

418 Grievance Policy

Section	Initiated	Last Update	Last Review	Related Procedure/Form	Page
Program	November 2022		November 2022	See Appendix	1 of 3

Purpose:

The purpose of this policy is to promote participant rights by providing participants and/or legal representatives with a simple process to address complaints or grievances.

Scope:

All Staff and Participants

Policy:

ProAct’s policy is to ensure that program participants and their authorized or legal representatives have the right to a simple complaint process in which ideas can be shared and complaints discussed in an informal manner with management staff members and in support team meetings. Each concern or grievance will be addressed, and attempts made to reach a fair resolution in a reasonable manner. Should a participant and/or their legal representative feel an issue or complaint has not and cannot be resolved through informal discussion, they should file a formal grievance (in writing). A formal grievance doesn’t require the use of a specific form but must be in writing. Staff members and participants and/or legal guardians will receive training on informal and formal grievance procedures. This policy will be provided orally and in writing to all participants and/or legal guardians. If participants and/or their legal representatives feel that their complaints have not or cannot be resolved by staff members, they may bring their written complaint to the highest level of authority in the program, the Vice-President of Programs and Services and/or President of ProAct, who may be reached at the following:

ProAct, Inc.
3195 Neil Armstrong Blvd.
Eagan, MN 55121
651-686-0405

ProAct will ensure that during the service initiation process that there is orientation for the participant and/or legal representative to ProAct’s policy on addressing grievances. Throughout the grievance procedure, interpretation in languages other than English and/or with alternative communication modes may be necessary and will be provided upon request. If desired, assistance from an outside agency (i.e. ARC, MN Office of the Ombudsman or County Social Service Agency) may be sought to assist with the grievance. Participants and/or legal representatives may file a grievance or make a complaint without threat or fear of retaliation or discharge, or the loss of future provision of appropriate services and supports.

- All complaints affecting a participant’s health and safety will be responded to immediately by the manager.

- Direct support staff will immediately inform the manager of any grievances and will follow this policy and procedure. If at any time, staff assistance is requested in the complaint process, it will be provided. Additional information on outside agencies that can aid the participant and/or legal representative are listed at the end of this procedure.
- If for any reason a participant and/or legal representative choose to use the formal grievance process, they will then notify in writing or discuss the formal grievance with the manager.
- When a formal grievance is made, the manager will initially respond in writing within 14 calendar days of receipt of the complaint.
- If the participant and/or legal representative is not satisfied with the manager's response they will then notify in writing or discuss the formal grievance with the director, who will then respond within 14 calendar days of receipt of the complaint.
- All complaints must and will be resolved within 30 calendar days of receipt of the complaint. If this is not possible, the director will document the reason for the delay and the plan for resolution.
- If the participant and/or legal representative feel their rights have been violated, they retain the option of contacting the county's Adult or Child Protection Services, Case Manager, or the Department of Human Services. In addition, participants may contact advocacy agencies (listed at the end of this policy) and state they would like to file a formal grievance regarding their services, provider company, etc.
- *Once a formal complaint is received, ProAct will complete and document a complaint review involving the President. This review will include an evaluation of whether:*
 - *Related policies and procedures were followed.*
 - *Related policies and procedures were adequate.*
 - *There is a need for additional staff training.*
 - *The complaint is similar to past complaints with the participants, staff, or services involved, and*
 - *There is a need for corrective action by ProAct to protect the health and safety of participants.*
- Based on this review, ProAct will develop, document and implement a corrective action plan designed to correct current lapses and prevent future lapses in performance by staff or ProAct, if any.
- ProAct will provide a written summary of the complaint and a notice of complaint resolution to the participant, Case Manager and/or legal representative that:
 - *Identifies the nature of the complaint and the date it was received.*
 - *Includes the results of the complaint review, and*
 - *Identifies the complaint resolution, including any corrective action.*
- In situations involving penalties, terminations, or alleged discrimination, a participant who is dissatisfied with the ProAct President's decision will be permitted to have the grievance arbitrated by the Executive Committee of the Board of Directors. The decision by the Committee will be final and binding on both the participant and ProAct for the specified grievance only.
- A written decision will be rendered by the committee within 30 days of the date received by the chairperson of the committee. The committee may make its decision based upon the information submitted by the participant, department manager, the Vice President, and the President. The committee may request the participant and any other parties involved providing verbal statements at the committee meeting. Should the committee be unable to respond to the complaint within 30 days, the reasons will be documented and a plan for resolution developed.



- Information concerning a participant's grievance will be received in strict confidence. Supervisors, department directors, and other members of management will discuss a grievance only with those individuals who are involved in processing the grievance.
- Whenever two or more participants have a common or similar complaint, ProAct will select one or more of them to represent the group. The final decision on the grievance will be binding on all members of the group.
- Management decisions on grievances will be made on a case-by-case basis and will not be precedent-setting nor binding on future grievances unless they are officially stated as ProAct policy. Whenever possible, the decisions will be retroactive to the date of the participant's official complaint.
- A participant also has the right to appeal to the Minnesota Department of Employment and Economic Development at (651) 296-5616, the Wisconsin Department of Health services at (608) 266-1865 or to call the Disability Linkage Line at 1-866-333-2466 for further information.

The Complaint Summary and Resolution Notice must be maintained in the participant's record.