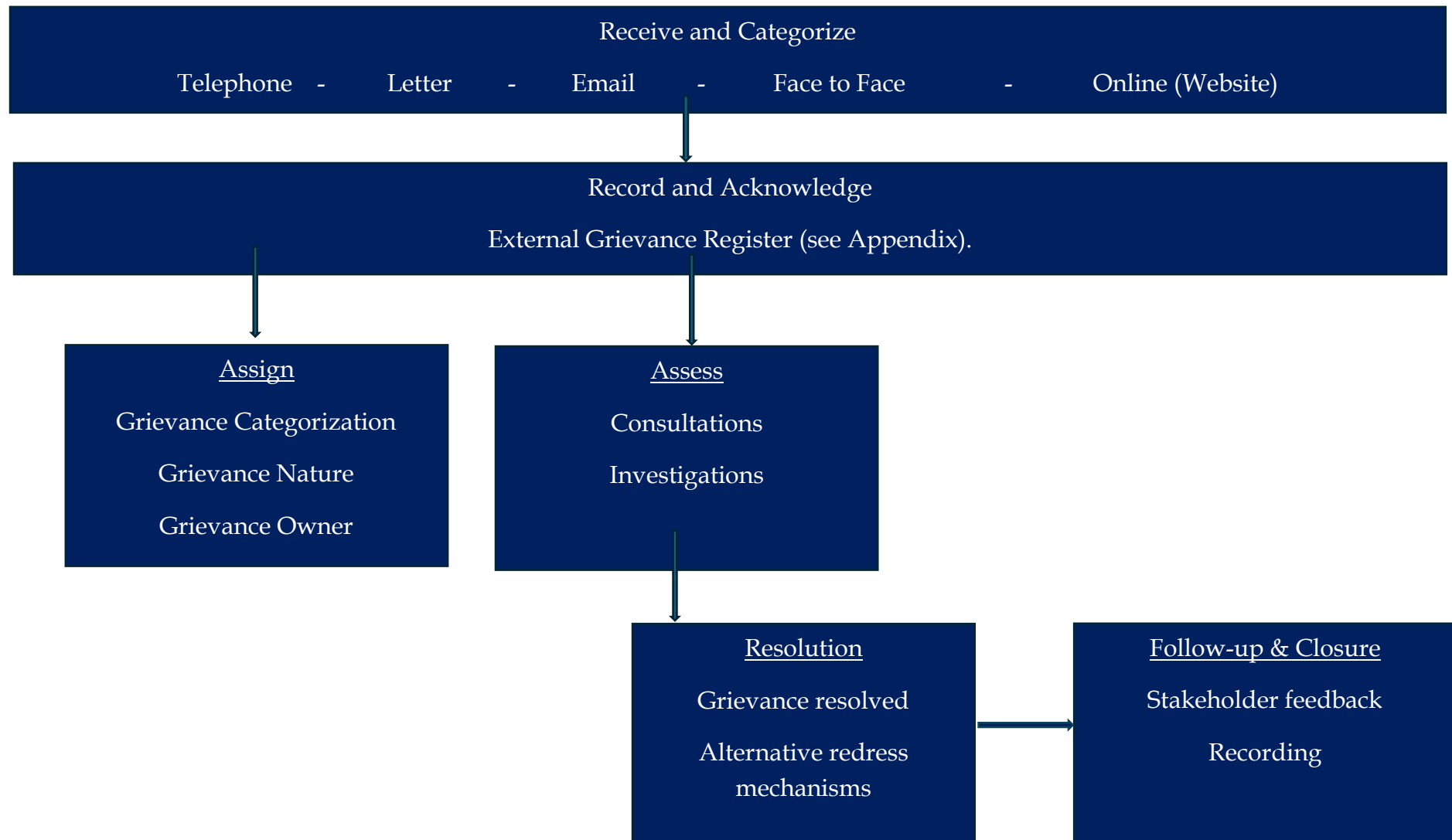
KDC will use various channels to receive grievances as described in the table below:

*Table 2 Grievance Reporting Channels*

No.	Mode	Description
1.	Telephone	KDC stakeholders can call the following telephone numbers: (Mobile - +254727534572 or +254736229213) or (Telephone - +254-020-222 9213/277 1000) <b>Toll free Number: XXXXXXXXX</b> Stakeholders should be referred to the GM Committee (GMC) Chair.
2.	Email	Grievances and complaints can be sent to the following email addresses: <a href="mailto:info@kdc.go.ke">info@kdc.go.ke</a> or <a href="mailto:grievances@kdc.go.ke">grievances@kdc.go.ke</a>
3.	Letter	Stakeholders can write a letter to: <b>Director General</b> Kenya Development Corporation P.O. Box 12665-00100 Nairobi, Kenya
4.	Face to Face	Stakeholders can voice their grievances and complaints in the following ways. 1. Visit KDC offices at: Stakeholders should be referred to the GMC Committee (GMC) Chair <b>Kenya Development Corporation</b> 17 <sup>th</sup> Floor, Uchumi House Aga Khan Walk Nairobi, Kenya 2. Voice their concerns to any KDC employee met at a project site visit or engagement forum. (employees should follow the process outlined in section 6).
5.	Online form	Stakeholders can complete a grievance/complaint form located at KDC's website under the contacts tab.

The figure below outlines the GM structure

*Figure 1 KDC's GM Process*



### **3.4 KDC's Grievance Mechanism and GBV integration (Action Plan)**

KDC's GM, within its funded projects, will endeavor to link GBV victims with recovery service providers. With an aim to combat GBV, this GM's role will serve as a vital connection point between victims of GBV and the various services and support systems available to aid in their recovery and rehabilitation. This referral pathway model ensures a survivor-centered approach, emphasizing confidentiality, informed consent, and continuous support from reporting through resolution.

This GM aims to enhance responsiveness to GBV-related grievances, the GMC will include and integrate the appointment of trained GBV focal person. Establish accessible communication lines for reporting, and mapping of service providers to ensure survivors have access to necessary support services. These mechanisms will collectively ensure robust, survivor-centered care and support, demonstrating a strong commitment to addressing GBV within KDC's project implementation frameworks. GBV Referral Pathway refers to the network of organizations, services, and resources dedicated to addressing GBV. There are several referral channels for victims of gender-based violence (GBV) in Kenya. These channels are intended to offer survivors of GBV complete support and help. The following are some important referral channels for GBV victims in Kenya:

- **National GBV Helpline:** The National GBV Toll-Free Helpline (1195) is a vital initial point of contact for GBV survivors and is open twenty-four hours a day, seven days a week. Trained counsellors offer prompt assistance, knowledge, and direction. They can assist in getting survivors in touch with the right services and referrals.
- **Hospitals, clinics, and health centers** are examples of health facilities that are essential to the referral system. Medical professionals are able to treat patients, gather forensic data, and send survivors to specialize GBV services including counselling and legal assistance.

- **Gender-Based Violence Recovery Centers (GBVRCs):** GBVRCs are specialized facilities that offer survivors of GBV comprehensive services. They provide referrals to various support agencies, medical attention, counselling, and emotional and legal support. GBVRCs are typically found at large hospitals or independent facilities.
- **National Police Service Police Stations:** Those who have experienced GBV can report incidences to the police, who are required to investigate them and take the necessary steps. As they can connect survivors with GBV service providers like healthcare facilities and specialist police units like the Gender and Child Protection Unit (GCPUs), police stations are a part of the referral pathway.
- **Child Protection Units (CPUs):** For children who have experienced GBV, the police department's Child Protection Units are trained to handle cases involving children. In order to guarantee the security and wellbeing of child survivors, CPUs collaborate closely with medical professionals, social workers, and organizations that are kid focused.
- **Legal Aid Centers:** Legal aid centers offer survivors of GBV free or reasonably priced legal representation. They can aid with legal procedures including getting protection orders, filing cases, or obtaining justice by assisting survivors in understanding their rights and offering legal guidance.
- **County social welfare offices:** These organizations are essential to the referral process. In addition to housing, counselling, and initiatives promoting economic development, they offer social support. Officers in social welfare can help survivors access other crucial services and resources.

### 3.5 GM Roles and Responsibilities

This section defines the GM's implementation roles and responsibilities within KDC.

KDC is led by its Board of Directors. The Director General, who is also the Chief Executive Officer (CEO), has the ultimate responsibility over KDC and its operations. The Internal Audit Directorate and the Company Secretary have direct reporting to the Board. The core functions of KDC are supported by various departments such as the Human Resources (HR), Investment Department, Portfolio Management, Communication and Strategy Departments.

The implementation of the GM is anchored in the Grievance Management Committee (GMC) appointed by the Director General whose members are representatives of departments within KDC including Customer Relations, Risk Management and Compliance Department, Legal Department, Internal Audit among others.

The GM's Implementation roles and responsibilities are defined in the table below.

	GM Implementation Role
Board of Directors	<ul style="list-style-type: none"><li>• Approval of the Grievance Management Mechanism</li><li>• Assigning resources and capacity for GM Implementation</li><li>• Ensure that GM issues are integrated in review and approval of funding applications and funding agreements.</li><li>• Review of GM Implementation</li></ul>
Director General & Senior Management	<ul style="list-style-type: none"><li>• Recruitment of relevant staff</li><li>• Capacity building of KDC staff in GM Implementation</li><li>• Resource allocation on GM implementation and resources</li><li>• Review of GM Implementation</li></ul>
Management Investment Committee	<ul style="list-style-type: none"><li>• Ensuring that GM issues are integrated in review and approval of funding applications and funding agreements</li></ul>
Grievance Management Committee (GMC)	<ul style="list-style-type: none"><li>• The committee members shall be appointed by the Director General.</li><li>• The functions of the committee will be to:</li><li>• Promote the sensitization of staff and other stakeholders on Grievances or complaints handling</li><li>• Advise management on complaints handling</li><li>• Receive, process and oversee the resolution of complaints</li></ul>

	<ul style="list-style-type: none"> <li>• Monitor the trends of complaints and recommend remedial action.</li> <li>• Prepare grievance handling reports</li> <li>• Coordinate complaints handling activities in the organization</li> <li>• Coordinate grievance management with external partners/collaborating partners (KJET, SAFER &amp; DRIVE, ETC).</li> <li>• Ensure compliance with guidelines of the commission on resolution of public complaints, as may be issued from time to time</li> <li>• Monitor, evaluate and review complaints handling activities within the various projects that KDC administers (SAFER, DRIVE &amp; KJET).</li> <li>• Where appropriate refers to the appropriate authorities including the CAJ.</li> </ul>
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#### **4 MONITORING AND REPORTING**

The main purpose of monitoring is recording information to track the performance of the system by comparing its outcomes against established benchmarks, KDC's ESMS and project requirements. This entails good record keeping where grievance records can be made available to management, project implementers and partners and pertinent stakeholders.

Monitoring activities are aimed at supporting project implementation the establishment of necessary corrective actions required to improve the social and environmental performance of financed projects. The GMC chairs and members will be responsible for the implementation, reporting and monitoring of KDC's GM procedures. Furthermore, regular internal and external reporting of the overall GM performance. Timelines will be determined by the specific project requirements (quarterly & yearly).

#### **5 OWNERSHIP & REVIEW**

This mechanism is maintained by the KDC Board of Directors and should be reviewed bi-annually or as directed by the board based on changes in the operating environment.

#### **6 EFFECTIVE DATE**

Ultimate effective date is the date of approval by the board and signoff.

## 7 APPENDICES

### 7.1 Grievance Lodgment Form (KDC\_001)

KDC Grievance Lodgment Form - (KDC_001)	
Grievance Reference No:	
Date:	
Place of issuing complaint:	
Concerned Project: (Tick where applicable)	SAFER Project: <input type="checkbox"/> DRIVE Project: <input type="checkbox"/> KJET Project: <input type="checkbox"/> Normal KDC Project: <input type="checkbox"/>
Location of Grievance:  Village/Town/City/Area/County	
Mode of Receipt (Tick Applicable)	KDC Website: <input type="checkbox"/> Physical Office: <input type="checkbox"/> Toll free Number: <input type="checkbox"/> Email: <input type="checkbox"/> Telephone: <input type="checkbox"/> Other (please specify): <input type="checkbox"/>
Category of Complainant	Project Beneficiary: <input type="checkbox"/> Project Executers: <input type="checkbox"/> Project Implementers <input type="checkbox"/> Funding Agencies: <input type="checkbox"/> Other Interested Party (please specify): <input type="checkbox"/>

<b>Complainants contact information</b> (optional/not necessary if the complainant wants to be anonymous)	Name:  Telephone:  Email:  Gender:  Location (from):
<b>Grievance Description</b> (Attach letter/petition/documents detailing grievance information as submitted)	
<b>For internal Use Only</b>	
<b>Received/prepare by:</b>	
<b>Date:</b>	
<b>Reference Number:</b>	
<b>Grievance Closed by:</b> (attach resolution report)	Date:
<b>Attachments (Name of attachments)</b>	
<b>GMC Chair Signature/ GM focal person</b>	Signature: .....

## **7.2 Main GBV Referral Health Institutions in Kenya**

### **1. Gender Violence Recovery Centre**

Nairobi Women's Hospital,

Malik heights, 8th Floor (Headquarters) Ngong Road

Mobile : +254719638006 or 0709 667 000

Location : P.O.BOX 10552-00100 Nairobi, Kenya

Email: [gvinc@nwch.co.ke](mailto:gvinc@nwch.co.ke)

Website: [www.gvinc.or.ke](http://www.gvinc.or.ke)

Toll Free No: 0800 720 565

### **2. Kenyatta National Hospital**

Hospital Road, Nairobi

P.O Box 20723-00202, Nairobi.

Tel. 020-2726300

Cell. 0709854000/ 0730643000

Email: [knhadmin@knh.or.ke](mailto:knhadmin@knh.or.ke)

KNH Hotline - 020 2737390

Referral - 0719 510510

### **3. Moi Teaching and Referral Hospital**

P.O.Box 3-30100, Eldoret, Kenya

Tel: 0532033471/4 +254722209795 1, +2547222012771, +254734600461 , +254734683361

Customer Care Lines: +254 706390391, +254 732 018387

Email: [ceo@mtrh.go.ke](mailto:ceo@mtrh.go.ke) / [ceosoffice@mtrh.go.ke](mailto:ceosoffice@mtrh.go.ke)

### **4. Coast General Teaching & Referral Hospital**

Kisauni Road, Tononoka, Mombasa

Telephone: +254 758 722001

Email; [info@cgtrh.go.ke](mailto:info@cgtrh.go.ke)

### **5. Makueni County Referral Hospital**

Wote - Makindu Road,

Wote, P.O. Box 90300

Mobile No: 0758 722016

Emergency Hotline: 0758 722016

### 7.3 KDC GM Flow Chart – SAFER, DRIVE & KJET

