



**Administrative Policies and Procedures: 24.11**

<b>Subject:</b>	<b>Grievance Procedures for Youth in DCS Group Homes</b>
<b>Authority:</b>	TCA 37-5-105, 37-5-106
<b>Standards:</b>	<b>DCS Practice Standard: 8-306</b>
<b>Application:</b>	To All Department of Children's Services Group Home Employees

**Policy Statement:**

All youth in DCS Group Homes shall have the opportunity, free from fear of reprisal, to file grievances about matters that affect their daily routine.

**Purpose:**

To ensure a process whereby youth will have the opportunity to express themselves regarding problems they are having with the program without being subjected to any adverse action. The appeal process should be independent of the specific program activity that is subject of the grievance and should have various levels of appeal.

**Procedures:**

<p><b>A. Youth grievance rights in DCS Group Homes</b></p>	<ol style="list-style-type: none"> <li>1. Youth may file grievances against other youth, staff or about circumstances or actions that affect them and are felt to be unjust.</li> <li>2. Youth will have the right to be represented by an advocate of their choice at any grievance hearing. The advocate is entitled to participate in any conferences, hearings or reviews in which the youth participates. Should the selected advocate be unavailable for a scheduled meeting, the youth may choose another advocate.</li> <li>3. If a grievance is filed against another youth, the youth whom the grievance has been filed against will have the right to be present at the hearing.</li> <li>4. If a grievance is filed against an employee, the employee will have the right to be present at the hearing.</li> <li>5. Every youth will have access to a copy of this policy and form <b>CS-0549, Grievance Report for Youth in DCS Group Homes</b>.</li> </ol>
<p><b>B. Procedures for filing and submitting a</b></p>	<ol style="list-style-type: none"> <li>1. Youth filing grievances will state on form <b>CS-0549, Grievance Report for Youth in DCS Group Homes</b>, the following:</li> </ol>

<p><b>grievance</b></p>	<ol style="list-style-type: none"> <li>a) The reason for the grievance;</li> <li>b) Corrective action desired;</li> <li>c) Date and place of occurrence giving rise to the grievance;</li> <li>d) Sufficient information upon which to base a decision;</li> <li>e) Signature of youth, and</li> <li>f) Current Date</li> </ol> <ol style="list-style-type: none"> <li>2. The youth will give their grievance to the designated staff member on duty within twenty-four (24) hours after the complaint was made. If the complaint was made orally, the staff member on duty will assist the youth in filling out the complaint form.</li> <li>3. The receiving staff member will forward the grievance to the DCS Group Home supervisor or designee within twenty-four (24) hours of receipt, excluding weekends and holidays.</li> <li>4. Informal resolution of grievances is encouraged. Within five (5) working days after receipt of the grievance, the DCS Group Home supervisor will meet with the youth(s) who filed the complaint in an effort to resolve the matter informally.</li> <li>5. If the grievance cannot be settled informally within the five working day period, the DCS Group Home supervisor will immediately make arrangements for a formal grievance hearing.</li> <li>6. If the grievance is against the DCS Group Home supervisor, the receiving staff member will forward it directly to the Director of DCS Group Homes. There will be no informal resolution in this case.</li> <li>7. Grievances filed due to allegations of sexual abuse, attempted sexual abuse or physical abuse will be reported <b>immediately</b> by the DCS Group Home supervisor/designee to the Director of DCS Group Homes and to DCS Child Protective Services Central Intake at <b>1-877-237-0004</b>. Substantiated incidents of physical and/or sexual abuse will be managed as outlined in Child Protective Services policies and procedures.</li> <li>8. A youth may withdraw a grievance in writing. In such cases, the grievance and the request for withdrawal will be maintained on file for review by the DCS Group Home supervisor or other appropriate persons.</li> </ol>
<p><b>C. Grievance committee</b></p>	<ol style="list-style-type: none"> <li>1. The grievance committee will consist of three individuals: two (2) staff members and one (1) youth.</li> <li>2. The DCS Group Home supervisor/designee will serve as chairperson and appoint another staff member, not involved in the grievance to serve on the committee.</li> <li>3. The youth member of the committee will be elected by his/her peers. In the event all youth in a facility choose to file a grievance concerning the nominated youth, the youth committee member will be appointed from the nearest DCS Group Home. (Elections and appointments will be accomplished as needed.)</li> </ol>

<p><b>D. Grievance hearing</b></p>	<ol style="list-style-type: none"> <li>1. At least two (2) days prior to the hearing, the chairperson will determine the following:             <ol style="list-style-type: none"> <li>a) Determining the location, time and date of the hearing and giving notice of such to all parties involved at least twenty-four (24) hours prior to the hearing.</li> <li>b) Informing the filing youth and any youth against whom a grievance has been filed of his/her right to an advocate.</li> </ol> </li> <li>2. The hearing will be held no later than seven (7) working days after the receipt of the grievance by the chairperson.</li> <li>3. The chairperson will conduct and manage the grievance hearings. The chairperson:             <ol style="list-style-type: none"> <li>a) Has the authority to terminate discussion that he/she feels does not contribute to the process of achieving resolution of the grievance;</li> <li>b) Will ensure that each participant has the opportunity to share information; and</li> <li>c) Will vote only to break a tie.</li> </ol> </li> <li>4. Within three (3) days after the hearing, the committee chairperson, or designee, will forward to the youth the following:             <ol style="list-style-type: none"> <li>a) A copy of form <b>CS-0549, DCS Group Home Youth Grievance Report</b>,</li> <li>b) A copy of <b>CS-0550, DCS Group Home Notice of Grievance Disposition</b>, describing the committee's decision,</li> <li>c) Form <b>CS-0548, DCS Group Home Grievance Disposition Appeal</b> will be provided along with the committee's decision.</li> </ol> </li> </ol>
<p><b>E. Youth's appeal of committee's disposition</b></p>	<ol style="list-style-type: none"> <li>1. The youth may appeal the grievance committee's decision by submitting to the chairperson within twenty-four (24) hours of receipt of the committee's decision the following:             <ol style="list-style-type: none"> <li>a) A copy of form <b>CS-0549, DCS Group Home Youth Grievance Report</b>,</li> <li>b) A copy of form <b>CS-0550, DCS Group Home Notice of Grievance Disposition</b>,</li> <li>c) A completed form <b>CS-0548, DCS Group Home Grievance Disposition Appeal</b>, and</li> <li>d) Any statement the youth and/or advocate wishes to make.</li> </ol> </li> <li>2. The advocate, if available, will aid the youth in gathering the material. The material will be forwarded to the Director of DCS Group Homes/designee.</li> <li>3. The Director/designee of DCS Group Homes will review all of the appeal material and conduct any further investigation and/or hearing deemed necessary.</li> <li>4. Within ten (10) days of receipt of the appeal material, the DCS Group Homes Director/designee will provide a written decision to the youth describing any</li> </ol>

	<p>investigation and/or information gathered and the reason(s) for the decision.</p> <p>5. Form <b>CS-0548, DCS Group Home Grievance Disposition Appeal</b>, will be provided with the decision. A copy of the decision will be forwarded to the DCS Group Home supervisor.</p> <p>6. If a youth wishes to appeal the decision of the DCS Group Home Director to the Executive Director of Juvenile Justice, the youth must submit, within twenty-four (24) hours of receipt of the Director’s decision the following:</p> <ul style="list-style-type: none"> <li>a) A copy of form <b>CS-0549, DCS Group Home Youth Grievance Report</b>,</li> <li>b) A copy of form <b>CS-0550, DCS Group Home Notice of Grievance Disposition</b>,</li> <li>c) A copy of the Director’s decision, and form <b>CS-0548, DCS Group Home Grievance Disposition Appeal</b>,</li> <li>d) Any statement the youth and/or advocate wishes to make to the Executive Director of Juvenile Justice.</li> </ul> <p>7. The DCS Group Home supervisor will forward all the appeal material to the Executive Director of Program Development and Management within twenty-four (24) hours of receipt. (The advocate, if available, will aid the youth in gathering the material necessary for the appeal.)</p> <p>8. The Executive Director of Program Development and Management will proceed as deemed appropriate. The decision of the Executive Director will be final.</p> <p>9. A hearing will be scheduled within two (2) working days following the complaint and after completion of the investigation.</p> <p>10. In all cases where the youth’s complaint is found to have merit, it will be the responsibility of the DCS Group Home supervisor to ensure that the issue of the youth’s complaint is corrected as soon as possible.</p> <p>11. Each DCS Group Home will maintain an on-going grievance log in which all grievances submitted and their resolution will be recorded.</p> <p>13. Any employee who circumvents this policy or its intent will be subject to disciplinary action up to and including termination from state service.</p>
<p><b>F. Grievances/ complaints under Title VI</b></p>	<p>In all cases where the grievance resolution was not satisfactory and the family or child/youth feel that they have received disparate treatment as defined by Title VI, Americans with Disabilities Act, or any other classification protected by Federal Law, he or she may file a complaint with the DCS Office of Diversity Initiatives as outlined in DCS Policy <b><u>24.10 Title VI Program and Complaint Process</u></b>.</p>
<p><b>G. Documentation</b></p>	<p>All information required to be documented pertaining to grievance procedures must be entered on the appropriate screens in the <i>current child welfare information system</i><sup>1</sup> within thirty (30) days of occurrence.</p>

<sup>1</sup> **NOTE:** TNKids is the current DCS child welfare information system and will be replaced by the new system “TFACTS” in the near future. When TFACTS is fully implemented, all references to TNKids or “*current child welfare information system*” will mean TFACTS.

<b>Forms:</b>	<a href="#"><u>CS-0548, DCS Group Home Grievance Disposition Appeal</u></a> <a href="#"><u>CS-0549, DCS Group Home Youth Grievance Report</u></a> <a href="#"><u>CS-0550, DCS Group Home Notice of Grievance Disposition</u></a>
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<b>Collateral documents:</b>	<i>None</i>
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<b>Glossary:</b>	
<b>Term</b>	<b>Definition</b>
<b>Advocate:</b>	A knowledgeable individual familiar with departmental policies and grievance procedures.