

Grievance Subcommittee
Report to the Normalcy Taskforce

November 2, 2016

The Grievance Subcommittee was convened by the Normalcy Taskforce to create recommendations related to a youth grievance process for the Strengthening Families Act. The Grievance Subcommittee has undertaken several research and survey projects to gain information about the current Nebraska processes, the experiences and perspective of youth who are or have been in out-of-home placements, and grievance processes in other states. The group's focus is to make recommendations on the options that youth should have to grieve or otherwise seek assistance if they feel their rights have not been respected. This document first contains two essential recommendations to ensure that youth understand and are empowered to enforce their rights. The document then discusses the principles and components of an ideal grievance process, with the expectation that the Subcommittee will continue its work on the ideal grievance process and will release more detailed recommendations, including relating to a Central Navigator, in the next sixty days.

Preliminary Recommendations

The group first identified two recommendations to empower youth to understand, protect, and enforce their rights through legal representation and education:

1. Increase youth access to counsel to ensure that the youth's legal rights are protected; and
2. Create a uniform brochure available as a hard copy and electronic communication to provide youth with information about their rights and what to do if their rights are violated. This brochure, no matter what format, will be provided and explained to youth in an age and developmentally appropriate manner regularly and repeatedly.

Ideal Grievance Process Principles

Youth who are served by agencies and providers need an effective, formal way to express complaints about matters associated with their placement and care, and to seek redress when appropriate. An effective grievance process allows agencies and providers to improve their processes and the lives of the youth in their care. It is our belief and strong recommendation that every single agency and entity serving children and youth in Nebraska establish a grievance or complaint process in written policy and procedure to respond to grievances from the youth they serve.

All grievance or complaint processes must contain the following essential elements:

1. Information on grievance or complaint processes must be made available to youth when they first come in contact with an agency and repeated at regular intervals thereafter.

- a. Information should be conveyed in developmentally appropriate ways through staff explanation and easy to understand forms.
2. Youth may receive assistance when filing a grievance.
 - a. Staff, other youth, legal parties, and family members can help a youth fill out a grievance form.
 - b. Family members and legal parties may file a grievance on behalf of a youth.
3. No one will alter, interfere with, or delay the transmittal of a grievance.
4. Youth and any family member or legal party that filed the grievance or complaint on behalf of the youth will be provided with a copy of grievance forms that have received a response.
5. Every grievance process should have an appeals process.
 - a. The highest-ranking individual in the organizational hierarchy will review and respond to appeals that reach the final appeals stage.
6. The Grievance Subcommittee will establish time frames in its Components of an Effective Grievance Process to respond to grievances that agencies and providers should adopt in policies and procedures.
 - a. Youth will be informed of the expected timeframes in clear, developmentally appropriate language, including when to expect:
 - i. Confirmation that the grievance has been received;
 - ii. Communication related to the grievance;
 - iii. Formal response to the grievance;
 - iv. Resolution;
 - v. Appeal must be filed if the youth is unhappy with the resolution; and
 - vi. Additional factors, such as an ongoing investigation, will affect the resolution of the grievance.
 - b. Staff should be held accountable for complying with the time frames.
7. Elements of integrity are built into the system, including:
 - a. A clear, age and developmentally appropriate explanation of the process provided to youth.
 - b. A formal, written response to all grievances.
 - c. Yearly reviews of the grievance process, both internally by the agency or provider, and by the state agency with a contractual or voucher relationship with the provider.
 - d. The highest individual or designee in the organizational hierarchy regularly reviews the overall summary and record of grievances.
 - e. The organization will collect data related to number, type, and source of grievances, as well as resolutions and appeals. This data is used to improve both the grievance process and functioning of the organization.
8. The grievance system should be open and non-threatening.
 - a. A Whistleblower/non-retaliation policy should be clearly included in written organizational policy. Staff are trained on the whistleblower/non-retaliation

policy and clearly understand that they may not retaliate against a youth making a complaint.

9. The grievance system shall comply with existing applicable law.

Components of an Effective Grievance Process

The components of the effective grievance process are the informal grievance, formal grievance, and appeal process. These components should reflect the principles in the previous section. These components are not meant to be a hindrance to the informal resolution of a problem or an issue. The sound, written policy for a grievance procedure should include the following, with specifics and time frames of each component to be developed by the Grievance Subcommittee over the next sixty days:

1. Informal Grievance

The informal grievance allows those closest to the youth to handle the complaint or concern. This level is a formal process for the front line staff, before the matter has to be reviewed through another level of the agency or entity. The informal grievance, if resolved, will not rise to the level of a formal grievance. The group did not reach consensus on whether the complaint will be recorded in writing. Some members believed that recording the grievance will allow for data collection and analysis for program improvement, while others believed that it would create a significant burden on front line workers.

2. Formal Grievance

After the youth has attempted to resolve their issue through the informal stages of the initial grievance process and is dissatisfied with the response, the formal grievance process begins. The initial formal step would require the youth to identify the complaint and its elements.

3. Appeal Process

The basic element of this component is the youth has attempted to resolve their issues through either the informal or formal process and is dissatisfied with the response they have received.