

Children and Family Services

Policy and Procedure

P&P: CWS 10-75

Complaint Resolution and Grievance Review

Effective Date: 04/12/18

Overview and Policy

In order for Child Welfare Services (CWS) to carry out the goals of child protection and preserving families, it is essential that the community have confidence in the policies and practices of CWS. The public has a right to access fair, thorough, and expeditious problem/complaint resolution and grievance review process regarding CWS policies, procedures and practices. In addition, a sound internal problem resolution process benefits all CWS staff, particularly when CWS staff is charged with the enormous responsibilities of protecting children and preserving families. To earn community confidence in the integrity, effectiveness, and efficiency of CWS, the CWS Office of the Ombudsperson was created in April 2018. While CWS makes every effort to satisfactorily resolve concerns informally between agency staff and clients and the community, it is the policy of CWS to assure that clients and the community are consistently informed of their right to impartial, timely review and response through the CWS Office of the Ombudsperson.

The CWS Office of the Ombudsperson is an internal mechanism for conducting independent review of complaints concerning CWS policies, procedures, and practices that originate from clients, caregivers, tribal partners, schools, community partners, and members of the public. CWS values customer, community, and staff input in problem resolution. All concerns, complaints, and grievances received by the Ombudsperson, whether verbal or written, will receive a thoughtful, timely, and impartial response.

Procedure

All concerns/complaints are resolved at the lowest possible level within the CWS organizational structure. Generally, the complaint is first addressed by staff of the CWS Office of Ombudsperson, who will seek problem resolution through discussion, education, and referral. If the Ombudsperson staff cannot completely resolve the issue, they forward the complaint to the appropriate CWS program's staff member and supervisor, and/or to a program manager, for investigation and resolution. If a complaint has been elevated to a program manager and remains unresolved, the CWS Office of the Ombudsperson provides an independent review and investigation. If the complaint remains unresolved, it is elevated to the CWS Director, who retains final decision-making authority for complaints and grievances.

The CWS Office of the Ombudsperson also handles grievances related to placement issues, in accordance with Division 31-020 state regulations (described later in this policy/procedure).

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The CWS Ombudsperson promptly investigates all complaints and grievances, and all relevant parties are informed of the complaint and the investigation finding(s) and resolution(s). Staff and complainants can expect fair and confidential handling of the complaint investigation.

CWS staff are familiar with the complaint resolution process, and shall provide a copy of the CWS Ombudsperson brochure at a minimum to the following parties:

- A legal parent, guardian or care provider at the time the child is placed.
- Child/youth (children/youth will also be advised of their right to contact the State Office of the Foster Care Ombudsperson with concerns or complaints)
- A resource family at the time of approval decision.
- Any complainant at the time a complaint is filed.

Limitations

The CWS Office of the Ombudsperson does not have the authority to:

- Make recommendations to the Court or overturn Court orders
- Investigate matters in which appeals or lawsuits are pending
- Change or make exceptions to State or Federal laws and regulations
- Investigate, make recommendations or take action in personnel or disciplinary matters
- Give legal advice

State Resources

If the complaint or concern cannot be resolved, Ombudsperson staff inform the complainant of their option to contact the state's Office of the Foster Care Ombudsperson regarding complaints related to CWS, or the State Hearings Division related to benefits/services from an assistance program, as follows:

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Office of the Foster Care Ombudsperson
744 P Street, M.S. 8-13-25
Sacramento, CA 95814
(877) 846-1602
fosteryouthhelp@dss.ca.gov

or

California Department of Social Services
State Hearings Division
P.O. Box 944243, Mail Station 9-17-37
Sacramento, CA 94244-2430
State Hearings: (800)743-8525 or (855)795-0634
Public Inquiry and Response: (800) 952-5253 or
TDD (800) 952-8349
Fax: (916) 651-5210 or (916) 651-2789

Complaint Resolution Process

- To make a complaint or discuss concerns, an individual may contact the CWS Office of the Ombudsperson by email, phone call, or letter to the contacts posted on the CWS web page and CWS Ombudsperson brochure. Upon a complainant's request, CWS staff may assist with completion of a handwritten complaint.
- The CWS Ombudsperson responds to all complaints within two business days by calling the complainant to directly discuss their concerns/complaint. If a complainant does not provide a telephone number, Ombudsperson staff attempt to contact the complainant to obtain a telephone number.
- The CWS Office of the Ombudsperson accepts anonymous concerns/complaints. However, if the complainant does not provide adequate information to allow staff to contact the complainant or to investigate the complaint, Ombudsperson staff may close the complaint without further investigation.
- The Ombudsperson assesses the level and type of response needed, including what person(s) and/or CWS program area(s) is/are involved, or whether the complaint or concern should be routed to another appropriate program area. If a conflict of interest exists for the Ombudsperson staff, then the program manager assigns another supervisor, staff member, or manager with no conflict of interest to follow-up on the complaint.
- The Ombudsperson enters complaint- or concern-related information into the complaint tracking system/spreadsheet, and enters updates during key points during the progress of the complaint.

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- The Ombudsperson sends an Acknowledgment Letter to the complainant (via US Mail or email) within five business days of initially speaking to or corresponding with the complainant. All Acknowledgment Letters include a summary of the complaint.
- The Ombudsperson seeks to find resolution of the complaint at the lowest level possible within the CWS organizational structure, and conduct a review and investigation as needed. Ombudsperson staff may also seek consultation with other staff members as needed, including supervisors, program managers and/or the CWS Director. Information regarding personnel concerns is referred to the individual's immediate supervisor, Program Manager, CWS Director, and/or to DHHS Employee Services as applicable, for appropriate follow up.
- Actions by the CWS Ombudsperson staff may include, but are not limited to:
 - Provide community outreach relating to role of the CWS Office of the Ombudsperson
 - Provide information, education and referral to complainant as needed
 - Educate/counsel complainant on current laws, regulations, policies, procedures, and processes pertaining to CWS
 - Designate complaints as high profile and/or sensitive (e.g. child death, personnel issues, etc.) if deemed appropriate
 - Forward the complaint to the appropriate CWS staff and supervisor for review and follow-up if appropriate
 - Refer complaint to the appropriate CWS program manager for review and follow-up if appropriate. Manager may assign the complaint to a supervisor for follow up.
 - Facilitate communication or contact between complainant and assigned CWS staff
 - Interview individuals involved in the complaint, including CWS staff
 - Oversee the evaluation and assessment of each complaint
 - Prepare investigative summaries and render written finding(s) and recommendation(s) in regards to complaints received. Notes for each complaint are saved electronically in the confidential, secure CWS Ombudsperson folder on the server.

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- Staff assigned to review and investigate the complaint shall provide written response to the Ombudsperson within five business days regarding the estimated time for investigation, not to exceed 20 business days from assignment of the complaint.
- Staff shall provide a written response to Ombudsperson staff to describe the resolution of the complaint, or of steps necessary for recommended resolution of the complaint.
- If the complaint is resolved directly by another CWS staff person, that person notifies Ombudsperson staff, as soon as possible, with a written summary of the complaint resolution, to be included in the complaint documentation records.
- The CWS Ombudsperson, or designated staff, responds to the complainant in writing and/or verbally by phone with a resolution within 35 business days, or sooner whenever possible, from receipt of the complaint. This resolution response timeframe applies to CWS Office of the Ombudsperson processes only. If resolution involves referring the complaint to an administrative hearing or other process, the CWS Office of the Ombudsperson closes the complaint upon such referral.
- If the Ombudsperson needs more time to thoroughly and completely investigate a complaint, staff notify the complainant verbally or in writing, explaining that an additional ten working days is needed. Ombudsperson staff may repeat the above step to obtain additional time in ten working day increments up to a total extension not to exceed a total of 55 business days. All relevant parties are informed of the complaint investigation finding(s) and resolution(s).
- The Ombudsperson sends an Outcome Letter (via US Mail or email) to the complainant upon resolution of the complaint, or upon referral to an outside process such as an administrative hearing. This letter summarizes the findings of the investigation and resolution of the complaint.

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Grievance Review Process

- The distinct purpose of the grievance review process is to review complaints from clients, care providers, foster youth, and non-minor dependents concerning the placement or removal of a child/youth, in accordance with the state's Division 31-020 regulations of the Child Welfare Manual of Policies and Procedures. The county's grievance review process requires CWS director review. All issues shall be resolved in the best interest of the child/youth.
- The grievance review process is not available for the following issues:
 - Removal of a child under any of the circumstances specified in MPP Division 31-440.21 through .25, such as court-ordered removal of a child or removal of a voluntarily placed child requested by the child's parent(s)/guardian.
 - Removal of a child or modification of services resulting from an administrative review panel determination;
 - Removal of a child for direct placement into an adoptive home;
 - Any complaint regarding only the validity of a law or of a statewide regulation; and
 - Any complaint regarding an issue for which a state fair hearing is available (Welfare & Institutions Code Sections 10950 through 10965), such as benefit delinquencies or reductions.
- CWS Ombudsperson staff are responsible for coordinating the grievance review process and shall be the review agent, unless there is a conflict of interest, in which case the program manager shall consult with the CWS Director to appoint a 'review agent' that has no conflict of interest.
- Ombudsperson staff document receipt of grievance review requests in the tracking system/spreadsheet.
- In the situation where a grievance is due to a Notice of Action, then the grievance review request is submitted to the review agent within ten calendar days after becoming aware of the action.
 - If the removal is not exempted from review as specified above, the complainant shall submit the grievance review request no less than two calendar days prior to intended date of removal.

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- The grievance review shall be held within ten business days from the date the written grievance is received by the agency. The parties and their representatives, including witnesses while testifying, shall be the only authorized persons present during the review, unless all parties consent to having others present.
- The review agent sends notice of the date, time and place for the grievance review to all parties. Notice of the review hearing must be received by all parties not less than five calendar days prior to this meeting.
- The review agent shall, to the extent possible, conduct all reviews in a non-adversarial atmosphere. All parties and their representatives shall be permitted to examine all documents and physical evidence introduced by parties to the hearing. All testimony shall be given under oath or affirmation.
- The review agent has authority to continue a review for a period not to exceed ten calendar days if additional evidence or witnesses are necessary for determination of the issue.
- The review agent shall render a written recommended decision, including a summary statement of the facts, the issues involved, findings, and the basis for the decision, and attach supporting documentation as needed. The recommended decision shall be based solely upon the evidence presented at the hearing.
 - The review agent forwards their recommended decision to the designated program manager and CWS director for review and approval within one business day from when grievance review meeting was held.
 - The program manager and CWS director review and respond to review agent within two business days from receipt of review agent recommendation.
- The CWS Director shall issue a final written decision within five calendar days after review completion. The written decision shall contain a summary statement of the facts, the issues involved, findings, and the basis of the decision. The review agent shall send a copy of the decision to each party to the review, every representative of each party, and the California Department of Social Services.
- When removal is the basis for a grievance, unless the child is in immediate danger, he/she shall remain with the care provider pending the final written decision by the CWS Director.

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- Individuals may contact the state's Foster Care Ombudsperson Office or State Hearings Division if not satisfied with the CWS Director's final written decision.

Continuous Quality Improvement, Records Retention

- On a quarterly basis, the Ombudsperson staff will identify trends and patterns in concerns, complaints, and grievances received, and make recommendations for needed improvements to CWS policies, procedures, and practices.
- On a quarterly basis and upon request, the Ombudsperson staff will report summary information related to concerns, complaints, and grievances to DHHS Administration and CWS management in de-identified form.
- Concern, complaint and grievance review records and documentation are saved electronically in the confidential and secure CWS Ombudsperson folder on the server. These records are retained for five years from the decision date, and shall include all documents accepted as review evidence.