



Malawi Zambia Transfrontier Conservation Area Project

GRIEVANCE REDRESS MECHANISM (GRM)

for

Nyika National Park and Vwaza Marsh Wildlife Reserve,

Malawi

Transfrontier Management Unit,

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ACRONYMS

CBO	Community-based organization
CEP	Community Engagement Plan
DNPW	Department of National Parks and Wildlife
DPP	Director of Public Prosecutions
ESCP	Environmental and Social Commitment Plan
ESS	Environmental and Social Safeguards
GBV	Gender Based Violence
GRM	Grievance Redress Mechanism
GoM	Government of Malawi
HWC	Human Wildlife Conflict
HWCMS	Human Wildlife Conflict Management Scheme
KfW	Kreditanstalt für Wiederaufbau - German Development Bank
LERA	Law Enforcement Risk Assessment
MLAB	Malawi Legal Aid Bureau
MAZA TFCA	Malawi-Zambia TFCA
MHRC	Malawi Human Rights Commission
MPS	Malawi Police Service
MoGDSW	Ministry of Gender and Social Welfare
NGO	Non-governmental Organization
NLNP	North Luangwa National Park
NNP	Nyika National Park
NP	National Park
NRC	Natural Resource Committee
NTFPs	Non-Timber Forest Products
NVA	Nyika Vwaza Association

OoO	Office of the Ombudsman
PA	Protected Area
PPF	Peace Parks Foundation
PPP	Public Private Partnership
SEA/SH.	Sexual Exploitation and Abuse/Sexual Harassment.
SEP	Stakeholder Engagement Plan
TA	Traditional Authority
TFCA	Transfronteir Conservation Area
TMU	TFCA Management Unit
VMWR	Vwaza Marsh Wildlife Reserve
VSU.	Victim Support Unit
ZNRC	Zone Natural Resource Committee

EXECUTIVE SUMMARY

The Malawi-Zambia Transfrontier Conservation Area (MAZA TFCA) Project is a collaborative initiative between Malawi and Zambia aimed at promoting biodiversity conservation and sustainable development across their shared border. The MAZA TFCA project faced gaps in community engagement, including some alleged human rights issues. To address this, a Grievance Redress Mechanism (GRM) was developed with the Malawi Human Rights Commission's support. The GRM aims to handle grievances related to human rights, human-wildlife conflicts, and resource access, ensuring transparency and cultural appropriateness. It involves local structures like Natural Resource Committees and collaborates with law enforcement. The GRM will be managed by the Trust, focusing on Nyika National (NNP) Park and Vwaza Marsh Wildlife Reserve (VMWR).

The overall objective of the GRM for NNP and VMWR is to provide a structured and transparent process for addressing and resolving complaints or concerns raised by individuals or groups affected by a particular issue, policy, or project. The *specific objectives being:*

- To provide an accessible process to receive grievances, dissatisfaction, concerns or feedback from project affected people (or those likely to be affected) and the general public on project design and implementation;
- To provide procedures for resolving and addressing project related grievances and concerns;
- To address all grievances emanating from the project related activities;
- To refer cases to other relevant institutions; and
- To make recommendations to relevant authorities to address project related grievances.

The GRM has been formulated under the notion that the mechanism should be simple, free of charge, and allow anonymous or third-party submissions in multiple formats. It operates on three levels (national, district, community) and adheres to international, regional, and domestic laws. Public awareness meetings are recommended before legal mobile clinics. The GRM aims to be accessible and unintimidating, with preferred reporting channels discussed with the community. The grievance process includes six steps: receiving and logging, acknowledging, assessing and investigating, resolving, ensuring complaint satisfaction, including monitoring and reporting.

In its design, the GRM recognizes and respects a complainant's right to confidentiality (which extends to the confidentiality of an authorized representative when requested by the complainant). It allows anonymous submissions to promote inclusivity and transparency, encouraging stakeholders to raise grievances. Confidentiality is maintained in dialogues and identities; though basic information may be disclosed with consent. Transparency about the mechanism's performance is provided through statistics and case studies, ensuring a fair and accountable environment.

Certain special cases are not handled by the Project/Trust but are directed to appropriate channels. These include:

- **Criminal cases:** To be reported to the police immediately and communities shall be informed to report directly to the police.
- **Sexual exploitation and abuse (SEA) and gender-based violence (GBV):** these will be handled confidentially and directed to relevant community or district stakeholders. Communities shall be informed to report these cases to authorities and national GBV toll-free lines.
- **Child-related cases:** As there is zero tolerance for child abuse. Cases will be recorded and reported to relevant authorities for proper action.

This GRM has put in place procedures that should be followed when reporting, investigating and resolving or referring gender-based violence or sexual abuse cases that may arise from implementation of the Project. Malawi Government laws, policies and strategies and other international instruments shall be adhered to when handling cases of sexual abuse and gender-based violence emanating from implementation of the Project. Monitoring and reporting will be undertaken under the GRM with the involvement of Stakeholders. Management of the Project will monitor grievances routinely. Good practice entails quarterly monitoring, as part of the broader management of the Project. This entails

good record keeping of complaints raised throughout the life of the operation of the Project. Grievance records must be made available to management at all times.

CHAPTER 1: Introduction and Background

1.1 Brief description of MAZA TFCA

The Malawi-Zambia Transfrontier Conservation Area (MAZA TFCA) Project is a collaborative initiative between Malawi and Zambia aimed at promoting biodiversity conservation and sustainable development across their shared border. The project focuses on linking protected areas in both countries, such as Malawi's Nyika National Park and Zambia's South Luangwa National Park, to create a larger, transboundary conservation area. This allows for the free movement of wildlife, enhances ecological connectivity, and supports the conservation of endangered species. The project seeks to improve livelihoods for local communities through eco-tourism and sustainable natural resource management.

The Governments of Malawi and Zambia through the Departments of Parks and Wildlife (DNPWs) received funds from the Government of the Federal Republic of Germany, through Kreditanstalt für Wiederaufbau (KfW), a German state-owned development bank, towards the development of the northern part of the MAZA TFCA. Nyika National Park (NNP) and Vwaza Marsh Wildlife Reserve (VMWR) are integral components of the Malawi Zambia Transfrontier Conservation Area, managed under the Nyika Vwaza Co-Management Trust. These conservation areas are renowned for their rich biodiversity and critical ecological functions, including the preservation of vital catchment areas that support downstream irrigation farming and hydropower generation.

During the implementation of the MAZA TFCA project, there have been gaps in engagements with communities, including some alleged human rights violations, and local communities not knowing where to report for redress. As an output of the MAZA TFCA project, it was a requirement to develop a GRM to guide the communities and stakeholders in handling grievances. It is against this background that the TFCA Project engaged a team of consultants with support from the Human Rights Commission in Malawi (the Commission) to lead in the development of a GRM for the Nyika- Vwaza blocks. The Co-Management Agreement (CMA) is supporting development of a Grievance Redress Mechanism (GRM) alongside the Stakeholder Engagement Plan (SEP), and Community Engagement Plan (CEP) for Nyika National Park (NNP) and Vwaza Marsh Wildlife Reserve (VMWR).

1.2 Development of GRM

Development of the GRM was undertaken in consultation with local communities and with support from the Malawi Human Rights Commission (MHRC) with the aim of developing an accessible, transparent, culturally appropriate Grievance Redress Mechanism (GRM). This GRM caters for both local communities and DNPW employees following different avenues. The GRM covers at least human rights issues, human-wildlife conflicts, access to resources and benefit-sharing issues and is aligned with the requirements of international safeguard and human rights standards, including mechanisms for independent investigation and verification of complaints, a transparent process for the resolution of grievances, mechanisms for

collaboration with external law enforcement bodies (e.g. police forces), protection measures for survivors and a formal framework, such as timelines for communication with claimants. Stakeholders consulted also proposed to have toll-free numbers and to provide clear mechanisms for verifying complaints so that legal and disciplinary action can be taken in verified cases, but also exaggeration and falsehood to be ruled out.

This Grievance Redress Mechanism is designed to guide operations of the Nyika Vwaza Trust over a ten-year period (2024 to 2034), but to be reviewed after five years.

1.3 Selected Challenges for NNP and VMWR

The management of NNP and VMWR involves multiple stakeholders with diverse interests. Stakeholders include local communities, politicians, government agencies, NGOs / CBOs, Faith Based agencies and Development Partners. Each group has different priorities, interests or expectations which can lead to conflict. Effective management of the diverse interests requires collaboration and communication among all stakeholders in order to align their goals and work towards common objectives. Ensuring transparent and efficient engagement with all stakeholders is challenging due to varying levels of influence, power dynamics, and resource availability. Irregular communication amongst stakeholders at times results in loss of trust with claims by some stakeholders of not being sufficiently involved in decision-making processes. Transparency in operations is crucial for successful stakeholder engagement. Some of the key challenges faced in the management of Nyika National Park and Vwaza Marsh Wildlife Reserve under the MAZA TFCA are:

- **Balancing Livelihoods and Conservation activities**

Local communities often rely on natural resources for their livelihoods, such as farming, fishing, and gathering wood. Conflicts often arise over resource use and access, especially when conservation measures restrict utilization. There is need to implement conflict resolution mechanisms, for instance through use of community forums and institute systematic mediation processes to help address disputes and foster cooperation under the Resource Use programs being implemented in NNP and VMWR. Sustainable livelihood programs are essential to reduce dependency on park resources.

- **Human-Wildlife Conflict**

Crop raiding and livestock predation is a major outcry from local communities living adjacent to VMWR and NNP. Animal species, including elephants and predators such as hyena and civet cat, often venture into nearby villages leading to crop damage and livestock losses. This creates tension between local communities and protected area authorities. Efforts such as building game fences, protection of buffer zones, and implementing early warning systems are in place, but they often require substantial continuous funding and community cooperation.

- **Illegal and unsustainable offtake of resources**

Poaching of large mammals remains a threat, including illegal collection of orchids, tree cutting and illegal mining.

- **Occurrence of trypanosomiasis**

Due to the occurrence of Tsetse Flies in the area, there have been cases of human trypanosomiasis in VMWR.

Addressing these challenges requires a holistic approach that integrates community needs with conservation goals, promotes stakeholder collaboration, and ensures transparent and effective management practices. This is the essence of the this GRM. A grievance redress mechanism should be scaled to fit the level of risks and impacts of a project. It should flow from the project's or institution's broader process of stakeholder engagement and integrity principles, and integrate the various elements of engagement.

Having a good overall community engagement process in place and providing access to information on a regular basis can substantially help to prevent grievances from arising in the first place, or from escalating to a level that can potentially undermine the projects' performance. It is against this background that the TFCA project aims to develop a Grievance Redress Mechanism (GRM), in particular for the Nyika National Park (NNP) and Vwaza Wildlife Reserve (VMWR). A GRM is an instrument through which dispute resolution is sought and provided. It involves the receipt and processing of complaints from individuals or groups negatively affected by the activities of a particular project.

Chapter 2: The Project Grievance Mechanism

The purpose of this Grievance Redress Mechanism is to outline the Project's approach to accepting, assessing, resolving and monitoring grievances from those affected by the Project's activities in relation to the protected areas and communities surrounding the protected areas. The aim is to identify and manage grievances from individual stakeholders or stakeholder groups. Timely redress or resolution of such grievances is vital to ensure successful implementation of the project.

Grievances can encompass minor concerns as well as serious or long-term issues. 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 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 Project, within and beyond Malawi. If well-handled, an effective grievance redress mechanism can help foster positive relationships and build trust with stakeholders.

The Grievance Redress Mechanism has been considered in parallel to the Stakeholder Engagement Plan (SEP) and Community Engagement Plan (CEP) due to the inter-relationship between these three mechanisms. It has been designed to meet the domestic and international legal requirements 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.

2.1 Objectives of the Grievance Redress Mechanism

2.1.1 Overall Objective of the GRM

The overall objective of the GRM for the Nyika National Park and Vwaza Marsh Wildlife Reserve is to provide a structured and transparent process for addressing and resolving complaints or concerns raised by individuals or groups affected by a particular issue, policy, or project¹.

Specific Objectives

The establishment of a grievance mechanism has the following overall objectives:

- I. To provide an accessible process to receive grievances, dissatisfaction, concerns or feedback from project affected people (or those likely to be affected) and the general public on project design and implementation;
- II. To provide procedures for resolving and addressing project related grievances and concerns;
- III. To address all grievances emanating from the project related activities;
- IV. To refer cases to other relevant institutions; and,
- V. To make recommendations to relevant authorities to address project related grievances.

Scope

The Grievance Redress Mechanism provides a channel for dispute resolution during the implementation of programmes. However, the mechanism does not impede access to judicial or administrative resolutions. The Grievance Redress Mechanism is designed to improve project outcomes by, deterring fraud and corruption, mitigating socio-economic and environmental risks and providing the TFCA Secretariat with practical suggestions and feedback during programme implementation.

This Grievance Redress Mechanism will be applied to individual or group stakeholder complaints and grievances, perceived or actual, which relate to the activities of the Project / Trust. A complaint or grievance is an issue, concern, problem, or claim (perceived or actual) that an individual; stakeholder or community group has related to the Trust's operations and activities. It is anticipated that this Grievance Redress Mechanism will be robust enough to address conflicts and complaints across the above described scales.

2.1.2 Values upheld

To maximize the effectiveness of the Grievance Redress Mechanism, the Project shall uphold the following values during implementation and operation of the mechanism:

- I. **Accessibility:** The GRM should be accessible to everyone and at any time. It should take into consideration potential barriers such as language, literacy, awareness, cost or fear of reprisal and seek to address them.

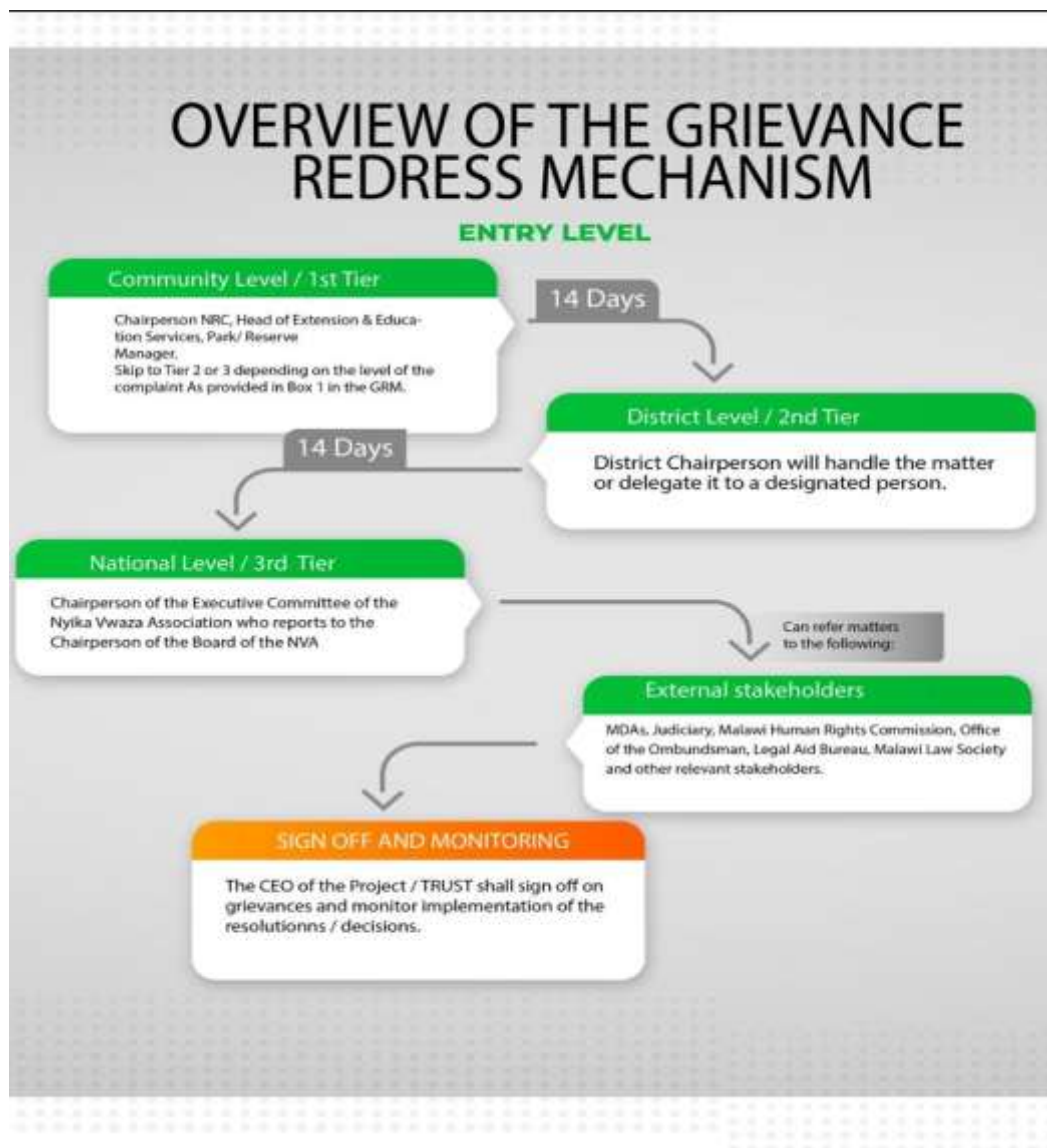
¹ The GRM as a tool provides project-affected parties with accessible and inclusive means to raise issues and grievances, and allows all implementing agencies respond to and manage such grievances. It also ensures that relevant authorities are answerable for their actions and decisions as well as to provide aggrieved persons the opportunity to instigate proceedings for appropriate redress. It underscores the importance of accountability and adherence to the rule of law.

- II. **Predictability:** GRM should be time-bound at each stage, and have specified time frames for the responses.
- III. **Fairness:** All the procedures therein should be widely perceived as unbiased in regards to access of information and meaningful public participation.
- IV. **Rights compatibility:** The outcomes of the mechanism should be consistent with the international and national standards. It should also not restrict access to other redress mechanisms.
- V. **Transparency and accountability:** The entire GRM process should be done out of public interest.
- VI. **Capability:** For an effective GRM, the system needs to be provided the necessary resources, that is, technical, financial and human resources.
- VII. **Feedback:** It should serve as a means to channel citizen feedback to improve project outcomes for the people.

2.2 Process from complaint to resolution

A Grievance Redress Mechanism must be a simple process whereby stakeholders can submit their complaints free of charge and, if necessary, anonymously or via third parties. It should allow complaints to be submitted in more than one format. A three level Redress mechanism will, depending on the nature of complaint, address such complaints. The project shall take into account international, regional and domestic law and policies. GRM structures shall be in place at all levels – national, district and community. Refer to figure 1 below on reporting structures.

Fig 1: Overview of GRM



At every stage of the GRM, there will be a designated person or persons dedicated to handling and recording complaints. The first step for a project affected person who has a complaint is to notify the Chairperson of the Natural Resources Committee who will inform the Local Leader (at community level, the Park / Reserve Manager or alternatively notify the Project's Head of Extension and Education Services (or the extension worker). This approach, will ensure that the entry points for reporting at community level complement each other and increase access and use by the communities, especially women and other vulnerable groups who may not have resources to access either one of the complaints intake structures. It should be noted that both the Head of Extension and Education Services/ Extension Worker and members of the NRC live and work within communities, as such, it is anticipated that there shall be easy access to reporting structures by community members.

Depending on the nature of the grievance, the complainant or stakeholder can report the grievance to the District Commissioner at District level, who will then refer it to a relevant office or committee. Policy related grievances or grievances which require national or regional response, shall be reported to the Executive

Committee of the Nyika Vwaza Association who will handle or refer grievances to relevant stakeholders including line Ministries, Departments or Agencies such as the Judiciary or Constitutional bodies including the Human Rights Commission, the Anti-Corruption Bureau or Office of the Ombudsman. Where there is dissatisfaction with the decisions made at any level, the party dissatisfied with such decision should be informed of the right to appeal using the next level of the GRM.

Efforts will be made to resolve the issue at every entry point of the GRM system. Where assessments find that the grievance is valid, the relevant authorities at that level will notify the complainant and s/he will be assisted. If the complainant's claim is rejected, unsolved or not resolved satisfactorily, the matter shall be brought before the Chair of the NRC, the Reserve Manager / Park Manager at community level; the District Commissioner at District Level; and, the Board Chairperson of the Nyika Vwaza Association² at National level for settlement. Complainants are at liberty to use formal grievance redress mechanisms without exhausting internal or informal mechanisms. However, through the SEP and CEP, the communities should be encouraged to utilize the Projects GRM, save for grievances which require the attention of formal grievance redress mechanisms such as criminal matters.

2.3 Grievance Structure

The three-level Redress mechanism for Nyika National Park and Vwaza Marsh Wildlife Reserve is designed to address grievances at different levels of escalation, ensuring that complaints are resolved efficiently and appropriately based on their nature and complexity. Below is a look at each level:

Level 1: Community Level

Purpose: To address grievances at the grassroots level, where they often originate.

Process:

- **Community Grievance Committees:** These committees are established within local communities and are the first point of contact for grievances. They consist of community leaders, representatives, and other stakeholders.
- **Initial Resolution:** The committee reviews the grievance and attempts to resolve it through dialogue and mediation. This level aims to handle minor issues quickly and locally.
- **Responsible Parties:** Community leaders, local representatives, and members of the grievance committee.

Level 2: District Level

Purpose: To handle grievances that cannot be resolved at the community level or require more formal intervention.

Process:

- **District Grievance Office:** This office is responsible for receiving grievances escalated from the

² The Board Chairperson of the Nyika Vwaza Association and not the Chairperson of the NVA Secretariat.

- community level. It includes district officials and representatives from relevant departments.
- **Investigation and Mediation:** The district office conducts a thorough investigation of the grievance and mediates between the parties involved. This level addresses more complex issues that need formal attention.
- **Responsible Parties:** District officials, representatives from relevant departments, and members of the district grievance office.

Level 3: National Level

Purpose: To address grievances that remain unresolved at the district level or involve significant legal, policy, or administrative issues.

Process:

- **National Grievance Committee:** This committee includes representatives from national government agencies, legal experts, and senior officials from the park and wildlife reserve management.
- **Formal Resolution:** The national committee reviews the grievance, conducts a comprehensive investigation, and makes a final decision. This level ensures that all grievances are addressed in accordance with national and international laws and policies.
- **Responsible Parties:** National government representatives, legal experts, senior officials from park and wildlife reserve management.

Benefits of the Three-Level Redress Mechanism

- **Accessibility:** By providing multiple levels of redress, the mechanism ensures that grievances can be addressed at the most appropriate level, making the process accessible to all stakeholders.
- **Efficiency:** Minor issues can be resolved quickly at the community level, while more complex grievances receive the necessary attention at higher levels.
- **Fairness:** The structured approach ensures that all grievances are handled systematically and fairly, with opportunities for escalation if needed.
- **Compliance:** The mechanism aligns with international, regional, and domestic laws and policies, ensuring that all grievances are addressed within the legal framework.

This multi-tiered approach helps maintain trust and cooperation among stakeholders, ensuring that grievances are managed effectively and transparently. Table 1 below is an elaboration of the GRM structure. The structure alludes to the six key steps of the process involved, a description of what each of the six steps entails, as well as the institution or persons responsible at each of the six steps.

Table 1 Reporting Structure

Process	Description	Responsible Institution/Person	Time
Step 1: Receive and log grievance	There will be a face-to-face meeting with the complainant to receive their grievance. Or receive grievance through e-mail, letter, fax or other communication medium.	Tier 1: Chairperson of the NRC, Park/Reserve Manager, Head of Extension and Education Services or an Extension Worker. Tier 2: The District Commissioner. Tier 3: The Chairperson of the Executive Committee of the Nyika Vwaza Association.	1 day
Step 2: Acknowledge grievance	Receipt of grievance acknowledged through appropriate communication medium but should be reduced in writing, for records.	Designated persons per Tier	2 days
Step 3: Assess and investigate	Screen the grievance to assess whether the Project has mandate to handle such matter. Refer to external grievance mechanisms where necessary or relevant (for instance, grievances of a criminal nature should be referred to relevant criminal justice bodies). Consultation with relevant parties. Conduct site visits and consult relevant stakeholders.	Designated persons per Tier	5 days
Step 4: Grievance resolution	Identify further action required. Provide responses to the complainant on actions taken, including recommendations. Inform the complainant whether there is need for additional information, time and resources in order to resolve the grievance processes.	Designated persons per Tier	14 days (after receipt of the grievance, dependent on the nature of grievance)
Step 5: Complaint satisfaction Appeal processes	Confirm with complainant that the grievance can be closed or determine what other processes to follow. If the grievance is to be closed, sign-off the grievance. The Complainant or respondent may lodge an appeal to the relevant body 14 days after receipt of the Committee's or Park/Reserve's decision.	Designated persons per Tier District Commissioner or the Chairperson of the Executive Committee of the NVA	14 days (after resolution of grievance.) 14 days (after resolution is made).
Step 6: Monitor	Record the final sign-off details. If grievance cannot be closed, return to phase 2 to re-assess the grievance and refer to external grievance mechanisms.	CEO of the Project and the Director of DNPW Government and Constitutional bodies with mandate to monitor processes and procedures.	1 month (after resolution of the grievance.)

2.4 Grievance process steps

The GRM aims to provide an easily accessible and unthreatening justice mechanism to all stakeholders. The preferable channels for reporting grievances will continually be discussed with the community as part of community engagement. Following the establishment of the channels as shown in Fig. 1 above, the method for addressing grievances is systematic and is divided into six key steps. These are as follows:

- Step 1: Receive and log grievance;
- Step 2: Acknowledge grievance;
- Step 3: Assess and Investigate;
- Step 4: Grievance Resolution;
- Step 5: Complaint satisfaction; and
- Step 6: Monitor and Report.

Step 1: Grievance reception

Grievances from stakeholders can be submitted in writing, telephonically, via e-mail, fax or presented verbally to the Park/Reserve Manager/ the Head of Extension and Education Services, the Chairperson of the NRC, the District Commissioner or the Board Chairperson of the NVA, depending on the nature of grievance.

Claimants or stakeholders should inform or copy either one of the complaints intake structures when making a grievance, to ensure both are aware of the grievance made. These complaint intake structures have the primary role in resolving complaints as part of their day to day activities when interacting with community members. The Project Manager shall collect all complaints from the above designated structures for redress of grievances, records purposes and monitoring.

All grievances shall be registered using Form 001 (Appendix 1). The Secretary of the NRC, the Project Manager and the Secretary of the NVA Executive Committee will log, document and track all grievances received within the Project grievance database system.

Grievances shall be assigned a case number and records of communication/consultation shall all be attached with the relevant entry and filed. The database shall be monitored regularly by the CEO of the Trust and GRM focal persons at each level, for recurring grievances so that appropriate mitigation can be developed.

As a minimum, the following information shall be recorded:

- I. Case number;
- II. Complainant's name and contact details;³
- III. Respondent's name and contact details;⁴

³ Name and contact details are necessary for interaction around the resolution of the grievance. Anonymous submissions will be permitted, but the party submitting should understand that direct response will not be possible. The Committee shall be tasked to investigate the matter based on any information provided.

⁴ In the case of individuals alleged to have committed conduct or an act alleged as a grievance, for instance, a GBV matter.

- IV. Date of complaint;
- V. Details of complaint;
- VI. History of other complaints / queries / questions (if known);
- VII. Resolutions discussed and agreed with the party(ies) in question;
- VIII. Actions implemented (including dates); and
- IX. Outcome of the actions implemented.

Relevant points to note in receiving grievances:

Regardless of who receives the grievance, the following should receive reports on cases lodged at any tier, being the Project Manager, the CEO of the Project, the Chairperson of the NRC, Park/Reserve Managers, the District Commissioner, and the Chairperson of the Executive Committee of the NVA.

The grievance redress mechanism should make it possible to lodge a grievance in any appropriate format (written, verbal, telephonic, email, post etc.). If made orally, the complaint should be reduced into writing (having read over the written contents of the complaint to the Complainant for verification.)

Use other methods of capturing concerns other than grievances lodged directly with relevant Committees and the Project (for example, through published reports, media reports, social media, etc.).

It is important that the process is easily accessible and not intimidating to stakeholders. Regardless of the form of the grievances or complaints, all need to be addressed with the same sincerity and seriousness. All correspondence should be directed to or made by the Director of the Department of National Parks and Wildlife, including feedback on the progress of the resolution of a grievance.

Step 2: Acknowledgment, assessment and records

The Head of Extension and Education Services, Chairperson of the NRC, the District Commissioner and Chairperson of the Board of Trustees of the NVA shall acknowledge receipt of any grievance as soon as possible, but up to two days from the date it was received by the relevant authority handling such matter and shall inform the complainant about the timeframe in which a response can be expected. An Acknowledgement Form 002 (in Appendix 2) shall be signed and a copy provided to the complainant. Literacy levels should be taken into consideration when providing the complainant with the acknowledgment of receipt. Therefore, verbal acknowledgment should accompany a written acknowledgment.

Step 3: Investigation

The following steps shall be performed by the Park/Reserve Manager, Chairperson of the NRC, Head of Extension and Education Services, the District Commissioner or Chairperson of the Executive Committee of the NVA in a timely manner to avoid delaying resolution of a grievance:

- I. Obtain as much information as possible from the person who received the complaint, as well as from the complainant to gain a first-hand understanding of the grievance.
- II. Undertake a site visit, if required, to clarify the parties and issues involved. Gather the views of other stakeholders including Project employees, community members and stakeholders, if necessary and identify initial options for settlement that parties have considered.
- III. Determine whether the grievance is eligible for handling by the Trust or relevant GRM focal

persons/ bodies. Eligible grievances include all those that are directly or indirectly related to the Trust and that fall within the scope of the Grievance Redress Mechanism as outlined above. Ineligible complaints may include those that are clearly not related to Project activities, whose issues fall outside the scope of the Grievance Redress Mechanism procedure or where other procedures would be more appropriate to address the grievance.

- IV. If the grievance is deemed ineligible, it can be rejected. However, a full explanation as to the reasons for this must be given to the complainant and recorded in the Grievance Database.
- V. If the grievance is eligible, determine its severity level using the significance criteria in Box 1. This will help to determine whether the grievance can be resolved immediately or requires further investigation and whether senior management will need to be informed of the grievance.
- VI. If the grievance concerns physical damage, (for example, crop, house, community asset) take a photograph of the damage and record the exact location as accurately as possible. Cases where persons have physical injuries should be reported to the Police and referred to a health facility for examination and treatment.
- VII. Inform the complainant of the expected timeframe for resolution of the grievance.
- VIII. Enter the findings of the investigation in the Grievance Database. The Project will aim to resolve any grievances within 30 days from the date that it was received. This timeframe can be extended to 60 days for more complex grievances (e.g. level 4 grievances), if required. (Please see point 6 on assessing grievance significance).

Table 2: Type of Grievance and Level of Significance

Level of Significance	Type of Grievance	Responsibilities
1	A grievance that is isolated or ‘one-off’ and essentially local in nature and restricted to one complainant. Note: Some one-off grievances may be significant enough to be assessed as a Level 4 grievance e.g. when a national or international law is broken (see Level 4 below) Types of grievances under this level include: • Access to resources in the protected areas (water, firewood etc.). • Participation in Project-Community programmes (fence, boundaries etc.). • Encroachment disputes.	Park /Reserve Manager/The Head of Extension and Education Services/ Chairperson of relevant Committee
2	A grievance that extends to the local community and has occurred more than once, which is judged to have the potential to cause disruption to project operations or to generate negative comment from local media or other local stakeholders. Types of grievances include: • Human-Wildlife conflicts • Conservation related issues.	Park / Reserve Manager/ District Council/Commissioner
3	A grievance which is widespread and repeated or has resulted in long term damage and/or has led to negative comment from local media, or is judged to have the potential to generate negative media and local stakeholder comments. Types of grievances include: • Human-wildlife conflicts. • Land/encroachment disputes.	Park / Reserve Manager/ District Council/Commissioner/ Ministry of Tourism/ Relevant line Ministries
4	A one-off complaint, or one which is widespread or repeated and has caused or is likely to cause harm to life. In addition, the grievance has resulted in a serious breach of the Project’s policies, domestic and International Law and/or has led to negative national/international media attention, or is judged to have the potential to generate negative comment from the media or other key stakeholders (e.g. failure to pay compensation where appropriate, e.g. resettlement) Note: Criminal matters or grievances should be referred to relevant criminal justice bodies after an assessment has been made. Types of grievances include: • Human wildlife conflict- loss of life and damage to property • Land disputes • Compensation issues • GBV cases-for referral. Sexual harassment cases can be investigated or complainant referred to the Courts or Human Rights Commission. • Criminal cases such as poaching- for referral	Chief Executive Officer Peace Parks/ Ministry of Tourism/ Director of Public Prosecutions/ Constitutional Bodies

Step 4: Resolution

All grievances shall be dealt with on a case by case basis. However, all will require further discussions with complainants and community members that seek to jointly identify and select measures for grievance settlement. This will help to increase ownership of solutions and to mitigate perceptions that resolutions unfairly benefit the Project.

An investigation team shall be tasked with seeking resolution to the grievance. This may entail a meeting or series of meetings between affected parties to find a solution to the grievance. Alternatively, it may entail investigating the underlying cause of the grievance and action for any changes required to internal systems to prevent a recurrence of a similar grievance.

A grievance report will be completed within 14 days of receipt of the grievance. Within 20 days from receipt of the grievance, the Head of Extension and Education Services or Chairperson of NRC, District Commissioners or Chairperson of the NVA Executive Committee will co-ordinate conflict resolution activities necessary to contain and resolve any actual or potential conflicts arising from the reported grievance. If the case is complex and the stated resolution timeframe cannot be met, an interim response will be provided (oral and written) that informs the stakeholder of the delay, explaining the reasons, and offers a revised date for next steps.

Where possible, grievances shall be addressed directly by the Head of Extension and Education Service, Park or Reserve Managers, Chairpersons of the NRC, the District Commissioner or the Executive Committee of the NVA, at first instance. The proposed or suggested resolution shall include a rationale for the decision and any information used in reaching it. If wider consultation is necessary, grievances will be forwarded to a third party (refer to the Stakeholder Engagement Plan for guidance). This third party should be neutral, well-respected, and agreed upon by both the Project and the affected parties. These may include Constitutional bodies, public defenders, legal advisors or bodies, local or international NGOs/CSOs, or technical experts. In cases where further arbitration or mediation is necessary, arbitration or mediation processes shall be followed.

As a last resort, aggrieved parties have a right to take legal action. This is a more formal rights based approach that shall only be taken if all other approaches have failed or when there are serious conflicts about facts and data. The final decision will be taken by the arbitrator or courts based on compliance with laws, policies, standards, rules, regulations, procedures, past agreements or common practice.

Exclusions

A grievance or complaint received by the GRM will not be eligible, if it falls into any one or more of the following exclusions:

- I. A grievance or complaint regarding matters already concluded by any of the grievance mechanisms in place, unless the complainant has submitted new material information or evidence that was unavailable at the time the matter was previously considered.
- II. A malicious, frivolous, or fraudulent grievance or complaint;
- III. A grievance or complaint to gain competitive advantage.

Step 5: Complaint satisfaction

The Chairperson of the NRC, Head of Extension and Education Services, the District Commissioner, the Park/Reserve Manager or the Chairperson of the Executive Committee of the NVA will seek sign-off from the complainant(s) that the grievance has been resolved. The controlling officer of the institution which has resolved the grievance shall sign off the complaint.

In instances where the stakeholder is not satisfied with actions taken, the grievance will either:

1. Be escalated to senior management and a decision will be taken either to implement supplementary actions or to consider initiating an appeal process;
OR
2. The Park/Reserve Managers, the Chairperson of an NRC, the Head of Extension and Education Services, the District Commissioner, the Chairperson of the Executive Committee of the NVA or the Project Manager, will approach a neutral or third party to assist in mediating and resolving the grievance;
OR
3. The CEO of the Project/ the Director of DNPW, or the Chairperson of the Executive Committee of the NVA will approach the line Ministry, Judiciary, Constitutional Body or relevant stakeholder with capacity to address the grievance.

Following this process, the Park or Reserve Managers, the Chairperson of the NRC, the Head of Extension and Education Services, the District Commissioner or Chairperson of the Executive Committee of the NVA will again approach the complainant or stakeholder to obtain sign-off on actions implemented. The designated person who signs off the complaint should have sufficient knowledge about the topic to provide assurance. Once sign-off has occurred, this should be recorded in the Grievance Log and Database (Appendix 7).

Step 6: Appeals

The GRM provides an appeals process at different levels, where complainants are not satisfied with the decision of the grievance redress mechanism. A complainant or respondent who registers dissatisfaction with the decision shall make an appeal which shall be reduced into writing using Form 005 in Appendix 5. The appeals process should involve an independent panel that can objectively verify the outcome of a case. All complainants shall be informed about their right to appeal, as well as any alternative national legal or administrative channels that may be available to address their case. The appeal process should take 14 days to complete.

Step 7: Documentation management

The Project shall ensure that complainants are treated with respect and that all complaints and resulting corrective actions are properly documented and disclosed. The Project shall therefore document all grievance processes including the use of the Grievance Database and the use of "customer feedback" as part of an ongoing organizational learning process for the implementing agency.

The Project shall periodically review documentation on a sample of cases which can also inform the assessment of independence, equitable treatment of stakeholders, and respect for rights. Documentation shall also be used to assess transparency, availability and accessibility of the GRM's mandate, procedures, and case experience.

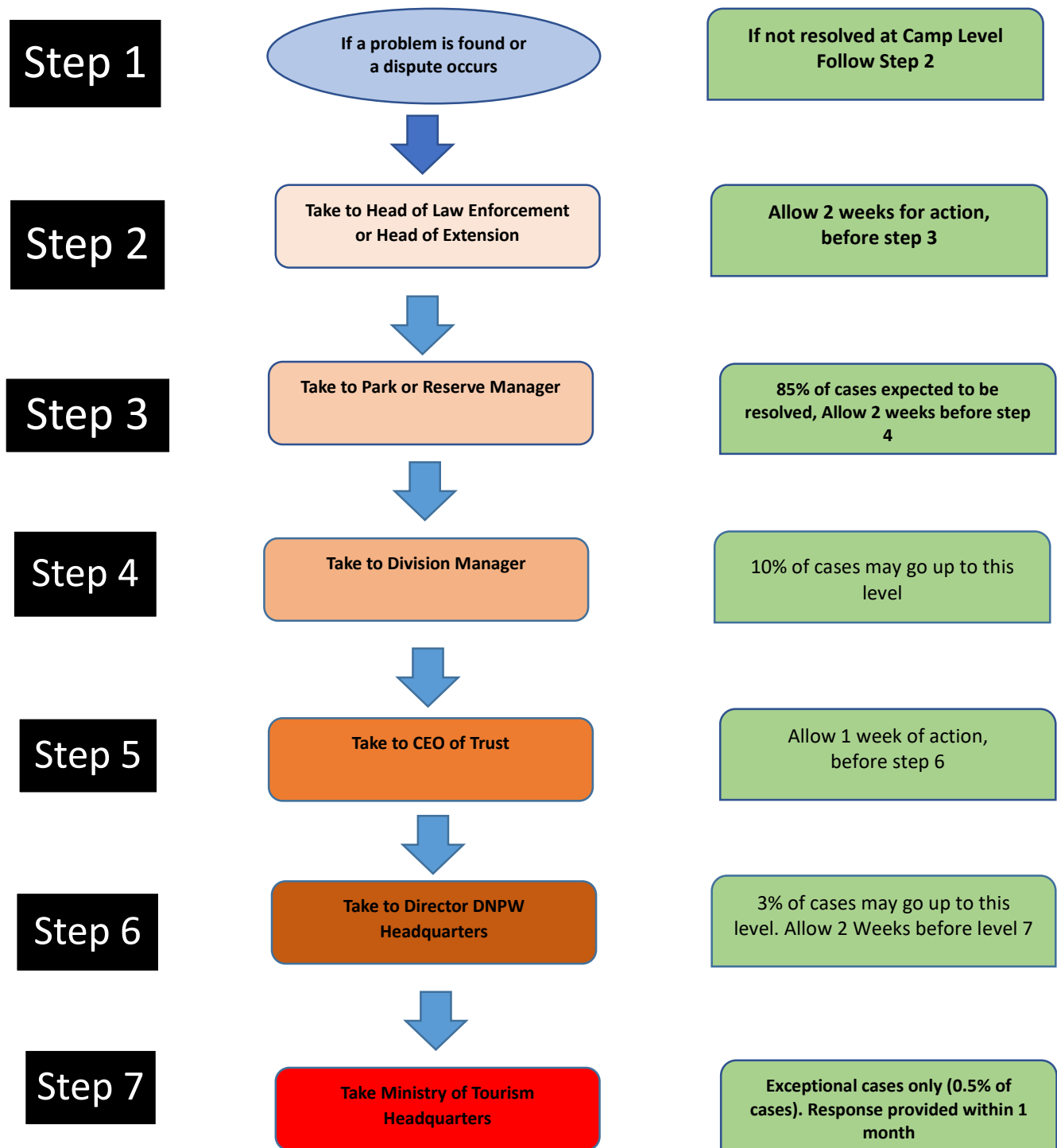
Records shall be kept in line with the Laws of Malawi.

2.5 Grievance Policy and Procedure for NVCMT Employees

The grievance procedure shall be initiated when, within the day-to-day work situation of an employee, an incident has occurred or the employee's position is such that he is left with a general feeling of dissatisfaction or sense of injustice. The rationale of such a procedure being that if this type of issue is not given formal consideration by management and remains unresolved it may lead to a dispute between the MAZA TFCA Project / CMA Trust and employee or group of employees. Park and Reserve employees shall report grievances using Form 001 Appendix 1.

A proposed grievance policy and procedure for employees under MAZA TFCA Project / CMA Trust is provided in Appendix 8. In addition, Figure 2 summarises the Grievance Communication Tree for Ranger Staff in NNP and VMWR.

FIGURE 2 GRIEVANCE COMMUNICATION TREE FOR RANGER STAFF IN NNP AND VMWR



2.6 Reporting or Case Handling Structures (levels)

2.6.1 Responsibility for Grievance Redress

The Trust has overall responsibility for the GRM. The CEO is designated as the key officer in charge of GRM. He/ she can set up a Safeguard Team (Chairpersons of NRCs, District Commissioners and Chairperson of the Executive Committee of the NVA) to advise and support on the grievance mechanism. The team will be tasked with the following:

- I. Coordinate Grievance Redress Mechanism (GRM) project activities to resolve issues in general).
- II. Act as the focal point of grievance redress issues and facilitate access at the PS level of the Ministry of Tourism.
- III. Create awareness of the Grievance Redress Mechanism (GRM) amongst all the stakeholders through public awareness activities.
- IV. Assist in redress of all grievances by coordinating with the concerned parties.
- V. Maintain information of grievances and redress.
- VI. Monitor the GRM project related activities including the redress of grievances.
- VII. Regularly contact all points of receipt of complaints, receive the complaints made and assist in redress of all grievances by coordinating with the concerned parties.
- VIII. Prepare the progress for quarterly reports.

The CEO of the Trust may set up a safeguard team to process the grievance in accordance with the tier approach outlined below.

- The first tier shall see complaints lodged with the Chair of the NRC, the Head of Extension and Education Services/Extension Worker or the Reserve Manager / Park Manager at community level.
- In case of the need for the second tier of redress, the CEO of the Trust will engage the District Commissioner who will, depending on the nature of grievance lodged, refer the matter to a relevant authority within the District Council.
- The third tier of GRM shall be the Chairperson of the Executive Committee of the Nyika-Vwaza Association which shall receive grievances and handle appeals. Whilst the NVA is chaired by the Board of Trustees whose Chairperson directs its affairs, grievances shall be handled by the Executive Committee⁵.
- Where necessary, referrals shall be made to national grievance redress institutions, which includes the Ministry of Tourism, Ministry of Gender, Community Development and Social Welfare, the Ministry of Local Government and Rural Development and the Ministry of Justice, Constitutional bodies, Malawi Law Society, civic leaders and representatives.

It should be noted that, entry level of complaints shall also depend on the nature of complaint made. As such, it is pertinent that communities and GRM focal persons know which level different types of complaints fall under. This will ensure efficiency in the handling of complaints.

⁵ The Executive Committee reports to the Board of Trustees of the Nyika Vwaza Association.

2.6.2 First tier of Redressal

The complaints are received at various established points through the Head of Extension and Education Services of the Project or Chairpersons of NRCs or Park / Reserve Managers at community level. The stakeholders are informed of various points of making / reporting complaints, particularly through awareness or sensitization programmes including community radios, educational materials and community meetings. Complaints can also be made in writing, email, telephone, social media platforms or anonymously to:

-
- Telephone number:,
- E-mail Address:

The Trust will collect the complaints from these points on a weekly or regular basis and document them. This will facilitate the referral of cases to relevant authorities.

As soon as the designated persons identified above receive a complaint, he/she shall issue an acknowledgement using Form 002 as given in Appendix 2. The person receiving the complaints should try to obtain relevant basic information regarding the grievance and the complainant and will immediately inform the CEO or Community Liaison Officer using Form 001 in Appendix 1. After registering the complaint in the Grievance Redress Registration and Monitoring Sheet/ Database, the CEO, Park or Reserve Managers, the Chairperson of the NRC or the Head of Extension and Education Services will review the complaint made in detail and forward the complaint to the concerned persons to address the grievance with specific dates for replying and addressing the same.

Meetings with the affected persons /complainant will be held and an attempt to find a solution to the complaint received. If necessary, meetings will be held with the concerned/ affected persons / complainant and the officers to find a solution to the problem and create plans to redress the grievance. The deliberations of the meetings and decisions taken will be recorded. All meetings in connection with Redress of Grievance will be recorded in established formats. Community representatives or representatives of the complainant will be allowed to sit in such meetings.

The resolution at the first tier will normally be done within 37 working days and notified to the concerned through a disclosure form (Form 004 under Appendix 4). Should the grievance be not resolved within this period, it would be referred to the next level of Grievance Redress. However, if the Trust or the NRC think that progress is being made towards a solution, a decision may be taken to retain the issue at this first level. If the issue cannot be resolved within 30 working days, it will be transferred to the next level automatically, except where the complainant agrees to an extension of the timeline on the level of tier 1. The complainant may also request that the issue be transferred to the next level, after the 30-day period, if he or she feels it is not being addressed.

2.6.3 Second tier of Redressal

The CEO / Community Liaison Officer will refer grievances to the District Commissioner (DC) at the District Council using Referral Form. He or she is also responsible for briefing the DC on the deliberations of the first level of Redressal and on the views of both parties. Matters reported to the DC at first instance, shall be reported using Form 001 Appendix 1. The DC will, depending on the nature of grievance reported, in his own capacity or through relevant or designated officers/persons, hold the necessary meetings with the affected party / complainant and the concerned

officers and attempt to find a solution acceptable at all levels. An authorized designated person shall record the minutes of the meeting. The decisions of the DC or designated person(s)/office will be communicated to the complainant formally (orally and written) and if s/he accepts the resolutions, the complainant's acceptance is obtained in the disclosure form. If the complainant does not accept the solution offered by the DC or designated person(s)/office, then the complaint will be referred to the next level / or the complainant can activate the next level. It is expected that the complaint will be resolved at this level in a maximum of 30 working days.

2.6.4 Third tier of Redressal

If the affected party / complainant does not agree with the resolution at the 2nd level, or there is a time delay of more than 30 working days in solving the issue, the complainant can opt to consider taking it to the Chairperson of the Executive Committee of the Nyika Vwaza Association or depending on the grievance, to the courts or other formal justice institutions using the Referral Form.

The Chairperson of the Executive Committee of the Nyika-Vwaza Association shall receive grievances and handle appeals using Appeal Form 005 Appendix 5. However, the Executive Committee of the NVA has the mandate to handle cases at first instance, depending on the grievance but it can make referrals to national grievance redressal institutions where mandate to handle particular grievances lies with such institutions, such as the Judiciary, the Ministry of Tourism, the Ministry of Gender, Community Development and Social Welfare, the Ministry of Local Government and Rural Development, the Ministry of Justice, Constitutional bodies, Malawi Law Society, civic leaders and representatives.

The Executive Committee of the NVA shall handle the appeal within 14 days after receipt of the request for appeal.

2.6.5 Time frames for Handling Grievances

Once received, complaints will be assigned a number that will help the complainant track progress. Where possible, complainants will be handed a flyer that describes the GRM procedures, which will be read to the complaint at their request.

At the time of acknowledgement, the complainant needs to be provided with the following information:

- I. Grievance number to facilitate monitoring and reminders by complainants.
- II. Expected time of redress (Prescribed maximum time limit for completion of redress at each level is 14 days).
- III. If not addressed within the expected time, action to be taken by complainant.

If the grievance is not redressed within the expected time, the complainant should be provided with the following information by the person responsible for receiving the grievances:

- I. Information on reasons for delay,
- II. updated expected time of redress and,
- III. if not addressed within expected time, action to be taken by complainant.

The project emphasizes the recording of complaints and responses and will maintain a publicly accessible grievance register to enable tracking the grievances reported and how these are addressed.

Chapter 3.0 Formal Redress Mechanisms in Malawi

In the event that the complainants are dissatisfied with the outcome of grievance resolution, they shall be advised to seek recourse through the following national legal and judicial processes some of which are also provided for under section 15(2) of the Constitution⁶:

- I. The Courts
- II. The Human Rights Commission
- III. The Office of the Ombudsman
- IV. Other government organs

⁶ Section 15(2) of the Constitution provides that any person or group of persons, natural or legal, with sufficient interest in the promotion, protection and enforcement of rights under this Chapter shall be entitled to the assistance of the courts, the Ombudsman, the Human Rights Commission and other organs of the Government to ensure the promotion, protection and enforcement of those rights and the redress of any grievances in respect of those rights.

However, it should be noted that the GRM shall not work in isolation of relevant stakeholders. As such, the Table below 3 provides a table of stakeholders and their responsibilities.

Table3: The Stakeholder Institutions and their responsibilities

No.	Institution	Responsibility/Role / Activity
1	Ministry of Tourism, Culture and Wildlife	▪ Provide regulatory and policy direction for conservation, development and management of forestry and natural resources for social economic development of the country. ▪ Provide environmental and social supervision role. ▪ Monitor the proper implementation of the environmental and social plan. ▪ To develop, promote and manage Natural Resources, Environment and Climate Change for the nation through appropriate technologies, standards and mechanisms for sustainable and equitable Socio-economic development.
2	Department of National Parks and Wildlife (DNPW)	▪ Wildlife Conservation policy holder, ▪ Responsible for the overall management and protection of wildlife and natural resources within the parks and reserves ▪ Oversee conservation efforts, anti-poaching activities, and community engagement
3	Ministry of Labor	▪ Ensures compliance with the labor procedure, including non-discrimination of work, ensures the protection of health and safety of workers, fight against child labor, protection of the disabled person and women against all kinds of violence including sexual violence or abuse, etc. ▪ They can intervene in the management of the project.
4	Ministry of Gender, Community Development and Social Welfare	▪ Promote gender equality and protect the welfare of Malawian women, men, girls and boys to become self-reliant and active participants and beneficiaries of the national development agenda. ▪ Facilitate access to justice. ▪ Support victims or survivors with psychosocial care. ▪ Raise awareness on gender related rights and responsibilities.
5	Ministry of Agriculture, Irrigation and Water Development	▪ Promotion of programmes that ensure proper management of land based natural resources for improved agricultural production and other uses in order to avoid sectoral land use conflicts and ensure sustainable socio-economic growth and development.
6	Ministry of Justice	▪ Can intervene in the prosecution of cases (Director of Public Prosecutions), resettlement / compensation procedure in case of complaints. ▪ promote the rule of law, justice and democracy, transparency and accountability by: ▪ Providing legal advice to the Government. ▪ Prosecuting criminal offenders. ▪ Conducting civil litigation on behalf of Government.
7	Ministry of Health	▪ Intervene in the treatment and/or monitoring of epidemic cases and awareness-raising activities against STIs and HIV/AIDS. ▪ Handling of victims of sexual abuse (role of hospital ombudsman etc.) including referral to relevant authorities.
8	Ministry of Homeland Security-Malawi Police Service	▪ Provide for the protection of public safety and the rights of persons in Malawi according to the prescriptions of the Constitution and any other law. ▪ Responsible for law enforcement and maintenance of order. ▪ Carry out policing activities including awareness and sensitization programs. ▪ Facilitate access to justice where human rights violations have occurred through arrests, investigations, prosecution and mediation. ▪ Provide support to victims of human rights violations, such as counselling and temporary shelter.

No.	Institution	Responsibility/Role / Activity
9	Decentralized communities	- Participate in the identification of related achievements and monitoring of the project. - Assist in the resolution of problems with their jurisdictions.
10	Natural Resource Committees	Will assist in the management of environment and natural resources, in accordance with the National Decentralization Policy and the Local Government Act and the Environmental Management Act in order to ensure co-ordination at the local level and effective public participation in environmental decision-making processes and implementation.
11	Traditional Representatives(Village Development Committees and as well as women's groups, elder groups)	- Traditional leaders are critical stakeholders in the conservation and restoration of natural resources as they are highly respected in their society and are capable of enforcing rules. - They shall intervene in the handling of complaints, including mediation and referral of cases to relevant authorities. Can intervene in the amicable settlement of disputes/conflicts except for SEA/SH related cases and other criminal cases. - Their capacities shall be built/strengthened including in the implementation of the GM.
12	Village Development Committees	- Identify areas of intervention-based on community needs and challenges. - Can intervene in the information, sensitization and assistance of communities. - Link communities and projects from design to implementation. - Receive and refer cases to relevant authorities.
13	Social groups such as women's groups, elders' groups, youth committees, etc.	- Can intervene in the information, sensitization and assistance of communities. - Receive and refer cases to relevant authorities.
14	Religious leaders	Can intervene in the information and sensitization of populations in places of worship
15	Governance institutions: Malawi Human Rights Commission, Office of the Ombudsman	- Advising on the compliance of national laws and practices with all international human rights norm; - Advising government, parliament and other public bodies to address core human rights concerns, as well as to eradicate all forms of discrimination; - Promoting a culture of rights, through training and awareness raising activities on a variety of issues; - Monitoring and investigating the human rights situation on the ground; - Provide support for individuals to enforce their rights through complaints handling; - Providing support for individuals to enforce their rights through legal assistance.
16	Law enforcement bodies: Malawi Law Society, Legal Aid Bureau	- To promote matters of public interest touching, ancillary and incidental to the law; - To promote research towards the development of the law; - To facilitate access to justice and upholding of the rule of law; - To provide legal aid, legal advice, legal assistance, including representation in any court, tribunal or similar body to the indigent in Malawi; - To provide civic education and information about the law to the public.
17	Civil Society Organizations	- Can intervene in awareness-raising activities, monitoring, reporting/referral reporting/ referral of cases or issues and facilitate mediation save for criminal related cases. - Advocate for those whose voices aren't easily heard, and implement programs that can offer practical support. - Shape government policy, programs, and strategy through consultation, discussions, and public hearings, with organizations often representing the interests of a broader group of stakeholders. - Monitor project implementation. - Facilitate access to justice.

No.	Institution	Responsibility/Role / Activity
18	Media organizations/Press organs (local radio stations)	Intervene in the dissemination of information on the project, sensitization of the populations on environmental and social safeguarding issues.
19	Town criers	Responsible for sharing information with communities at the market squares and other public places as directed by relevant authorities.

3.1. Monitoring and reporting: Involvement of Stakeholders in Monitoring activities

Management of the Project will monitor grievances routinely. Good practice entails quarterly monitoring, as part of the broader management of the Project. This entails good record keeping of complaints raised throughout the life of the operation of the Project. Grievance records must be made available to management at all times.

Monthly internal reports will be compiled by the Head of Extension and Education Services and Chairperson of relevant Committees and distributed to the management team. These grievance reports will include:

- I. The number of grievances logged in the preceding period by level, type and by access point.
- II. The type of grievances brought to the GRM by level.
- III. The number of grievances reported by gender, community and age at each level.
- IV. The number of stakeholders that have come back after 30 days stating they are not satisfied with the resolution. The number of appeals could also be used as a proxy for this indicator.
- V. The number of grievances unresolved after 60 days by level and type.
- VI. The number of grievances escalated from one level to the next.
- VII. The number of grievances resolved between the project and complainant, without accessing legal or third party mediators, by level and type.
- VIII. The number of grievances of the same or similar issue.
- IX. The Project or relevant Committee's responses to the concerns raised by the various stakeholders.
- X. The number of cases where feedback to the complainant exceeded the budgeted timeframe.
- XI. The measures taken to incorporate these responses into project design and implementation.

These reports and other records will be made available for external review if required where an appeal or referral has been made. An appropriate grievance report should be part of the Project's annual reporting. Annual reports will be made available to the public. A hard copy will be located at the Project offices, and an electronic copy will be made available online.

The reports will also highlight key trends in emerging conflicts, grievances, and dispute resolution, and make recommendations regarding:

- I. measures that can be taken by the Project, Government and communities to avoid future harms and grievances; and
- II. improvements to the GRM that would enhance its effectiveness, accessibility, predictability, transparency, legitimacy, credibility, and capacity.

The Director of Parks and Wildlife shall monitor the implementation of the GRM on a quarterly basis. This shall entail reviewing the Grievance Database, documents and engaging stakeholders.

3.2 Communication of Grievance Redress Mechanism to stakeholders and public

The Trust / Project, line Ministry and the Ministry of Information will, in line with the Project's Communication Strategy/Plan in the SEP and CEP, publicize the GRM to the general public and provide stakeholders, communities living near project areas and the general public, information on the various channels to submit complaints.

3.2.1 Awareness Programmes

Awareness campaigns will be conducted targeting the project staff, relevant staff in relevant Ministries, Departments and Agencies including the Ministry of Tourism, Culture and Wildlife, the Ministry of Gender, Community Development and Social Welfare, the Ministry of Information, the Ministry of Local Government and Rural Development, communities of project and sub-project's location and other relevant stakeholders (see the Stakeholder Engagement Plan for guidance) to educate the people on the mechanism. Various mediums will be used. The GRM will also be published on the Ministry of Tourism website and on the Social Media channels available to the project. A project site board will be elected on the sites of sub-projects indicating the existence of the mechanism and a phone number, email and address for further information. The GRM will be translated into local languages as appropriate.

The options to submit a grievance will also be provided in IEC materials, which will be provided to each community during the stakeholder and community engagement processes and which are to remain accessible to all communities during the lifetime of the project. In addition to options how to file a grievance, the following aspects will be explained to beneficiaries during the stakeholder and community engagement processes:

- I. GRM principles;
- II. Criteria for Eligible Grievances and Exclusions;
- III. confidentiality measures;
- IV. GRM Steps after filing a complaint.

3.2.2 Legal Empowerment Programmes

The Project/ Trust is aware that the right to access justice is a fundamental human right that ensures that all individuals have access to effective remedies to address their legal grievances. However, many people face barriers to accessing justice, particularly those marginalized, excluded, or harmed within legal systems. Legal empowerment of these people is a tool for addressing these barriers. It is an approach that seeks to achieve access to justice by enabling marginalized individuals and communities to understand and exercise their legal rights.

The Project / Trust believes that legal empowerment approaches and practices can be used as grievance prevention and response mechanisms. The approaches and practices take different forms, depending on the context and the community needs; including the following:

- I. **Legal education for the community:** Legal education initiatives provide education and training to individuals and communities on their legal rights and how to access legal services, including workshops, informational sessions, and other forms of legal education tailored to the specific needs of the community.
- II. **Legal Aid Services:** Legal aid can be provided by paralegals and lawyers, who are trained to provide legal aid and support to individuals and communities. Paralegals and lawyers, in particular at the Legal Aid Bureau, will play a role in expanding access to justice where few lawyers and legal services are not otherwise accessible.
- III. **Community dispute resolution mechanisms:** mediation or arbitration are alternative ways of

resolving disputes outside the formal courts. Alternative dispute resolution solutions can be less expensive and more efficient than going to court; they can also be more flexible and responsive to the needs of the parties involved. These will be provided by the local structures designated to handle grievances and institutions such as the Human Rights Commission, Legal Aid Bureau, the Office of the Ombudsman etc. Local structures shall be trained to mediate grievances as it is a more sustainable approach.

- IV. **Mobile legal aid clinics:** Mobile legal clinics are mobile buses that provide legal aid and support to individuals and communities in remote or disadvantaged areas. These clinics can provide a range of legal services, including legal advice. The objective of the mobile legal aid clinics is to promote access to justice for low and medium income or marginalized people who are not aware of the legal procedures and concepts and individuals who do not have access to free legal services.

Legal advice is given on variety of issues including (not limited to) civil, GBV, land and other issues. Lawyers and paralegal officers from Constitutional bodies, the Malawi Law Society, the Legal Aid Bureau and other stakeholders shall provide legal advice. The clients with cases which require further assistance shall be referred to relevant authorities, including the Legal Aid Bureau, Constitutional bodies, depending on the nature of the issue.

It should be noted that it is recommended that awareness meetings with the public be conducted prior to the legal mobile clinics taking place. The clinics will be conducted in an open area where public can easily reach the service providers. However, in line with principles of confidentiality, there shall be one on one meetings between lawyers/ paralegals and a person seeking legal advice.

As such, the partnership between the Project/ Trust and the Malawi Law Society, Legal Aid Bureau⁷, the Human Rights Commission, the Office of the Ombudsman, the Law Commission and other justice institutions, in particular at the grassroots level, is critical to improving and enhancing access to justice. Through this partnership, lawyers and paralegals can provide more effective legal services and can also work together with the Project to address the root causes of some of the grievances.

3.2.3 Access to Information, Confidentiality and Disclosure

The GRM recognizes and respects a complainant's right to confidentiality (which extends to the confidentiality of an authorized representative when requested by the complainant, but subject to the CEO / Project Manager's, the Head of Extension and Education Services or Chairperson of the NRC's consideration of the justification) including confidentiality of identities and information provided to the CEO / Project Manager and designated complaint intake focal persons at all levels.

To uphold confidentiality and encourage transparency, the grievance mechanism also allows for anonymous submissions, offering individuals the option to report concerns without revealing their identity. This feature aims to promote inclusivity and ensure that all stakeholders feel empowered to raise grievances, contributing to a fair and accountable working environment.

In providing transparency about the mechanism's performance to wider stakeholders, through statistics,

⁷ Whilst the services of the Bureau target people who cannot afford legal services, the Bureau does request for a minimal fee towards its services.

case studies or more detailed information about the handling of certain cases, confidentiality shall be considered. The dialogue between parties and of individuals' identities shall be kept confidential. It may be appropriate in some cases to make basic information about the identity of complainants publicly available, with the consent of the complainant.

Files for each Grievance will be available for review by the Claimant and other stakeholders involved in the Grievance, or their designated representative(s). Appropriate steps will be taken to maintain the confidentiality of the Claimant if previously requested.

Chapter 4.0 Handling and management of Special Cases

4.1 Special Cases

It should be noted that there are some special cases that shall not be handled by the Project / Trust. Project personnel, NRC's, District Commissioners, the NVA and relevant communities shall be oriented on the proper channels to use. These special cases include the following;

- I. **Criminal cases:** All recorded cases by the GRM grievance personnel that have been examined and found to be criminal by nature shall be reported to Police immediately. Communities will be sensitized on such cases and report to the police directly.
- II. **Sexual exploitation and abuse (SEA) and Gender based violence:** Sexual exploitation and abuse (SEA) and gender-based violence (GBV) cases are different from other complaints that are normally handled by GRM committees or focal persons. These are special cases that shall be handled with and in a manner to ensure confidentiality of the information at hand. The GRM shall direct the GBV cases to relevant stakeholders at the community or district level. Communities will be sensitized to report any cases of GBV and child protection issues to relevant authorities and national GBV toll free lines.
- III. **Child Related Cases:** The Trust / Project adopts zero tolerance to any form of child abuse. Proper action shall be taken against perpetrating this unethical conduct. The cases will be recorded and reported to relevant authorities.

4.1.1 Management of Gender Based Violence and Sexual Abuse Cases

This GRM has put in place procedures that should be followed when reporting, investigating and resolving or referring gender-based violence or sexual abuse cases that may arise from implementation of the Project.

Definitions of GBV related terms

Gender-based violence (GBV) is defined as any unlawful act perpetrated by a person against another person on the basis of their sex that causes suffering on the part of the victim and results in, among others, physical, psychological and emotional harm and economic deprivation. GBV is a serious, sometimes life threatening, human rights, health and protection issue that violates a number of universal human rights.

The following are forms of GBV cases that may arise from implementation of projects:

- I. Sexual violence, includes acts like rape/sexual assault, sexual abuse of programme participants (beneficiaries and/or supervisors), sexual harassment, trafficking of women and girls.
- II. Physical violence, involves acts such as hitting or beating (or battering, strangling, suffocating, throwing things at the victim), or any physical harm of Trust / Project personnel or affected communities, conducted by Trust / Project personnel or community members or a person in authority such as a committee member or member of a redress body.
- III. Economic violence, involves acts such as withholding or denial of access to resources as per rules of the Project/ DNPW, or by damaging property.
- IV. Emotional and psychological violence, can take the form of provocation of the beneficiary/participant in ways that are likely to invoke an emotional reaction that can lead to

- other forms of GBV (e.g., physical violence) or personal harm and includes intimidation and threats, usually by persons in authority and/or non-participating community members directed at participants/beneficiaries, such as verbal abuse and psychological abuse.
- V. Verbal abuse, refers to the use of insulting or disrespectful language with the intention of undermining the Project personnel or community members, defamation, or harassment.

The management process/procedure of GBV:

Malawi Government laws, policies and strategies and other international instruments shall be adhered to when handling cases of sexual abuse and gender-based violence emanating from implementation of the Project. These international instruments, laws, policies and strategies include the following among others;

- I. A GBV logbook will be used to record all cases received related to GBV which will be kept and monitored by the Park/Reserve Managers, the Head of Extension and Education Services and extension service officers in EPA's, Chairman of NRC, the District Commissioner or delegated personnel and the Chairman of the Executive Committee of the NVA. This logbook will record the case numbers, who received the case, who made the referral including a status column which will show pending or closed case. All referrals of GBV cases shall be accompanied by with Form 001 (Appendix 1) and a referral letter.
- II. To make referral for a GBV case received by the project through any GRM outlet, the case shall be referred to the Gender Officer or Social welfare officer and the Malawi Police Service (Victim Support Unit) in the district where the allegation took place or at national level depending on the nature of case. At community level, reports shall be lodged with the Community Policing Unit whilst at district level, referrals shall be made to the District VSU. At national level, the Ministry of Gender, Community Development and Social Welfare, the Malawi Police Service (VSU), Director of Public Prosecutions, the Human Rights Commission or other relevant authority shall handle such cases.
- III. The CEO r shall then await feedback from the DPP/ MoGDSW/ HRC/ Judiciary or relevant authority handling the case, on the proceedings of the case (in some cases it will not be the full details of the case as some are kept highly confidential) in the form of either the case being pending or case has been resolved.
- IV. The logbook shall make it easier to track all cases. Case numbers and status on them will be the only reported component of GBV cases to relevant authorities.

4.1.2 Reporting GBV cases

Toll free line –MoGCDSW and MPS have toll free lines for reporting any form of abuse or assault anonymously as no number shows on their side until the victim is willing and free to share their number for further fact finding or protection of needed on the case reported. The GBV toll free number is 5600 which is a 24hr help line. The MPS toll free number is 0800 990 997 whilst their emergency toll free numbers are 990 or 997.

Toll free SMS – MoGCDSW and MPS have toll free SMS lines for reporting any form of abuse or assault anonymously as no number shows on their side until victim is willing and free to share their number for further fact finding or protection of needed on the case reported. Victims may SMS MoGCDSW and MPS to the numberswhich is also a 24hr help line. With the SMS, it works as an active conversation between

case worker and the aggrieved anonymously until victim is willing to share real names and details. This means that such conversations can be on-going without persons revealing their name until a time such a court case needed (where applicable).

National Reporting tool – MoGCDSW and MPS have a national tool used to report/capture all GBV cases in Malawi. It worth noting that in the steps discussed above, some cases will not necessarily follow step for step. For instance, some victims may choose to directly call the free lines for anonymity purposes to which then the CEO / Project Manager and other designated complaints intake focal persons may not be aware of the case at first instance, hence there must be a mirror logbook managed by MoGCDSW and MPS, so they record all cases there for tracking against the project logbook, so no case goes untraced or unknown by the Trust / Project. It is therefore vital that the Trust / Project has linkage with the Ministry responsible for Gender and the Malawi Police Service.

A monthly review of both logbooks shall be done to be able to report on all cases despite the channel used to report them. This is due to the sensitivity of the issues related to SEA/SH.

4.1.3 Guiding Principles for GBV-related grievances

The GRM has three guiding principles for dealing with all GBV-related complaints:

- I. Safety and Well-Being: The safety of the complainant shall be ensured at all times.
- II. Confidentiality/Anonymity: The confidentiality and anonymity of the complainant should be ensured, and relevant details should only be shared with the documented informed consent of the person.
- III. Survivor-Centered Approach: The survivor's choices, needs, safety, and wellbeing remain at the center of all actions and procedures.

This approach is based on the principles of:

- I. Respect for the survivor's choices, wishes, rights, and dignity throughout the process;
- II. Safety of the survivor being the utmost priority in all actions;
- III. Confidentiality to give people the right to choose whom they will or not tell their story;
- IV. Non-discrimination referring to equal and fair treatment to all survivors regardless of their age, nationality, race etc.

Chapter 5.0 GRM Work Plan and Resource Estimate

The Nyika Vwaza Co-Management Trust recognizes the critical importance of addressing grievances effectively to foster positive relationships with local communities and stakeholders. Unresolved grievances can lead to negative perceptions and undermine the success of conservation programs. Therefore, it is imperative that the Trust commits to providing the necessary resources and funding to operationalize the Grievance Redress Mechanism (GRM).

The Work Plan (Table 4) outlines a comprehensive approach to implementing the GRM, emphasizing the need for adequate funding, community engagement, capacity building, and continuous improvement. Key aspects include:

Training and Capacity Building: Investing in staff training to ensure grievances are handled sensitively and efficiently.

Community Engagement: Building trust and improving relationships with local communities by addressing grievances effectively.

Improved Management Practices: Utilizing feedback from grievances to enhance management practices.

Monitoring and Evaluation: Regularly reviewing the performance of the GRM to identify and implement necessary improvements.

The Nyika Vwaza Co-Management Trust is committed to supporting planned activities that strengthen the capacity of grievance redress referral institutions, raise awareness, and monitor the effectiveness of the GRM. By doing so, the Trust aims to create a cooperative and responsive environment that enhances the effectiveness and sustainability of wildlife management in NNP and VMWR. Table 5 is an estimate to operationalize the GRM.

Call to Action

As a Trust, we call upon all stakeholders, including local communities, governmental and non-governmental organizations, and international partners, to join us in this vital endeavor. Your support and collaboration are essential in ensuring the success of the Grievance Redress Mechanism. Together, we can build a more inclusive, transparent, and effective conservation framework that benefits both the environment and the people who depend on it.

Table 6: Implementation Plan for the GRM

Item	Task	Year					
		2025	2026	2027	2028	2029	2030
1	Finalise inputs into the GRM						
2	Approve the Draft GRM						
3	Decide on resources for the implementation of the GRM						
4	Conduct a baseline study						
5	Develop training guidelines for focal persons						
6	Develop and disseminate IEC materials including translated documents						
7	Strengthen the capacity of focal persons/institutions						
8	Conduct awareness programmes on the GRM during piloting phase						
9	Pilot the GRM						
10	Validate the GRM						
11	Adopt/ Launch the GRM						
12	Publicise the GRM through awareness programmes						
13	Conduct training of trainers on GRM						
14	Conduct orientation of GRM focal points						
15	Implement GRM activities: mobile legal clinics, awareness programmes etc.						
16	Monitor implementation of the GRM						
17	Conduct a mid term evaluation						
18	Evaluate GRM and document lessons learnt						

Table 7: Estimated costs of operating the GRM

No.	Activity	Quantity	Unit Cost	Total (EUR)	Total (USD)
1	GRM Officer Remuneration (for 5 years)	1 Officer	€1,500/month	€90,000	\$96,300
2	GRM IEC, Admin & Finance, and Officers	3 Officers	€1,200/month	€216,000	\$231,120
3	Field Officers	4 Officers	€1,000/month	€240,000	\$256,800
4	Computers & Office Equipment	4 setups	€2,000	€8,000	\$8,560
5	Office Operational Costs	Monthly	€500/month	€30,000	\$32,100
6	IEC & Learning Materials	Lump Sum	€15,000	€15,000	\$16,050
7	Translation/printing to Local Languages	Lump Sum	€10,000	€10,000	\$10,700
8	Mobile Legal Clinics & Awareness (radio/TV/posters/flyers)	Lump Sum	€50,000/year	€250,000	\$267,500
9	Awareness Meetings at National Level (1 per year)	1 meeting/year	€20,000/meeting	€100,000	\$107,000
10	Training of Committees on GRM (50 people)	Lump Sum	€15,000	€15,000	\$16,050
11	Quarterly Meetings of GRM Committees (16 mtgs/year)	16 mtgs/year	€3,000/meeting	€240,000	\$256,800
12	Field Inspections/Monitoring/Advisory (twice a year)	2 trips/year	€5,000/trip	€50,000	\$53,500
13	National Learning Event on GRM	1 event	€25,000	€25,000	\$26,750
	Total (5 years)			€1,289,000	\$1,379,230

Notes:

The Trust must decide whether to hire full-time personnel or assign existing officers to manage and operate the GRM. If part-time staff are engaged, the budget lines for staff remuneration should be adjusted accordingly.

It is important to note that the estimated costs provided are indicative and should be revised based on actual procurement costs and prevailing circumstances at the time of the GRM's operation.

Implementation Plan for GRM Pilot Phase

Table 8 includes an Estimated Cost column for each activity. These are lump sum cost estimates (in USD). The costs to be adjusted based on actual detailed budgets, procurement standards, or local rates.

Table 8: Implementation Work Plan for GRM Pilot Phase

#	Activity	Objective	Key Deliverables	Responsible Parties	Timeline	Dependencies	Estimated Cost (USD)
1	Finalize inputs into the GRM	Incorporate stakeholder feedback and finalize the GRM draft	Final GRM Document	NVCMT & GRM Team	Oct 1–15, 2025	Draft GRM from Phase One	4,500
2	Approval of the GRM	Secure endorsement of GRM by key institutional stakeholders	Signed Approved Documents	NVCMT/DNPW	Oct 15–31, 2025	Activity 1	4,500
3	Develop a detailed budget for GRM implementation	Confirm budget and operational support	Resource Allocation Plan	NVCMT Management	Nov 1–15, 2025	Activity 2	1,000
4	Conduct baseline study	Establish pre-implementation benchmarks and community needs	Baseline Report	Consultant, MHRC/ DNPW M&E	Nov 1–30, 2025	Activity 2	10,000
5	Develop training guidelines for focal persons	Equip focal persons with tailored guidance for GRM delivery	Training Manual, TORs	Consultant, Legal Expert	Nov 1–20, 2025	Activity 2	5,500
6	Develop & disseminate IEC materials	Raise community awareness & provide simplified GRM tools	IEC Toolkits (translated)	Comms Officer, NGOs	Oct 20–Nov 15, 2025	Activity 2, 5	6,000
7	Capacity building of GRM Focal Persons	Train key personnel to operate the GRM effectively	Training Reports, Attendance Records	HR Unit, Training Consultant	Nov 15–30, 2025	Activity 5	9,000
8	Conduct awareness campaigns	Engage communities to build confidence in the GRM process	Awareness Meeting Reports, Posters, Radio Spots	Field Officers	Oct 15–Nov 30, 2025	Activity 6	12,000
9	Pilot the GRM in 2 communities	Test operational viability and gather learning	Pilot Implementation Report	NVCMT GRM Unit	Oct 15–Nov 30, 2025	Activities 3–8	12,000

#	Activity	Objective	Key Deliverables	Responsible Parties	Timeline	Dependencies	Estimated Cost (USD)
10	Validation workshop for the GRM	Obtain consensus and finalize design before official adoption	Validation Report, Feedback Summary	Independent Facilitator	Jan 15–15 Feb, 2026	Activity 9	6,000
11	Adoption & official launch	Formal rollout and stakeholder endorsement	Launch Report, Media Outputs	NVCMT/ DNPW	Q1 2026	Activity 10	6,000

Total Estimated Cost: \$76,500

APPENDICES

Appendix 1: Complaint Receiving Form (GRM/001)

Complaint Receiving Form (GRM/001)

Date: (dd/mm/yyyy):

Place of Issuing Complaint:

Complaint No: :.....

GRIEVANT INFORMATION	
GRIEVANT NAME (optional)	DATE APPEAL SUBMITTED
GRIEVANT PHONE	GRIEVANT EMAIL
LOCATION OF COMPLAINT/CONCERN: VILLAGE/TOWN/CITY/AREA & DISTRICT	MODE OF RECEIPT: WRITING/ VERBAL / PHONE/ FAX/ EMAIL
RECEIVED BY	DATE RECEIVED

REASON FOR APPEAL (check all that apply):
☐ Community member living near PA/Project Beneficiaries
☐ Project Executors
☐ Project Implementers
☐ Funding Agencies
☐ Other Interested Party (Please specify):

	CATEGORY OF GRIEVANCE (please tick where applicable):
☐	Project Implementation Related
☐	Social
☐	Project Implementers
☐	Environmental

BRIEF DESCRIPTION OF THE GRIEVANCE: Attachments: (1) _____ (2) _____ (3) _____

DESIRED OUTCOME (Attach letter/petition/documents detailing grievance information as submitted) attachments if necessary

Please retain a copy of this form for your own records. As the grievant, your signature below indicates that the information you've provided on this form is truthful.

SIGNATURES

GRIEVANT SIGNATURE	DATE
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RECEIVED BY:	
PRINTED NAME AND SIGNATURE	DATE

Appendix 2: Acknowledgement of Receipt (GRM / 002)

ACKNOWLEDGEMENT OF RECEIPT (GRM/002)

Date: (dd/mm/yyyy):

Place of Issuing Complaint:

Complaint No:.....

GRIEVANT INFORMATION	
DETAILS OF COMPLAINANT (optional)	AGE & GENDER
COMPLAINANT PHONE NUMBER	COMPLAINANT EMAIL
LOCATION OF COMPLAINT/CONCERN: VILLAGE/TOWN/CITY/AREA & DISTRICT	MODE OF RECEIPT: WRITING/ VERBAL / PHONE/ FAX/ EMAIL

RECEIVED BY	DATE RECEIVED

Supporting documents submitted: (1) _____ (2) _____ (3) _____

Summary of complaint: attachments if necessary

Please retain a copy of this form for your own records. As the grievant, your signature below indicates that the information you've provided on this form is truthful.

SIGNATURES	
NAME OF OFFICER RECEIVING COMPLAINT:	DATE

SIGNATURE:	DATE

Appendix 3: Meeting Record GRM / 003)

MEETING RECORD
(GRIEVANCE REDRESS COMMITTEE & OTHER MEETINGS)
GRM/003

Date: (dd/mm/yyyy):

Venue of Meeting:

Complaint No:

LIST OF PARTICIPANTS:	
COMPLAINANT SIDE	GRIEVANCE REDRESS DESIGNATED PERSON/ MEMBERS
1)	1)
	2)

2)	3)
RECEIVED BY	DATE RECEIVED

	Status of Grievance (tick where applicable) :
	Resolved
	Unresolved
	Referred
	Other Interested Party (Please specify):

Key discussions:
1)
2)
3)
4)

5)

Summary of Grievance And Recommendations: attachments if necessary

Please retain a copy of this form for your own records. As the grievant, your signature below indicates that the information you've provided on this form is truthful.

SIGNATURES

CHAIRPERSON'S NAME:

DATE

CHAIRPERSON'S SIGNATURE

DATE

Appendix 4: Disclosure Form (GRM/004)

DISCLOSURE FORM

(GRM/004)

Date: (dd/mm/yyyy):

Place of Issuing Complaint:

District

RESULT OF GRIEVANCE REDRESS

RESULT OF GRIEVANCE REDRESS	
COMPLAINT NO	NAME OF COMPLAINANT
DATE OF COMPLAINT	GRIEVANT EMAIL
RECEIVED BY	DATE RECEIVED

	Status of Grievance (tick where applicable) :
	First / Community
	Second / District
	Third / National
	Other Interested Party (Please specify):

Summary of Resolution:

--

Summary of the Complaint: attachments if necessary

Please retain a copy of this form for your own records. As the grievant, your signature below indicates that the information you've provided on this form is truthful. (Note: Copy to be sent to the complainant and the TFCA Secretariat)

NAME OF COMPLAINANT:

**SIGNATURE OF THE COMPLAINANT, INDICATING
ACCEPTANCE OF THE SOLUTION TO HIS/HER
GRIEVANCE.**

DATE

NAME OF GRIEVANCE HANDLING OFFICER:

DATE

Appendix 5: Appeal Form (GRM/005)

APPEAL FORM

(GRM/005)

Date: (dd/mm/yyyy):

Place of Issuing Complaint:

Appeal no:

DETAILS OF THE APPELLANT/COMPLAINANT:	
GRIEVANT NAME (optional)	AGE & GENDER
GRIEVANT PHONE NUMBER	GRIEVANT EMAIL
LOCATION OF COMPLAINT/CONCERN: VILLAGE/TOWN/CITY/AREA & DISTRICT	MODE OF RECEIPT: WRITING/ VERBAL / PHONE/ FAX/ EMAIL
RECEIVED BY	DATE RECEIVED

Details of appeal: (Attach documentary evidence in support of appeal if available)
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Please retain a copy of this form for your own records. As the grievant, your signature below indicates that the information you've provided on this form is truthful.

SIGNATURES	
NAME OF APPELLANT:	DATE

SIGNATURE	DATE

Appendix 6: Complaint Receiving Form (GRM/006)

COMPLAINT RECEIVING FORM (GRM/006)

Date: (dd/mm/yyyy):

Place of issuing Complaint:

Complaint no:

DETAILS OF THE APPELLANT/COMPLAINANT:	
GRIEVANT NAME (optional)	AGE & GENDER
GRIEVANT PHONE NUMBER	GRIEVANT EMAIL
LOCATION OF RESPONDENT: VILLAGE/TOWN/CITY/AREA & DISTRICT	MODE OF RECEIPT: WRITING/ VERBAL / PHONE/ FAX/ EMAIL
RECEIVED BY	DATE RECEIVED

Description of the events being reported

Evidence, if any (Attach letter/petition/documents detailing grievance information as submitted)

Any other persons who may provide information on the subject of the report: Attachments: (1) _____ (2) _____ (3) _____

Have the events been reported to anyone else? Specify who, when and what action was taken.

Please retain a copy of this form for your own records.

SIGNATURES

Received/prepared by:

DATE

SIGNATURE

DATE

Appendix 7: Quarterly Report of (GRM/007)

QUARTERLY REPORT OF REGISTERED COMPLAINTS (GRM/007)

Date: (dd/mm/yyyy):

Location:

Period (Quarter ending)

Details of Complaints Received:

Place of issuing complaint	Name & Address of complainant	Sex	Name and Address of Respondent	Sex	Location of complaint/concern	Date of Receipt	Complaint no.

Details of Grievance Redress Meetings:

Date of meeting	Venue of meeting	Names of Participants	Decisions/Recommendations made

Details of Grievances addressed:

Date of issuing complaint	Category of complaint	Category of grievance	Brief description of grievance	Date of complete resolution

(Note: Copy to be submitted to the TFCA Secretariat)

Appendix 8: Grievance Policy and Procedure for Employees

PROPOSED GRIEVANCE POLICY AND PROCEDURE FOR TRUST EMPLOYEES

DOCUMENT APPROVAL

	Name	Signature	Date
Responsible Person:			

Date of Last Review: _____

Key words:

Reference documents:

Applicability: *This policy is applicable to all employees.*

CONTENTS

1. INTRODUCTION.

2. SCOPE OF POLICY

3. PURPOSE OF THE POLICY.

4. GRIEVANCE POLICY.

5. GRIEVANCE PROCEDURE.

5.1 Preliminary investigations.

5.2 The informal grievance investigation.

5.3 The formal grievance hearing.

FORMS.

Grievance Application Form.

Notice to attend Grievance Hearing.

Outcome of Grievance Hearing.

6. GUIDELINES.

6.1 Scope of grievances.

6.2 The objects and purpose of a grievance procedure.

6.3 Definitions- which procedures to use.

INTRODUCTION

1. INTRODUCTION.

Unresolved grievances may be damaging to the morale of employees and the effective operation of programs in MAZA TFCA Project / CMA Trust. A Grievance policy and procedure is necessary to eliminate the possibility of any detrimental effects arising out of unresolved grievances. This Grievance Policy aims to ensure that all communication channels are open and receptive, and that all employees have an adequate opportunity to express their grievances. It further aims to ensure that grievances are resolved timeously and fairly by adopting a problem solving approach and implementing any appropriate corrective action necessary.

2. SCOPE OF APPLICATION

The policy shall apply to all employees under MAZA TFCA Project / CMA Trust.

3. PURPOSE OF THE POLICY

The purpose of this policy is to give guidance and to provide a framework for all employees and MAZA TFCA Project / CMA Trust to deal with grievances raised effectively, and at the earliest possible stage.

4. GRIEVANCE POLICY

The objects and purposes of the Grievance Procedure will only be achieved if it functions effectively and is properly utilized. In light of the above, the MAZA TFCA Project / CMA Trust is committed to ensuring that:

- Employees are aware of the opportunity to express grievances.
- Employees feel free to express their grievances without the fear of victimization or intimidation or prejudice to their employment relationship.
- Employees are encouraged to use the procedure, but also warned not to abuse it with false grievances.
- Sensitive grievances are dealt with privately, and confidentiality of information is maintained.

The MAZA TFCA Project / CMA Trust in accepting this policy gives commitment to the following:

- The resolution of all grievances timeously.
- Recognizing the employees right to be represented by a fellow employee if he/she wishes to do so.
- Ensuring that Management handles grievances with the Human Resources Unit / Section acting in an advisory capacity.
- Creating an environment in which an employee may lodge a grievance without fear of being victimized or prejudiced.
- Ensure that all grievances are handled in a confidential manner.
- Ensure that each step in the procedure shall be subject to the stipulated time limits, unless otherwise determined by the parties through mutual agreement.

5. GRIEVANCE PROCEDURE

5.1 IDENTIFICATION AND PRELIMINARY INVESTIGATIONS

Employees must be informed of their rights to lodge a grievance and where the applicable Grievance Application Form can be obtained.

All grievances may be lodged with the direct superior, or alternative superior/ Human Resource Unit / Section if the employee feels more comfortable doing so. No employee may leave his/her normal place of work or engage in any grievance discussion without prior permission, and such permission shall not be unreasonably withheld.

Assistance must be offered if necessary by the superior in lodging such a grievance and completing the Grievance Application Form. (See form 4.1)

The superior must consider the nature and type of the grievance lodged and based on this assessment make a decision as to the best grievance resolution procedure to follow. The mild grievance can be dealt with via the informal investigation route, however a serious grievance and sensitive grievance requires a formal hearing. (See guidelines on definitions of mild, serious and sensitive grievances). The appropriate procedures to follow are discussed below.

5.2 THE INFORMAL GRIEVANCE INVESTIGATION

The aggrieved employee's superior, or person with whom the grievance has been lodged must ensure the Grievance Application Form has been correctly completed and the grievance is clearly understood.

The superior must then discuss the grievance and proposed corrective action with the employee in private. The decision on corrective action, if any, must be detailed on the Grievance Application Form.

The aggrieved employee / employee representative or witness must sign the Grievance Application Form.

If the employee is dissatisfied with the decision, he/she may lodge an appeal within 5(five) working days of the outcome being received.

If the employee is satisfied with the decisions, the corrective action must be implemented and recorded on the form.

5.3 THE FORMAL GRIEVANCE HEARING

A chairperson must be arranged to conduct the grievance hearing.

The employee must be notified of the grievance hearing in writing. (See form 4.2).

Ensure the aggrieved employee/s receive such notification at **least 2(two) working days** before the Grievance Hearing so as to allow sufficient time to prepare.

If the grievance has been lodged against another party such party must also receive the notification of the hearing and of his/her rights, as well as the grievance/s lodged, **at least 2(two) working days prior** to the hearing.

The Grievance Hearing: Phase 1

The chairperson must advise the parties present of the purpose of the hearing and their rights during the hearing.

The aggrieved employee/s or employee/s representative must then be given an opportunity to motivate the grievance.

The person against whom the grievance was lodged must be given the opportunity to respond to the grievance.

Both parties may present evidence/ call witnesses to motivate their case. Both parties may also cross question witnesses.

The Hearing may be adjourned at this stage if necessary.

Finding on the facts

The chairperson must now make a finding on a balance of probabilities on the validity of the grievance.

If the grievance is found to be invalid, the findings must be recorded in writing and signed by the aggrieved employee, employee representative or witness.

The aggrieved employee must also be advised of his/her/their right to appeal within 5 (five) working days of receiving the outcome and of the applicable Application for Appeal Form to complete.

If the grievance is found to be valid, the Grievance Hearing: Phase 2 needs to be conducted.

The Grievance Hearing: Phase 2

The chairperson must present the finding on the validity of the grievance and permit both the aggrieved employee/s and other party an opportunity to present suggestions for corrective action.

Responses and discussion as to the feasibility of such suggestions must be entertained.

Both parties must be questioned as to whether they are satisfied with the proceedings.

Corrective action

The chairperson must decide on the most effective and viable corrective action and advise the employee in writing of the decision made on the Outcome of Grievance Hearing Form.

The chairperson must ensure that such corrective action is implemented and that progress is recorded. The employee must also be advised of his/her right to appeal against the decision within 5(five) working days of receiving the outcome if he/she is dissatisfied.

GRIEVANCE APPLICATION FORM

NAME OF AGGRIEVED EMPLOYEE (If this is a collective grievance attach list of the names of all aggrieved employees)	
JOB TITLE	
DEPARTMENT	
NAME OF SUPERIOR WITH WHOM GRIEVANCE HAS BEEN LODGED	
REPRESENTATIVE'S NAME	

DATE GRIEVANCE LODGED _____

NATURE OF THE GRIEVANCE

SOLUTION PROPOSED BY AGGRIEVED EMPLOYEE

DATE: _____

SIGNATURE OF AGGRIEVED EMPLOYEE: _____

DATE: _____

SIGNATURE OF SUPERVISOR: _____

IF FORMAL HEARING IS NECESSARY – INITIATE

IF INFORMAL INVESTIGATION WILL SUFFICE, COMPLETE REMAINDER OF THIS FORM.

BRIEF ACCOUNT OF INFORMAL GRIEVANCE HEARING (date, employee motivation, evidence lead, other party response, suggestions made)

DATE EMPLOYEE INFORMED OF DECISION _____

CORRECTIVE ACTION DECIDED BY SUPERVISOR

DATE: _____

SIGNATURE OF AGGRIEVED EMPLOYEE: _____

DATE: _____

SIGNATURE OF SUPERVISOR: _____

DATE OF PROGRESS REVIEW _____

PROGRESS

**YOU HAVE THE RIGHT TO APPEAL WITHIN 5(FIVE) DAYS OF THE
OUTCOME**

NOTICE TO ATTEND GRIEVANCE HEARING

TO: _____ DATE: _____

You are hereby informed that a Grievance Hearing will be held on _____ (day)
the _____ (date) at _____ (time) at
_____ (place) where the grievance will be investigated.

We wish to remind you that you have the following rights at the Grievance Hearing:

1. To be represented by a fellow employee of your choice.
2. To the assistance of an interpreter if you require one.
3. To call and cross-question witnesses.
4. To be heard and to put your version to the chairperson.

Kindly inform the MAZA TFCA Project / CMA Trust of the identity of your chosen representative, interpreter and any witnesses you may wish to call.

Yours faithfully

(CHAIRPERSON)

I hereby confirm notification of the above-mentioned Grievance Hearing and will attend the same:

(SIGNATURE OF EMPLOYEE)

DATE: _____

I confirm that the above-mentioned employee received notification, but refused to sign acknowledgement of same and to confirm that he/she would attend the said Grievance Hearing:

(SIGNATURE OF WITNESS)

DATE: _____

OUTCOME OF GRIEVANCE HEARING

TO: _____

DATE: _____

As you are aware a Grievance Hearing was conducted on _____ to investigate a grievance lodged by yourself on the _____. I hereby confirm that you were advised of your rights to a representative as well as an interpreter. You were further advised of your right to call witnesses and cross-question witnesses.

After carefully considering the evidence presented I find the grievance lodged by yourself to be **invalid / valid**. My reasons are as follows:

If valid: After discussing the feasibility of recommended corrective action I have decided that the following corrective action is reasonable, sufficient and fair under the circumstances:

Note: Details action, responsibility and deadline.

I hereby advise of your right to appeal and such an appeal must be lodged within 5(five) working days of receipt of this notice of outcome. You may obtain the relevant appeal application form from your superior.

Yours faithfully

(CHAIRPERSON)

I hereby confirm that I have received this notification and understand the contents thereof:

(SIGNATURE OF EMPLOYEE)

DATE: _____

I confirm that the above-mentioned employee received this notification, but refused to sign acknowledgement of same:

(SIGNATURE OF WITNESS)

DATE: _____

Note: If the corrective action is deemed necessary, a copy of the corrective action must go to all persons detailed in the corrective action responsibilities.

DATE OF PROGRESS REVIEW _____ PROGRESS OF CORRECTIVE ACTION.

6. GRIEVANCE GUIDELINES

6.1 SCOPE OF GRIEVANCES

Employee grievances are wide ranging and may vary from general dissatisfaction with wages or working conditions to dissatisfaction with training and promotion, lack of facilities or inadequate equipment. Grievances may also involve unhappiness on the part of the employee due to unfair treatment, for example a manager/supervisor or fellow employee may have consistently discriminated against an employee or group of employees, treated employees with unnecessary harshness or insulted them.

In determining which type of grievance should be dealt with in terms of the Grievance Procedure one should take note that:

- Generally common grievances regarding wages or working conditions of all employees or a substantial number of employees will be channeled through a representative body such as a Welfare Committee or Trade Union. Such grievances should be resolved through the collective bargaining machinery in place under MAZA TFCA Project / CMA Trust and ordinarily become demands rather than grievances.
- Individual grievances or grievances regarding a group of employees concerning dissatisfaction with promotion, training, facilities, equipment or unfair treatment may be channeled through the Grievance Procedure.

Thus a formal grievance may be defined as a complaint, other than demands formulated by a collective and recognized body, which is related to the employee's treatment or position within his/her working environment, which warrants the formal attention of management.

6.2 THE OBJECTS AND PURPOSES OF THE GRIEVANCE PROCEDURE

Usually a grievance procedure is initiated when, within the day-to-day work situation of an employee, an incident has occurred or the employee's position is such that he is left with a general feeling of dissatisfaction or sense of injustice. The rationale of such a procedure being that if this type of issue is not given formal consideration by management and remains unresolved it may lead to a dispute between the MAZA TFCA Project / CMA Trust and employee or group of employees.

- If an individual grievance is not dealt with timeously and fairly the employee may well become disgruntled, demotivated, disloyal and even disobedient.
- If a collective grievance is not dealt with fairly and timeously the problems experienced with the unattended individual grievance are exacerbated and may often result in strikes or industrial action.
- The sensitive grievance which is a perceived problem related to issues such as discrimination (for example racial, sexualetc.) or harassment by fellow employees or superiors must be attended to with the utmost sensitivity. Failure to do so may result in the MAZA TFCA Project / CMA Trust being liable under the Employment Equity Act, civil litigation or even criminal prosecution. The costs of such proceedings in terms of money and time are extensive and must be avoided.

With the above in mind it becomes clear that an effective Grievance Procedure is essential. However, the purpose of the Grievance Procedure must not simply be seen as a reactive measure to avoid disputes and excessive costs. The Grievance Procedure must also be seen as a proactive approach aimed at creating an environment that is seen as just and fair. The purposes of the Grievance Procedure are summarized below:

- It creates awareness of employee problems or of problem areas, which should be subjected to further investigation.
- It emphasizes management concern for the well-being of employees.
- It renders disciplinary procedures more acceptable, since employees also have a means of objecting to management performance/ behaviour.
- It prevents disputes from arising.
- It prevents excessive costs in terms of time and money if grievances are effectively dealt with internally.

6.3 DEFINITIONS – WHICH PROCEDURE TO USE

The mild grievance

This type of grievance does not involve a dispute of facts or require that evidence be lead to understand the nature of the grievance. The superior can easily ascertain the nature of the problem and feels that he/she is capable of resolving the grievance without assistance. For example, a worker lodges a complaint about the unsuitable state of the toilet facilities. In this instance the superior is required to follow the Informal Grievance Investigation Procedure.

The serious grievance

This type of grievance revolves around a dispute of facts and further evidence or witness testimonies may be necessary to understand the nature of the grievance. Alternatively, the superior does not feel he/she is capable of resolving the grievance without assistance. For example, one worker claims another worker hit him during their lunch break. In this instance the grievance must be channeled through the formal Grievance Hearing Procedure.

The sensitive grievance

The sensitive grievance may include grievances about discrimination, sexual harassment and other forms of harassment, victimization etc. In this instance the grievance **must be** channeled through the formal Grievance Hearing Procedure.