

DISABILITY RIGHTS VERMONT, INC.

Grievance Procedure and Form



CLIENT GRIEVANCE POLICY

Updated 2/26/2010

Every person having contact with Disability Rights Vermont (DRVT) deserves to be treated with professionalism and respect. It is our responsibility to ensure that they receive the services which they expect and which we are able to supply, to the best standards of an advocacy organization. Meeting this responsibility means that staff must communicate clearly with prospective clients about our federal law restrictions and our client eligibility guidelines under the priorities established by the Board of Directors.

Part I

It is the policy of DRVT that part of respect for our clients, family members, and others, includes ensuring an opportunity to be heard if they believe they were not treated properly; whether they believe they were unfairly denied services; the services were inadequate; or they were not treated professionally. Clients and interested individuals, including family members, need an avenue, as well, to express opinions of DRVT's handling of systems issues. The complaint information is given to all clients when a case is opened. Additionally, if staff becomes aware of dissatisfaction at any time, they should remind the individual, whether a client or not, of the grievance policy. All individuals who express dissatisfaction for denial of service, or regarding referrals, or with DRVT handling of systems issues should be informed of the process.

Staff and clients are encouraged to try to resolve misunderstandings informally, but staff also need to remember that many clients may be intimidated about making complaints and need reassurance that going ahead with a complaint is encouraged and will not result in any retribution.

The grievance may be filed using the DRVT form, any other signed written material, or by phone. If a client calls and makes a request to file their grievance by phone, then their call should be given to the Supervising Attorney. However, if the complaint involves the Supervising Attorney, then it should be referred to the Executive Director. If the complaint is taken over the phone, it needs to be read back for accuracy and then sent to the client to sign and mail back in. A self-addressed, stamped envelope will be provided for the client's convenience.

If possible, the complaint should be filed within two months of the problem, however, this can be waived for any reasonable cause. Clients should be reminded that the longer they wait, the more difficult it may become to re-establish facts of a case. All clients should be encouraged to find a personal advocate unrelated to DRVT to assist them in the grievance process.

Grievances are to be turned in directly to the Executive Director. The grievant shall receive an acknowledgment within a week, along with the time frame expected to investigate it. Investigation should be completed between within a month. The client should be regularly informed as to progress. The grievant has the right to be directly interviewed and can have a support person (advocate, friend, family member) with them. A grievant may also choose not to be interviewed, though they should be reminded that it will be more difficult to give a fair assessment without their personal explanation. The handling of the details of investigations is up to the managerial discretion of the Executive Director, subject to the appeal process. The determination made must be in writing.

The grievance result may be appealed for any reason within a month after receiving the decision, by giving oral or written notice to the Executive Director. Appeals are examined by the Budget & Finance Committee of the Board of Directors. The Committee acts within its own discretion on details of processing an appeal, but usually witnesses and appellant are re-interviewed. The appeals process is expected to be completed within a month, with a written reply to the appellant. The Executive Director shall keep the appellant informed of the Committee's progress.

Any allegations of a conflict of interest shall be referred to the Executive Committee.

Violations of the Grievance Policy shall be considered under the same guidelines as established in the policy on violations of policy.

Part II.

If, at any time prior to or upon the filing of a grievance it becomes evident that the complaint involves an allegation of abuse (physical, sexual, psychological or emotional) by staff, the normal process shall be suspended. A staff person hearing of such a complaint shall not attempt informal resolution, but rather will strongly advise the client to seek an independent advocate to assist them in filing a complaint. The Executive Director shall be immediately notified, and he/she shall inform the Executive Committee.

When the complaint is received the Executive Director will immediately turn the investigation over to the DRVT pre-established independent investigator. Other than the Executive Director's responsibility for locating, retaining and supervising the investigator, no DRVT staff or volunteers shall be involved in the investigation, unless contacted as witnesses. The Executive Director will ensure that the investigator maintains contact with the grievant on the progress of the investigation.

An appeal will follow the same process with the Personnel Committee as in any other case.

CLIENT COMPLAINT & GRIEVANCE FORM

Welcome to Disability Rights Vermont. We are a federally funded legal rights organization that works to prevent abuse, neglect and rights violations of persons with disabilities and mental health issues. Sometimes, there are people we would like to help that we cannot, because their concerns do not fit under the federal law guidelines or the case priorities our Board of Directors chooses, or we have too many clients for the size of our staff. We always try to give a referral for help elsewhere. Our intake specialist or an advocate will explain some of this in more detail. DRVT works to be true to our mission in the systems change advocacy we do and we appreciate citizen input when it is felt that we have fallen short in these areas.

Sometimes we may make mistakes, or mishandle a case. We may make a client uncomfortable for some reason. Sometimes individuals believe we have taken the wrong public stand on an issue, or have not met a particular federal mandate. Even if it is not on purpose, it is important for us to know how you felt about the way you were treated, because this can help us learn to do a better job in the future. Therefore, we have a Grievance Procedure that we encourage you to use if you feel you need to. You can be assured that DRVT will protect your confidentiality throughout this process.

IF YOU HAVE A COMPLAINT WITH DISABILITY RIGHTS VERMONT

I. Who Can Complain: You can file a grievance (make a complaint) against Disability Rights Vermont (or an agency that gets money from DRVT) if:

- A. You asked for help from Disability Rights Vermont, but did not get it.
- B. You did not like the help you got, or did not get as much help as you wanted.
- C. You did not feel that you were treated the way you would like to be as a client.
- D. You do not feel DRVT has acted properly in our systems change work.
- E. You feel we are out of compliance with federal regulations.

II. How To File a Grievance or Make a Complaint:

- A. Call 800-834-7890 (toll free in Vermont), or
- B. Write to: Executive Director
Disability Rights Vermont
141 Main Street, Suite 7
Montpelier, VT 05602

You may mark the envelope CONFIDENTIAL.

III. What to Say:

A. If by phone, tell the person who answers that you want to file a grievance. If the grievance is directed at a particular advocate/attorney, give their name. Your call will be directed to the Supervising Attorney, unless your complaint involves the Supervising Attorney, and then it will be directed to the Executive Director. They will begin by taking your name, address, and phone number and will provide a grievance form for you to complete. If you are unable to submit a grievance in writing, we can assist you. We can listen to your complaint over the phone and prepare a draft of the grievance. A copy will be mailed to you to check for any errors and to sign. A self-addressed, stamped envelope will be provided so you can then mail the grievance back.

B. Whether you are calling or sending your grievance in writing, just explain what happened and the things you did not like about the help you got (or did not get) or the way you were treated. If in writing, you may use our form or your own paper. Please be sure to sign whatever you send in.

C. You may use a friend to help with the grievance process. Please try to make your complaint within two months of when the problem happened.

IV. What Will Happen Next?

A. The Executive Director will get in touch with you within a week after you file your grievance, to let you know it was received, and about how long it will take to investigate.

B. An answer to your grievance, in writing, will take somewhere between another week and a month, depending how complicated it is and how many people have to be reached.

V. You Can Appeal the Decision on Your Grievance

A. If you do not like the answer from the Executive Director, or if 30 days have gone by and you did not get an answer, you can appeal (complain to a higher level) to the Board of Directors of Disability Rights Vermont.

B. Either ask or give a note to the Executive Director to send your grievance on to the grievance committee of the Board of Directors. You may meet with the committee if you want to tell your story in your own words, or you may write an explanation to the committee about why you are appealing, or you can just say you want to appeal because you do not like the Executive Director's answer.

C. The Grievance Committee of the Board of Directors has a 30 day time frame to respond, but may run into delays. If there are delays, the committee will keep you informed of what is happening.

VI. What If the Problem Is Discrimination?

If you believe that you were discriminated against by Disability Rights Vermont because of your disability, you can also complain to:

A. Vermont Human Rights Commission
133 State Street, Montpelier, VT 05633-6301
802-828-2480

B. US Department of Justice
Civil Rights Division
P.O. Box 66118
Washington D.C. 20035-6118

C. Office of Civil Rights
Department of Health and Human Services
JFK Federal Building, Room 1875
Government Center, Boston, MA 02203
617-565-1340

Disability Rights Vermont, Inc.

141 Main Street, Suite 7
Montpelier, VT 05602
1-800-834-7890 or 1-802-229-1355
802-229-2603 TTY
Fax: 802-229-1359

Complaint/Grievance Form

If you wish to put your complaint in writing, you may use this form, if you want to.

Name:

Today's Date:

Address:

Phone:

Town:

Please write down what happened that you did not like, or what you would have liked to have happened.

When did this happen?

Was there a staff member who you are now complaining about?

If so, who was it?

Is there a policy of the agency that you are complaining about?

Do you know what that policy says, in your own words?