Stakeholder Participation Guidance

*Guidance to support stakeholder participation in design, implementation and assessment of policies and actions*

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How to establish grievance redress mechanisms

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### 9. Establishing Grievance Redress Mechanisms

A grievance is an issue, concern, problem or claim (perceived or actual) that an individual or group wants to be addressed and resolved. Grievance redress mechanisms are the formal systems through which diverse stakeholders can lodge any grievances that arise related to the design, implementation and/or assessment of policies. These mechanisms can take a variety of forms, although they are typically independent of entities that may be a subject of grievances. Grievance redress mechanisms are vital to safeguard policies, secure adequate protection for human rights and ensure just transitions to greener and low-carbon economies.

**Checklist of key recommendations**

- Establish grievance redress mechanisms that are accessible to all stakeholders, and are socio-culturally appropriate, gender-sensitive and tailored to the local context
- Ensure the impartiality and independence of grievance redress mechanisms, employing a consistent, credible and objective approach in all investigations and decisions
- Secure the safety and rights of all stakeholders that use grievance redress mechanisms, where necessary ensuring anonymity and/or protection for complainants from potential reprisals
- Ensure that grievance redress mechanisms are responsive and process grievances in an efficient and timely manner
- Provide the necessary legal instruments to enable the grievance redress mechanisms to deliver a response, to set redress or to pass the grievance to a more powerful decision-making body such as in the justice system or government

### 9.1 Importance of grievance redress mechanisms

Policies involve and impact a range of stakeholders. Potential grievances could be very broad in scope. For example, a grievance might involve indigenous peoples and local communities that have been
negatively impacted by a hydropower or renewable energy project, or may be lodged by a company in relation to the development of a new policy that affects their business.

It is important to make a distinction between “feedback” and “grievances”. A provider of feedback does not expect a specific response or resolution. By contrast, for a grievance, the complainant seeks a direct response or redress. Where feedback is not effectively dealt with, it may escalate into a grievance. Grievance redress mechanisms are usually separate from the collation of feedback through the usual stakeholder engagement processes.

Grievance redress mechanisms are not intended or expected to replace established legal channels for prosecuting wrong-doing. Effective grievance and redress mechanisms serve as a “first line” of response to stakeholder concerns, complementing relevant national legal and administrative processes. Effective integration within the national legal system and clear guidelines for referral may be important for a grievance redress mechanism to function effectively.

Effective grievance redress mechanisms help to:

- Ensure accountability by providing a channel through which stakeholders can hold actors accountable for their obligations and commitments
- Serve as an early warning system, helping to identify problems and close gaps in a timely and cost-effective manner, avoiding escalation into more entrenched or complex disputes
- Identify recurring problems or grievances that may escalate, helping to identify underlying systemic issues that need to be addressed
- Ensure respect for rights by providing a channel through which human rights abuses can be detected and redressed
- Tackle corruption by allowing a secure channel for victims and whistle-blowers to seek and achieve redress

9.2 Defining the type and scope of a grievance redress mechanism

Grievance redress mechanisms can take different forms and have differing functions depending upon the context in and purpose for which they are established. It is a key recommendation to provide the necessary legal instruments to enable the grievance redress mechanisms to deliver a response, to set redress or to pass the grievance to a more powerful decision-making body such as in the justice system or government. Grievance redress mechanisms can be judicial or non-judicial. Judicial grievance redress mechanisms have the advantage of having the “teeth” to sanction wrong-doing that a non-judicial grievance redress mechanism usually cannot offer. However, non-judicial grievance redress mechanisms can provide an important alternative to processing a grievance through the national legal channels, especially when those processes tend to be overly lengthy or ineffective.

It is important to define the scope of a grievance redress mechanism and provide clear guidance to potential users on what they can expect from the mechanism, what issues the mechanism deals with, and what issues are outside its remit. Different types of grievance redress mechanisms include:

- Community-based grievance and dispute resolution mechanisms
- Operational level grievance mechanisms to handle grievances related to a specific project
- National human rights institutions that handle more serious allegations of abuse or mismanagement
- Anti-corruption hotlines, integrity units or anti-corruption agencies to deal with allegations of corruption, fraud or abuse of authority
- Mechanisms associated with international development and climate finance institutions, for example the Inspection Panel of the World Bank and the Green Climate Fund’s Independent Redress Mechanism and Independent Integrity Unit
- Sectoral and multi-stakeholder grievance mechanisms that address breaches in commonly agreed standards, for example under the Roundtable on Sustainable Palm Oil

When a citizen or community wishes to file a grievance, it can be a complex and unwieldy process identifying which of a multiplicity of mechanisms is the appropriate channel to approach with their concern.

Effective national grievance redress mechanisms should be able to address a broad scope of concerns at the point of initial receipt and processing. In the case where grievances received fall outside the remit of the grievance redress mechanism, an effective referral system should be in place to ensure follow up is achieved via the appropriate channels or institutions. The onus should be on the grievance redress mechanism, not the complainant, to ensure the best avenue for redress.

Ensure that grievance redress mechanisms align with and are in conformity with the existing legal and institutional frameworks established in the given country.

### 9.3 Establishing accessible channels to submit grievances

It is a *key recommendation* to establish grievance redress mechanisms that are accessible to all stakeholders that are socio-culturally appropriate, gender-sensitive and tailored to the local context. Tailor the grievance redress mechanism to the needs and context of the potential users. For example, secure channels for verbal communication of grievances (which get transcribed and reported) may be most appropriate where literacy is low, whereas in other contexts written or online reporting schemes may have the greatest reach and accessibility.

When designing a grievance redress mechanism, find out what already exists and how people prefer to deal with grievances, and involve stakeholders in the process of creating a grievance redress mechanism. It will often be most appropriate, and possibly even more efficient and effective (depending on proven performance), to build upon or adapt existing mechanisms in the local or national context, rather than establishing new mechanisms. In most cases, a variety of channels will be required to ensure that all potential complainants are able to submit their grievances. Depending on the context, these channels can include but are not limited to:

- Dedicated email address or web page
- Verbal or written feedback at a drop-in centre
- Verbal communication at a meeting
- Physical feedback box at an office or in a public place
- Telephone hotline number
- Text message (e.g., SMS)
- Social media (e.g., twitter or Facebook).

Consider establishing specific approaches or channels to ensure access for different stakeholder groups. For example, community meetings may be the best fora to gather input from an affected community, but women or marginalised groups may not speak openly in this context so it may be appropriate to provide a distinct and safe space to collate their input.

It is a **key recommendation** to ensure the impartiality and independence of grievance redress mechanisms, employing a consistent, credible and objective approach in all investigations and decisions. Whichever channel or channels are established to process grievances, it is important to build trust in the system by guaranteeing impartiality and independence in the process of receiving and handling grievances. Ensure that the grievance mechanism has no link to any of the potential bodies that might be subject of the grievance, or the impartiality and validity of the mechanism risks being compromised.

It is a **key recommendation** to secure the safety and rights of all stakeholders that use grievance redress mechanisms, where necessary ensuring anonymity and/or protection for complainants from potential reprisals. Anonymous reporting needs to be an option to support the safety and security of complainants. Specific protections should be offered to complainants, especially in contexts where whistle-blower protection is weak or non-existent.

### 9.4 Publicising the grievance mechanism

Once the scope of the mechanism has been defined and the channels through which grievances will be received have been established, it is important to publicise the mechanism widely with all stakeholders and potential users, so they are made aware of channels available and what they can expect when submitting feedback or a grievance.

Define the best means of communication and outreach to build awareness of the mechanism in accordance with its context. It may be most appropriate to provide clear information on institutional websites, for example, and/or via information boards or community meetings at the level of project implementation (see Chapter 7 for guidance on effective methods for providing information to different stakeholder groups).

In publicising the mechanism, it is important to manage expectations of potential users by making explicit its scope, mandate and functions. Information that is important to provide includes:

- Who can submit grievances
- Where, how and when grievances can be submitted
- The scope of the grievance mechanism, including any limitations with the problems that can be dealt with and the criteria that will be used to assess whether grievances be accepted or rejected
- The timelines, steps and process for handling the grievance
- The types of responses and outcomes that can be expected
- The institutions that will be involved in handling the grievance
- The possibility of submitting a grievance anonymously
• The rights and protections provided for complainants
• How the information in a grievance case can be shared and used

9.5 Handling grievances

It is a key recommendation to ensure that grievance redress mechanisms are responsive and process grievances in an efficient and timely manner. Responsive mechanisms provide information on expected timelines and actions to be undertaken when the grievance is lodged, and provide regular and systematic feedback to the complainant on the progress of their case until it is resolved. Receiving, processing and providing resolution to grievances should be a systematic process that follows clear guidelines and principles of objectivity, integrity, respect for the rights and confidentiality of all involved stakeholders. The exact process to be followed will depend upon the details of the case in question, but the core steps involved in receiving and processing grievance are as follows:

Step 1: Record grievance and acknowledge receipt

Once a grievance is received through one of the established channels, log it within the grievance data management system. Send the complainant an acknowledgement in a timely way and information on the potential follow up actions and timeline. The Joint FCPF and UN-REDD Guidance for grievance redress mechanisms suggests that acknowledgement of a complaint should come within 3-5 days of receipt. Even where a grievance is minor or can be directly resolved, record the details within the centralised system for monitoring and evaluation purposes.

Step 2: Assess eligibility

To ensure consistency and objectivity, follow clearly established guidelines to assess the eligibility of the grievance. The criteria for eligibility should be publicly available. If the grievance is assessed to fall outside the scope of the mechanism, clearly communicate this to the complainant with the criteria behind the judgment. If the grievance is assessed to fall within the scope of the mechanism, then a detailed review and analysis will be required.

Step 3: Review and analysis

Conduct an independent, objective and impartial review of the information submitted. In many cases, a solution may be relatively straightforward to identify and implement by the entity that received the grievance. In more complex cases, further investigation and analysis may be required involving multiple stakeholders. When dealing with serious allegations, it may be necessary to collaborate with law enforcement bodies. Systematically record all actions and findings and send the complainant regular communications on the progress of their claim.

Step 4: Developing a resolution

Flexibility is key to ensuring effective resolution to the broad scope of grievances that a mechanism is likely to process. An effective grievance redress mechanism incorporates a variety of grievance resolution approaches, and the complainant should have a say in which approach is adopted. For relatively straightforward or common grievances, it may be possible for the team handling the case to directly develop a response that deals with the issues raised. For more complex cases, further assessment and engagement with the complainant and other stakeholders may be required to jointly determine the best
course of action. Finally, there will be cases where referral to another appropriate mechanism or body, such as a national Ombudsman or Human Rights Commission, is required to effectively handle the grievance in question.

Step 5: Communicating the proposed response

Whichever course of action is deemed most suitable to the case in question, communicate the proposed response back to the user in a timely and accessible manner. The Joint FCPF and UN-REDD Guidance for grievance redress mechanisms proposes that response should normally occur within 14-21 days. Make the rationale for the response clear and explain the complainant’s options for how to proceed. Options might include: accepting the proposed response, appealing the proposed response, or seeking further action via an alternative avenue for redress.

Step 6: Closing the case

Once agreement has been reached with the complainant on the proposed course of action to address the feedback or grievance, implement the response and close the case. Collect evidence on the corrective actions (e.g., photos or documents, a record of resolution, an agreement with the complainant, a confirmation from the complainant).

Step 7: Handling Appeals

Ensure that an appeals process is in place in case users are unsatisfied with the decision of the grievance redress mechanism. The appeals process should involve an independent panel that can objectively verify the outcome of a case. Inform users about their rights to appeal, as well as any alternative national legal or administrative channels that may be available to address their case.

9.6 Monitoring cases and grievance redress mechanism effectiveness

Maintain careful records within a computerised data management system of all grievances received, as well as the actions taken to respond to them. Carefully maintaining records for future analysis has two chief purposes:

- To monitor the grievances that are received, in order to identify common issues and potential trends that may imply systematic capacity issues or gaps that need to be addressed on a wider scale, for example by altering policy design
- To evaluate the overall performance of the grievance mechanism and compliance with the principles of fairness, impartiality, accessibility and responsiveness. This will ensure that weaknesses in the system are identified and will allow adjustments to be made to the processes and procedures, as necessary

Establish an oversight body with advisory authority to monitor performance and provide strategic advice about the grievance mechanism. This can be an independent entity or a multi-stakeholder body that includes government and representatives of relevant stakeholder groups.

Transparency is a key element of any effective review and evaluation process. While there will likely be case-specific information that is sensitive and should not be shared publicly, it is important to make aggregate information (for example on the types of grievances received and the approaches employed to
resolve them) publicly available in order to demonstrate the effectiveness of the system. This can help to build trust or, where necessary, signal cause for reform (e.g., through improved public outreach).

9.7 Supporting the functioning of grievance redress mechanisms

Identify and ensure availability of ongoing resources, financial and otherwise, that are needed for the functioning of grievance redress mechanisms. This involves resources for receiving and processing grievances, as well as for providing redress as appropriate.

Further references

For guidance on the effective review of grievances from communities affected by development projects undertaken by climate finance institutions, see the following reference:

- CAO’s A Guide to Designing and Implementing Grievance Mechanisms for Development Projects

For guidance on grievance redress related to REDD+ initiatives and actions in forest-rich countries, see the following reference:

- Joint FCPF/UN-REDD Programme Guidance Note for REDD+ Countries: Establishing and Strengthening Grievance Redress Mechanisms

For guidance on non-judicial grievance mechanisms, see the following reference:

- SOMO’s The Patchwork of Non-Judicial Grievance Mechanisms

For guidance on grievance mechanisms to address corruption, see the following reference:

- Transparency International’s Complaints Mechanisms Reference Guide for Good Practice

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1 Available at: http://www.cao-ombudsman.org/howwework/advisor/documents/implemgrieveng.pdf
2 Available at: https://www.forestcarbonpartnership.org/sites/fcp/files/2015/September/FCPF_UN_REDDWebReady.pdf
3 Available at: http://grievancemechanisms.org/attachments/ThePatchworkofNonJudicialGrievanceMechanisms.pdf