



## Early Learning Coalition of Southwest Florida, Inc.

<b><u>Subject:</u></b> Complaints and Grievance/Dispute Process		
<b><u>Policy #:</u></b> ELCSWF-EL0013-08	<b><u>Category:</u></b> Program Quality and Standards	<b><u>Reference #</u></b> OEL-EL-220
<b><u>Approval:</u></b> September 27, 2008	<b><u>Effective Date:</u></b> Immediate	<b><u>Replaces (policy # and date):</u></b> ELCSWF-EL0013-06 approved 1/06

- I. **PURPOSE:** To establish a policy for complaints from parents, clients, providers, staff, and the general public. It is not intended to include subjects of administrative action addressed in policies # ELCSWF-EL0014-06 "*Administrative Sanctions*" and ELCSWF-EL0015-06 "*Appeals and Hearings*".
- II. **REVIEW HISTORY:** This policy is established to work in tandem with all other local policies and replaces any previous written or verbal directives issued in any of the four counties.
- III. **CONTACT:** Chief Executive Officer.
- IV. **PERSONS AFFECTED:** Coalition and central agency staff, clients and providers
- V. **POLICY:** This policy sets the process in which general complaints will be addressed.
- VI. **RATIONALE:** To provide a consistent method of addressing complaint.
- VII. **CROSS REFERENCES:** 45CFR98.32, Code of Federal Regulations; Chapter 402.3051, 411.01 (5) (d) 3 f, Chapter 1002.51-79, Florida Statutes; Rule 60BB-4, Florida Administrative Code, "R&R Standard Levels of Service " Policy, Local policies approved by the Early Learning Coalition of Southwest Florida.
- VIII. **DEFINITIONS:**

"Client" refers to any individual who has made application, received benefits or services in either the school readiness or voluntary pre-kindergarten program in Lee, Collier, Hendry or Glades County.

"Chief Executive Officer" (CEO) is the top executive for an organization's operations and performance.

"Coalition" refers to "Early Learning Coalition of Southwest Florida, Inc. (ELC-SWF), a coalition created under s 411.01, F.S. and serving Collier, Hendry, Glades and Lee counties

**Complaint** – is a verbal or written statement of dissatisfaction with actions or services offered through the child care provider, Contractor or Coalition.

**“Complaint Process”** is a system of resolving conflicts. For purposes of this policy, it refers to three (3) levels:

a.) **“Complaint”** – Complaints received at this level will be referred to the most appropriate individual or agency to investigate and determine the appropriate action as it relates to applicable rules and regulations. Complaints relating to the delivery of services, which have been investigated and addressed by central agency staff, must be elevated to the CEO or designated manager of the central agency for review and a final agency decision.

b.) **“Grievance”** – occurs when the central agency has fully addressed the complaint and the Complainant wishes to have the matter reviewed by the Coalition.

c.) **“Appeal”** – occurs when the complaint has been fully reviewed and addressed by the Chief Executive Officer of the Coalition and the Complainant wished to have a hearing before the Coalition Board.

**Complainant** – refers to the individual who files a verbal or written complaint.

**“Contracted Central Agencies”** refers to Coordinated Community Care for Children (4C) and Redlands Christian Migrant Association (VPK only).

**“Contractor”** refers to “Coordinated Community Care for Children (4C) the agency contracted by the Coalition to carry out the daily responsibilities for families and providers served by the Coalition.

**“DCF”** refers to the Florida Department of Children and Families.

**“Early Learning Services”** refers to the provisions of school readiness and/or voluntary pre-kindergarten services in Lee, Collier, Hendry or Glades County

**“Eligibility Counselor”** – refers to any counselor with the responsibility of determining the eligibility of School Readiness or Voluntary Pre-Kindergarten applicants.

**“Grievance”** is a complaint that was initially made to the contracted central agency and is still unresolved after having been addressed by the contracted central agency CEO or designee.

**“Immediately”** – without interval of time, as soon as possible.

**“Informal provider”** refers to a child care provider selected by the child’s parent, who provides care to the child either in their own home, or the home of the child’s parent, and is neither licensed, registered nor approved by any agency to provide care. An informal provider must meet the requirements of policy #ELCSWF-SR0013-05.

**“Parent”** means a parent by blood, marriage or adoption, legal guardian or person standing in loco parentis.

“**Provider**” means the individual or facility responsible for the provision of early learning services for children. “**Participating provider**” for school readiness and VPK providers applies to all, who signed the “Provider Agreement” with the Coalition.

“**Reasonable**” means of sound judgment.

“**Reasonable Belief**” means that which any reasonable person, given the same set of circumstances or facts, would believe to be true.

“**School Readiness**” refers to the School Readiness Act in Chapter 411.01, F.S.

“**VPK**” means Voluntary Pre-Kindergarten Education Program pursuant to Chapter 1002, Part V, Florida Statutes

## IX. COMPLAINTS – GENERAL REQUIREMENTS

The Contractor and/or Coalition must record and process all complaints from any source and lodged against any person, agency or organization according to the procedures specified below:

1. All complaints will be recorded on the approved Complaint Report” form, and retained in a complaint file for a minimum of five years.
2. The Resource and Referral supervisor has responsibility for maintaining a central file of all complaints, therefore copies of all complaint forms must be provided to R&R.
3. Complaints from or about clients or providers of the Coalition must also be documented in the EFS system and case file whenever possible.
4. The Coalition or Contractor will process complaints against all providers; licensed, registered, exempt, and “illegal” providers, according to these policies and procedures without regard to whether or not the provider is identified as a provider of school readiness or VPK services.
5. Complaints which are not required to be reported to the abuse hotline or licensing, but which might benefit from technical assistance, may be handled by the Contractor, the coalition staff or an outside source as is appropriate to each situation.
6. Complaints of child abuse or neglect or complaints which pose an immediate health and/or safety risk will be reported within the hour to the Florida Abuse Hotline and/or the licensing authority by telephone and/or fax. All other reports will be processed within 2 business days.
7. Any complaints received by the Coalition staff concerning the provision of services normally handled by the Contractor, will be promptly forwarded to the Contractor for handling.

8. The following addresses the types of complaints and where referred:

<p><b>TYPE OF COMPLAINT</b></p> <p><b>ABUSE/NEGLECT</b> Physical, sexual, emotional/mental, exploitation</p>	<p><b>REPORT TO:</b></p> <p>I. The Florida Abuse Hotline 1-800-96-ABUSE (1-800-962-2873), and; If against a child care provider, report to D8 Child Care licensing Office.</p>												
<p><b>VIOLATIONS BY:</b></p> <ul style="list-style-type: none"> <li>▪ Licensed Early Care and Education Facilities</li> <li>▪ Licensed Family Child Care Homes</li> <li>▪ Registered Family Child Care Homes</li> <li>▪ Exempt Facilities*</li> </ul> <p>Complaints involving health, safety, sanitation and related issues, i.e:</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 50%;">&gt;screening</td> <td style="width: 50%;">square footage</td> </tr> <tr> <td>&gt;access</td> <td>staff credentials</td> </tr> <tr> <td>&gt;health requirements</td> <td>CPR/First Aid</td> </tr> <tr> <td>&gt;physical facility</td> <td>discipline</td> </tr> <tr> <td>&gt;too many children</td> <td>transportation</td> </tr> <tr> <td>&gt;illegal operation</td> <td>ratios, etc.</td> </tr> </table>	>screening	square footage	>access	staff credentials	>health requirements	CPR/First Aid	>physical facility	discipline	>too many children	transportation	>illegal operation	ratios, etc.	<p>II. Dept. of Children and Families D8 Child Care Licensing Office 239-338-1341 Fax: 239-338-1287</p> <p>*For Exempt Facilities – Also report to applicable entity responsible for oversight and the Coalition.</p>
>screening	square footage												
>access	staff credentials												
>health requirements	CPR/First Aid												
>physical facility	discipline												
>too many children	transportation												
>illegal operation	ratios, etc.												
<ul style="list-style-type: none"> <li>• <u>Denial or Termination of Services</u> i.e. notification from a counselor that client, child or provider are not eligible for subsidized child care or participation as a school readiness/VPK provider of services.</li> <li>• <u>Financial</u> i.e., cost of care, reimbursement problems, and non-payment.</li> </ul>	<p>Refer to appropriate central agency or coalition staff for follow up through complaint process identified in Section X of this policy.</p>												
<ul style="list-style-type: none"> <li>• <u>Programmatic/Financial or Personal:</u> i.e. operating schedule, curriculum, teaching style, not enough/too much structure, too much/too little TV, etc.</li> <li>• <u>Personal or Discrimination :</u> i.e., disability, obscene language, unkempt appearance, smoking, favoritism.</li> </ul>	<p>Report to one or more of the following, depending on applicability:</p> <ol style="list-style-type: none"> <li>1. Directly to Provider</li> <li>2. For SR and VPK providers, the 4C education department.</li> <li>3. CEO, Early Learning Coalition of SW Florida</li> </ol>												

## X. COMPLAINT PROCESS AND PROCEDURES:

A complaint report form must be completed for all types of complaints and submitted to the appropriate department. The Coalition or Contractor must retain a copy in a central complaint file.

### 1. ABUSE/NEGLECT COMPLAINTS

- A. If a complaint concerns child abuse or neglect, the complainant must be given the abuse hotline phone number 800-96-ABUSE (1-800-962-2873) and website: [www.dcf.state.fl.us/abuse/report](http://www.dcf.state.fl.us/abuse/report). Callers must be urged to report it directly. If an emergency, they should be told to call 911 or local law enforcement and then report to the hotline.
- B. If the complainant is a mandated reporter of suspected child abuse or neglect (i.e. licensed or registered providers, school teacher, health care or other professional services provider, etc.), the Coalition/Contractor will remind the complainant of his/her legal responsibility to report the abuse by calling the hotline directly.
- C. In all cases, the complainant must be advised that the Coalition/Contractor is a mandated reporter and will be making a report to the abuse hotline if the caller gives any specific information about the situation.
- D. Coalition/Contractor staff must not to assume that individuals follow through with a referral to the Florida abuse hotline.
- E. Due to the serious nature of suspicions of abuse or neglect, the Coalition/Contractor must document the information on the required complaint form and call in a report to 1-800-962-2873 or fax a copy to the Florida abuse hotline to 1-800-919-0004. Documentation of the fax receipt should be stapled to the complaint form when filed.
- F. The Coalition/Contractor staff must not have contact with the subject of a complaint pending the investigation since to do so could jeopardize the findings by the child protective unit.

### 2.) LICENSING VIOLATIONS:

- A. The complainant will be strongly encouraged to call the licensing authority directly at (239) 338-1341.
- B. The Contractor must also complete the complaint form and provide a copy of the form to the licensing authority for follow-up.
- C. Licensing complaints are to be reported to DCF Licensing Unit within one hour.
- D. The Contractor may not notify a provider of a complaint since to do so could jeopardize the investigation by the licensing authority or child protective unit.
- E. The Contractor will attempt to determine the outcome of the complaint and will document the finding.

3.) PARENTAL CONCERNS:

- a) A Complaint Report Form is completed by the Contractor.
- b) The Contractor will respond or refer directly to the provider, or the supervisor of the appropriate department within 4C for comment, technical assistance or other action.
- c) If referred internally to 4C or Coalition staff, the receiving department will advise the sending department of the outcome by completing the bottom portion of the form and returning it to the sending department within 30 days of receipt.
- d) Unresolved complaints concerning service provision by the Contractor will be documented and handled through the complaint resolution process addressed in this policy.

4.) INFORMATION ABOUT COMPLAINT PROCEDURES

- a) All early learning providers will receive a copy of the complaint resolution process as part of their provider packet.
- b) Parents shall receive a copy when applying for services and at each redetermination.
- c) Anyone who requests a copy of complaint resolution process will be provided a copy by the Coalition/Contractor.

5.) NOTIFYING A PROVIDER OF COMPLAINT:

The Coalition/Contractor must **NOT** notify a provider of any complaint that must be reported to the Florida Abuse Hotline or to the licensing authority.

6.) NON-REFERRAL DATABASE STATUS (TEMPORARY)—PENDING DCF DETERMINATION OF LICENSURE STATUS:

Pursuant to the Standard Levels of Service, a provider must be placed in “do not refer” status in the database when the provider has been the subject of licensing action such as license denial, suspension or revocation and is pending appeal.

7.) REMOVAL OF A PROVIDER FROM THE DATABASE:

Once finalized, a provider must be removed from the database (inactivated) when their license has been revoked, and when pending appeal (if applicable).

8.) ACCESS TO PROVIDER HISTORY:

- A. All families receiving R&R early care and education referrals will be strongly encouraged to view the licensing authority website [myflorida/childcare.com](http://myflorida/childcare.com) before selecting a provider. All “family information packets” will contain the name, address, and telephone number of the District 8 DCF child care licensing office.

- B. Licensing records are available for review by the general public as required by law.
- C. Licensing inspections are available online at [www.myflorida.com/childcare](http://www.myflorida.com/childcare).

9.) COALITION PROVIDER AGREEMENTS – VPK or SCHOOL READINESS

- A In cases concerning VPK and/or SR providers who are in disagreement with any terms of their contractual agreement with the Coalition, the Provider must submit their dispute in writing directly to the Coalition Chief Executive Officer.
- B Per contract, the Coalition Executive Director will respond in writing within 10 business days from receiving the dispute, and provide hearing rights if so warranted.

**XI. Complaint Resolution Process**

1. The Complaint Resolution process shall be used to resolve issues when parents or providers are dissatisfied by actions or services offered through the contracted central agencies or Coalition.
2. The “Notice of Complaint Resolution Process” Form (ELC-1026) shall be distributed to all clients at each eligibility determination and all providers annually. Signed copies of the forms are to be maintained in their respective client or provider files.
3. There are three possible stages of resolution. The complainant shall have the opportunity to express his/her concerns at each stage of the process.

**A. Stage 1 – Informal Communication**

**1. Level 1**

- a. The first stage is informal communication and occurs immediately when the parent or provider expresses dissatisfaction. The first line employee must immediately address the matter. The activities that occur in this stage must be documented in the EFS system and case file, if appropriate.

**2. Level 2**

- b. If the issue is not resolved to the complainant’s satisfaction, then the supervisor is contacted for further assistance. If the supervisor is available and immediately able to resolve the issue, then no further action is necessary.
- c. If the supervisor is not available or unable to address the complainant’s concerns, the initial counselor or staff person will complete a complaint report form (ELC-1025) and provide a copy to their supervisor.

- d. The supervisor will, within two (2) business days from the date of complaint:
  - Contact the complainant
  - Review the complaint
  - Attempt to mediate the issues.
- e. The supervisor must document their communication in EFS and complete the "Complaint Report". The original will go in the case file and a copy to the R&R supervisor.

### 3. Level 3

- f. If the informal mediation is unsuccessful and the complainant still considers the matter unresolved, the supervisor must immediately contact either the agency CEO or the designated manager for further action.
- g. Within 5 business days, the CEO or designated manager will:
  - Assign a unique number to the complaint report
  - Communicate directly with the complainant, and
  - Review all available information, and.
  - Attempt to resolve the matter, if possible
- h. Within 10 business days, the CEO or designated manager will provide a letter summarizing the final decision or outcome of the complaint dispute.
- i. The CEO or designated manager's decision must include a notice to the individual of their right to file a grievance with the Early Learning Coalition Chief Executive Officer within 10 days.
- j. A copy of the letter will also be promptly forwarded to the CEO of the Coalition.

### B. Stage 2 – Grievance

1. When the central agency has fully addressed the complaint and complainant is dissatisfied with the final decision of the central agency, the individual may file a grievance with the Early Learning Coalition Chief Executive Officer within 10 days of receiving a grievance of receipt of the letter from the central agency.
2. Grievances should be in writing and should address the circumstances of their grievance and why they believe the final decision from the central agency was incorrect. However, a verbal request to file a grievance will not be denied. Coalition staff will assist any individuals unable to provide a grievance statement in writing.
3. Immediately upon receiving a verbal or written notice of grievance to a decision which has followed the procedure outlined in Stage 1, the Coalition CEO will authorize an independent investigation by Coalition staff to gather information and facts related to the merits of the complaint/grievance.

4. Within 10 business days, the Coalition CEO will review the findings of the independent investigation and render a final decision on the matter.

### **Stage 3 - Appeal**

5. The Coalition CEO will make a final determination and notify the grievant in writing of the decision. The letter must include a notice of the right to hearing before the Executive Committee of the Early Learning Coalition of Southwest Florida.
6. The letter must be sent by certified, return receipt requested mail and United States regular mail, or may be hand-delivered. A copy of the correspondence must be maintained by the Coalition and a copy must be placed in the complainant's file
7. Any individual, client or provider, who continues to be dissatisfied after exhausting the complaint/grievance process; is eligible to appeal through the process provided in policy # ELCSWF-EL0015-06 "Appeals and Hearings."

## **XII EXHIBITS**

Complaint Form (ELC-1025)

Notice of Complaint Resolution Process form (ELC-1026)



# COMPLAINT REPORT



<b>CCR #</b>		<b>Date Received:</b>	
<b>Person Receiving Complaint:</b>		<b>Job Title:</b>	
<b>Person Reporting Complaint</b>			
Name of Complainant: Type			
<input type="checkbox"/> Parent	<input type="checkbox"/> Provider	<input type="checkbox"/> 4C Staff	<input type="checkbox"/> Coalition
		<input type="checkbox"/> Community	<input type="checkbox"/> Other
Address:		Apt.	Phone:
City		Zip	Email:
<b>Nature of Complaint</b>			
<b>Type of Complaint:</b>			
<input type="checkbox"/> Abuse/Neglect	<input type="checkbox"/> Licensing	<input type="checkbox"/> Eligibility	<input type="checkbox"/> R&R
		<input type="checkbox"/> VPK	<input type="checkbox"/> Fiscal
		<input type="checkbox"/> Program	<input type="checkbox"/> Other
Problem Reported:			
<b>Complaint Against:</b>			
<input type="checkbox"/> Provider		<input type="checkbox"/> 4C Staff	<input type="checkbox"/> Coalition
		<input type="checkbox"/> Parent	<input type="checkbox"/> Other:
Name of Individual or business who is subject of complaint and how they can be contacted:			
<b>ACTION TAKEN</b>			
<b>Reported to:</b>	<b>Date</b>	<b>Person Contacted</b>	<b>Method</b> (phone, fax, mail, email)
<input type="checkbox"/> Abuse Registry			
<input type="checkbox"/> DCF Licensing			
<input type="checkbox"/> Child Care Provider			
<input type="checkbox"/> 4 C Staff			
<input type="checkbox"/> Coalition			
<input type="checkbox"/> Other			
<b>FOLLOW-UP</b>			
<b>Assigned to:</b>			
Outcome/Current Status			
<input type="checkbox"/>	Resolved		
<input type="checkbox"/>	Unresolved		
Comments:			
Follow-up Completed by:		Position:	Date:



## Complaint Resolution Process

The Complaint Resolution process is used to help resolve problems when parents or providers are not pleased by actions or decisions by 4C or the Coalition.

There are three stages of resolution. You will have the opportunity to express your concern at each stage of the process.

### A. Stage 1 –Express your concern

1. If you feel that you were not treated fairly, or you do not understand why something occurred, you should tell the staff person working with you. If they cannot help you, then you should ask to talk to the supervisor.

You can also initiate this complaint resolution by contacting the R&R supervisor, who will help to facilitate the process, at the toll free telephone #1-888-802-6789. You can also send a letter to Community Coordinated Care for Children, 2675 Winkler Ave., Suite 3000, Fort Myers, FL 33901.

2. If the supervisor is not immediately available, you can tell the staff you have a complaint and would like the supervisor to contact you. You can complete a complaint form or ask the staff to do it for you. Staff are required to tell give or tell the supervisor of your complaint. The supervisor will contact you within (2) business days.
3. If the supervisor does not take care of the problem, then you may ask to have the top Manager to contact you. The Manager will contact you within 5 business days.
4. The Manager will review all available information and make a decision within 10 business days. The Manager will send you a letter explaining the decision.

### B. Stage 2 – Grievance

5. Within 10 days of receipt of that decision, you may file a grievance either verbally or in writing to the CEO of the Coalition. The grievance should be in writing and say why you believe the decision from 4C was not correct. Coalition staff will help you if you are unable to put a grievance statement in writing.
6. Once your statement is received, the CEO will communicate with you and will have staff gather all information and facts relating to your complaint/grievance for an independent review. Within 10 business days from the date the grievance is received, the Coalition CEO will make a final determination and notify you in writing of the decision.

### Stage 3 - Appeal

7. After all the steps have been completed, you may request a hearing before the Executive Committee of the Coalition. Information on timeframes and how to request a hearing will be included within the final in the letter from the CEO. Coalition staff will help if you need assistance.

This is to acknowledge that I have received a copy of the Complaint Resolution Process.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date