

Grievance Subcommittee

Report to the Nebraska Children's Commission

April 18, 2017

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. At the November 2, 2016 Normalcy Task Force meeting, initial work of the Subcommittee was presented, with additional information to be provided in the coming months. This document is the follow up to the original report, containing final recommendations on the principles and components of an ideal grievance process.

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. Written 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.
 - b. Information should be made publicly available and readily accessible to youth at all times.
 - c. Grievance documents shall include contact information for the Office of the Public Counsel (Ombudsman's Office) and Inspector General of Nebraska Child Welfare.
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. Each grievance process must have a written policy to address time frames for grievance responses. Time frames should include a 24 hour or 1 business day acknowledgement of grievance receipt.
 - 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. Yearly reviews should include gathering information and feedback from youth and families about the grievance process.
 - 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.
 - b. The system should encourage clear communication with youth about resolution of complaint and encourage reconciliation meetings about complaint when appropriate.
 - c. Youth and family voice should be included in both the development of the grievance process and the evaluation of the grievance data.
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, publically available policy for a grievance procedure should include the following:

1. Informal Grievance

The informal grievance allows those closest to the youth to handle the complaint or concern. This level is an informal 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. Staff should remind youth of the process for a formal grievance and their right to file a formal grievance at this point.

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 step of the formal grievance process would require the youth to identify the complaint and its elements. Youth will receive an acknowledgement of receipt of their complaint within 24 business hours of submission. This acknowledgement will include information for youth on who to contact if they have not received notice of action on their complaint within a designated amount of time.

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.

4. Process to Communicate Resolution with Youth

Part of an effective grievance process is communication about the resolution with the youth. This communication will help the youth come to an understanding about the resolution and allow the youth to express any continued concerns related to the process or outcomes. The resolution should include providing youth information about outside agencies, including the Office of the Inspector General of Nebraska Child Welfare and the Ombudsman's Office.

5. Evaluation of Grievance Process

An annual evaluation should be conducted looking at the number, type, and source of grievances, as well as resolutions and appeals. Data should be utilized to address improvement to the grievance process and to identify systemic barriers.

Central Navigator

Successful implementation of the above principles and processes should lead to a majority, if not all grievances being addressed by either the agency or oversight entity grievance processes. At this time the subcommittee feels it is too soon to know what role a central navigator might play or whether it is necessary. The Grievance Subcommittee recommends the following steps regarding the Central Navigator position:

1. The Normalcy Task Force should monitor and track the agencies and providers who have implemented the recommended grievance principles and practices.
2. An evaluation of the data gathered over a period of at least one year should be used to determine the effects of the adopted grievance processes.
3. After analysis of the data, the Normalcy Task Force will evaluate the need for a Central Navigator, and if deemed necessary, outline the expectations and a description of the duties for such position.