

Durham Continuum of Care			
Policy & Procedure			
Title:	Client Complaint and Grievance Policy	Effective:	October 28, 2019
		Last Reviewed:	August 28, 2019

Introduction

The Durham CoC believes that open, flexible complaint and grievance processes create opportunities for transparency, reflection and growth for the entire CoC. The CoC recognizes that its providers strive to create fair, accessible complaint processes for their clients. It is the belief of the CoC however, that by standardizing the expectations for internal complaint processes, clients can better understand and use internal complaint processes at any organization within the CoC. By creating basic standards for internal complaint processes for all CoC homeless services providers, the CoC wishes to create equity and clear expectations for clients across the CoC while allowing each provider the flexibility to create a complaint process that is appropriate for their specific organizational and program structure. The CoC believes that in most cases, the existing complaint policies of CoC providers will already align with these standards.

The Durham CoC asserts that in most cases, client complaints are best addressed through the internal complaint process of a CoC provider. However, the CoC also recognizes that there are circumstances in which there could be a need for an external grievance process. Examples of such circumstances could include grievances that involve the CoC Lead Agency, those that involve multiple providers, circumstances in which a client is dissatisfied with the result of the internal grievance process, or a circumstance in which, despite the best efforts of a provider to create a safe space for complaints, a client feels unable to use the internal grievance process. Thus, the CoC seeks to create an external grievance process that will supplement and strengthen each provider’s internal complaint policy.

Policy

It is the policy of the CoC, effective 60 days after approval by the Homeless Services Advisory Committee, that all CoC homeless service providers must have and implement a written policy for accepting and reviewing client complaints that includes the following elements:

- A process that allows for both verbal and written complaints
- A process that gives clients multiple options for to whom to submit the complaint, including at least one option for submitting to an individual that was not involved in the actions/decisions addressed in the complaint
- A stepped process that allows a client to elevate the complaint should they be unhappy with the initial response
- A policy that requires that clients are given both written and verbal notice of the complaint policy during their initial intake

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- A policy that requires that clients are given both written and verbal notice of the CoC grievance process and form, provided by the CoC Lead Agency to homeless service providers, during their initial intake
- A client right to staff assistance filing CoC grievances should a client request such assistance
- A description of how the complaint will be investigated and addressed by a management-level staff member not named in the complaint, including a time frame by which a decision will be reached and the client notified of the decision
- A guarantee that clients will not experience retaliation as a result of filing the complaint
- A process of recording in writing and storing for at least three years all client complaints and action taken to investigate and address the complaint, regardless of whether they were submitted verbally or in writing.

In addition, the CoC will establish and implement an external grievance process to address circumstances in which clients wish to further elevate their grievances beyond an agency's internal complaint process or in which a client is unable to successfully complete an internal complaint even after assistance is provided to them in the filing process.

CoC Grievance Process

Purpose and Scope

The CoC Grievance process is intended to:

1. Address client grievances that concern the implementation of CoC Policies and Procedures
2. Revisit the decisions of CoC Agencies regarding client services when those decisions were made in the absence of full, current, or completely accurate information
3. Help give CoC Homeless Service Providers the opportunity to increase agency leadership awareness of how policies, processes, and practices are experienced by clients
4. Provide a pathway for clients to be heard directly by members of the CoC Board regarding their experiences with homeless services
5. Provide facilitated spaces for CoC Homeless Services Providers, CoC Lead Agency Staff, and Clients to come together to develop creative, win-win solutions to challenging issues that arise during the process of delivering homeless services.

The CoC Grievance process is not intended to:

1. Challenge or reverse decisions made by CoC Homeless Service Providers related to rights and authority delegated to them, explicitly or implicitly, in the CoC Written Standards
2. Supersede or replace agency internal complaint processes
3. Guarantee a decision or result that will be satisfactory to the client who submitted the grievance
4. Address valid claims regarding housing discrimination that could be addressed by the Durham Human Relations Commission's hearings board.

Grievance Filing and Review

If a client has participated in the internal complaint process of the organization against which they have a complaint and remains dissatisfied with the attempt to resolve the complaint or feels they have been unable to participate successfully in the complaint process, the client may submit a formal grievance to the CoC Lead Agency, via the following process:

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- The client submits the completed grievance form via a secure online platform or turns in a hard copy of the form to the CoC Lead Agency. Hard copies of the grievance form will be kept at the front desk of the CoC Lead Agency and made available to clients who request them. Staff will arrange for or provide assistance to clients who contact the Lead Agency to file a verbal complaint should the client be unwilling or unable to request assistance from a homeless service provider.
- Grievances will first be reviewed by CoC Lead Agency Staff to assess:
 1. Eligibility of the grievance for the CoC Grievance Process. In order to be eligible the grievance must:
 - A. Address an incident that occurred within the last 365 days related to the provision or denial of homeless services by a homeless service provider in the Durham CoC;
 - B. Not address an incident for which a CoC grievance was previously filed, reviewed, and for which a response plan was completed;
 - C. Not be pending before a court of law.
 - D. Not constitute a alleged case of housing discrimination that could be addressed by the Durham Human Relations Commission's hearings board.

Should staff determine that the grievance is ineligible for the CoC Grievance Review Process, the staff member will document the determination and communicate it to the person who filed the grievance. Grievances that are deemed to allege housing discrimination will be referred to the Durham Human Relations Commission.

2. Whether the client had already attempted to address the subject of the grievance through the internal complain process of the agency or agencies against which the grievance is filed. If grievances are filed without going through the internal complaint process of the agency or agencies against which the grievance is filed, CoC Lead Agency Staff will first attempt to assist the client to file an internal complaint. Only in circumstances in which staff are unsuccessful, will the grievance review process proceed in the absence of a completed agency internal complaint process.
 3. Additional information necessary to complete the grievance review. CoC Lead Agency Staff may request copies of documentation regarding the incidents and/or internal complaint(s) involved in the grievance and of relevant agency and/or program policies and procedures, which the organization must provide to the extent possible upon request.
- After the staff review of the grievance is complete, eligible grievances are reviewed by the CoC Ombudsman Panel and the appropriate resolution plan is determined, following the procedures below. The CoC Ombudsman Panel is comprised of 3-5 members appointed by the Continuum of Care. Eligible members include HSAC members, individual CoC members, and individuals representing an organizational CoC member. At least two members must be current members of the HSAC. At least one member must have direct experience providing services to homeless or similar populations. At least one member must be currently or formerly homeless. Members must recuse themselves from any grievance review regarding an organization by which they are currently or formerly employed or for which they currently serve as a board member.

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- In order to determine the appropriate resolution plan, CoC Staff may contact the Provider and/or the submitting client to collect clarifying information regarding the grievance. Possible resolution plans might include:
 1. A CoC Grievance Mediation
 2. A review of the grievance and written response
 3. In the case in which a client had not previously gone through an organization's internal complaint process, a discussion with the Provider in question regarding a desired resolution and written response
- In cases in which a grievance has implications for CoC Policies and Procedures, a resolution plan may also include notice of the complaint to the Performance Management Sub-Committee of the Homeless Services Advisory Committee and subsequent review for action steps.
- If the resolution plan involves a CoC Grievance Mediation, the following procedure will be followed. The Coordinated Entry Administrator is responsible for implementation and oversight of this process:
 - The client may be asked to appoint an advocate. Eligible advocates include staff of a CoC Member Organization and members of the Homeless Services Advisory Committee. Other advocates may be considered on a case by case basis. If the client cannot identify an eligible and willing advocate, CoC Staff or the Coordinated Entry Administrator will work to appoint an advocate. In the event that an advocate is appointed, the advocate will meet with the client before the mediation to discuss the grievance. Before serving as an advocate for the first time, individuals must be oriented to the role by the Coordinated Entry Administrator. In the event that an advocate is disruptive during the mediation process, CoC Lead Agency staff may exclude that individual from serving as an advocate in future mediations.
 - The Provider in question will be asked to appoint an ombudsman. Eligible ombudsman include management-level or executive-level staff or current board members who are able to sign binding agreements on behalf of their agency and who are not named in the grievance.
 - The CoC Lead Agency or Coordinated Entry Administrator will send a staff member to be present at the mediation.
 - A staff member trained in mediation will serve as the mediator.
 - The Coordinated Entry Administrator will schedule the mediation at a time when all parties are available.
 - At the conclusion of the mediation, a resolution will be signed by all participating parties, which shall bind the parties to the terms of the agreement. All parties will be given a copy of the agreement and one copy will be filed with the Coordinated Entry Administrator.

Client Privacy

Every effort will be made to keep a client's identity secure during the grievance submission and review process. The following steps will be taken to enhance client confidentiality:

- The online grievance form will be built using an encrypted web platform.
- When hard copies of the grievance form are submitted in-person, the individual submitting the form will be given an envelope and instructed to seal the form inside the envelope before

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handing it to the staff member receiving the form. The staff member will then stamp the seal of the envelope. Sealed envelopes will be delivered to a homeless housing system staff member, who will keep the forms in a locked cabinet with the key stored in a separate location.

- With the exception of the original grievance form, records of client grievances will be de-identified. Information regarding client grievances provided to the CoC Ombudsman Panel and Performance Management Committee will not include client names and will only include information that could be identifying to the extent that it is fundamental to the grievance review process.
- Any staff member reviewing client grievance forms will participate in a training on client confidentiality
- All individuals participating in a Grievance Mediation will sign a confidentiality agreement regarding information shared during the mediation process.
- During the Grievance Mediation process notes will be allowed, but will not be recorded unless all parties agree.
- Copies of mediation agreements will only be shared with homeless housing system team staff and will be stored in a locked cabinet with the key stored separately.

Policy Oversight and Governance

The Coordinated Entry Administrator will monitor ongoing adherence to grievance mediation agreements. Should it be determined that an organization is not in compliance with an agreement, the coordinated entry administrator will attempt to assess whether the organization has made good faith attempts to comply. Should it be determined that the agency is not attempting in good faith to adhere to the agreement as defined by the agreement, a report may be made to the CoC Lead Agency and the Performance Management Sub-Committee of the Homeless Services Advisory Committee.

Should an organization show a pattern of non-compliance with CoC policy, the Performance Management Committee will be notified. The Performance Management Committee may use this information in scoring and award processes and may direct the CoC Lead Agency to notify funding agencies that require compliance with CoC Written Standards as a condition of funding.