

**HOMEFIRST**

507 Valley Way, Milpitas, CA 95035  
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**Grievance and Appeals Process**

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**Purpose:**

To ensure that the rights of clients and guests are protected. All participants and guests will have the opportunity to address any concerns that they believe to be unfair or a violation of their rights, as noted in their program handbook. Any participant who is dissatisfied with a part of the program, services provided by the staff members, or who is questioning their dismissal or refusal from a program, may file a grievance.

**Policy:**

- Participants have the right to discuss any concerns without being discriminated against by HomeFirst.
- Participants should feel safe to discuss concerns and/or file a grievance, without fear of retaliation or being denied program services.
- The written grievance will constitute the definition of a formal grievance. If a participant would like to file a grievance with HomeFirst for investigation, there are various methods available for them to do so, listed below.
- All participants, upon intake into a HomeFirst Program will be provided information in writing explaining the Grievance and Appeal process.
- Information explaining the grievance submission and investigation process will be posted in a conspicuous location at each site.
- Grievance forms will be made available at the front desk or other easily accessible location at each site for participants to freely access.
- Upon request, staff will provide a pen or other writing implement to a participant for the purpose of filling out a written grievance.
- Staff will not deny a grievance form or writing implement to a participant wishing to file a grievance or inhibit or hinder a participant from filing a grievance in any way.

**Grievance Procedure:**

- HomeFirst encourages that when a participant has a concern, that they first speak to their assigned case manager (CM) or a staff member to try and resolve the issue.
  - If the concern is not resolved at the CM or equivalent level, it will be escalated to the manager for resolution.
- If the issue has not successfully been resolved by the method above, the concern should be put in writing. Once put in writing, the grievance becomes a formal grievance. The grievance will then be investigated, and the individual will be provided a resolution by the Director/Sr. Director or VP overseeing the program from which the grievance originated. The Director/Sr. Director or VP will then document the decision on the grievance form.

- In some cases the grievance will be escalated to the Sr. Director of Quality Control, Compliance Officer or human resources department. Examples of instances in which the grievance may be escalated to this level include (but are not limited to):
  - Accusations of misconduct
  - Accusations of fraud
  - Accusations regarding breaches of confidentiality and/or HIPAA violations
  - Accusations of unfair practices or discrimination
  - Violation of Rights
  - Grievances filed against a Director/Sr. Director or VP

### **Submitting a Grievance:**

A formal grievance may be made through utilizing the standard Grievance Form, in writing on any available piece of paper, through email or verbally/over the phone. For verbal or phone grievances, the staff person who receives the grievance will speak to the individual and assist them with completing a written grievance form for official documentation purposes. Written grievances may be submitted in any of the manners listed below:

- **Hand it to a staff member.** A grievance form and envelope will be provided upon request.
- **Email.** Email grievances to: [Concerns@homefirstsc.org](mailto:Concerns@homefirstsc.org) . All grievances submitted via email will be reviewed by Quality Control Department and distributed to the appropriate person for investigation as detailed below.
- **Mail.** Mail your grievance to: HomeFirst Compliance Officer 507 Valley Way, Milpitas CA 95035
- **Lock Box.** Grievances may be placed in a secure, designated lock box located within HomeFirst shelters. Please note that this box is only accessible by directors and VPs and is checked at least once a week. Please note that grievances submitted via this method may not be received on the day they are filed, and response time will be adjusted accordingly to reflect date of receipt if differing from date of filing. Once received, the director or VP will distribute to the appropriate person for investigation/resolution.
- All grievances relating to program regulations or discontinuation of services must be filed within 48 hours.

Any time limit related to this process may be waived by a Director, VP or Compliance Officer. However, there is no guarantee that a grievance can be adequately investigated if there is a lack of evidence due to too much time having passed.

### **Investigation and Response Times**

- All grievances will be investigated in a timely manner and to the fullest extent possible. If a grievance is submitted or received after a participant has stopped receiving services, the grievance will still be investigated and addressed to the fullest extent possible.
- Within 7 days of receipt of the grievance, a written response will be provided to the individual who submitted the grievance if that person is known. In some cases, further investigation may be required that may exceed the 7 day time frame. In these cases, an initial response will be provided within 7 days. **\*\*Specific requirements, including additional timeframes apply to Medi-Cal funded programs. Please refer to Medi-Cal guidelines below.**
- Grievances written by participants relating to conflicts or concerns with other participants will be addressed at the program level by the Case Manager, Resident Advocate or other direct service staff.

- Grievances written by participants relating to program or shelter rules/regulation, discharge from program or discontinuation of services will be addressed by the manager or director.
- Grievances written by participants relating to misconduct, fraudulent actions or alleging a violation of rights by a HomeFirst employee, contractor or volunteer will be investigated by the Sr. Director of Quality Control or the Compliance Officer. The grievance will be escalated to the HR department if it is substantiated that an employee, contractor or volunteer violated a client's rights or engaged in actions or activities that are not in alignment with HomeFirst's standards of conduct.
- If the grievance is anonymous and HomeFirst is unable to determine the identity of the individual who filed it, HomeFirst will still make every effort to investigate and resolve the grievance. However, the investigation may be limited or inhibited if information is missing, such as identifying information.
- Any employee who is the subject of a grievance will not be charged with investigating and the grievance will be elevated to the next level.

#### Appeals Procedure and Resolution Panel

- If an individual would like to appeal the outcome of a grievance, they may do so in writing on the Appeals Form.
- The Appeals Form may be submitted in any of the manners listed below:
  - **Hand it to a staff member.** An appeal form and envelope will be provided upon request.
  - **Email.** Email appeals to: [Concerns@homefirstscc.org](mailto:Concerns@homefirstscc.org) . **Mail.** Mail your grievance to: HomeFirst Compliance Officer 507 Valley Way, Milpitas CA 95035
  - **Lock Box.** Appeals may be placed in a secure, designated lock box located within HomeFirst shelters. Please note that this box is only accessible by directors and VPs and is checked at least once a week. Please note that grievances submitted via this method may not be received on the day they are filed and response time will be adjusted accordingly to reflect date of receipt if differing from date of filing.
- Appeals related to denial of services must be submitted within 72 hours after receiving notification of the grievance outcome.
- Any time limit related to the submission of an appeal may be waived at the discretion of management, directors or Quality Control/Compliance department.
- Appeals will be reviewed and decided upon by the Resolution Panel.
- The Resolution Panel will consist of managers, directors, VPs and administrative staff with the intention of forming a neutral panel to review appeals in an impartial and objective manner.
- The HomeFirst Resolution Panel meets monthly to review and decide on appeals. Individuals will be given a date and time frame for the meeting and they are encouraged to bring an advocate or third party representative.
- If the individual cannot make the date/time provided due to employment, medical appointments or other obligations, they may request an alternate date/time for their appeal to be heard. HomeFirst will make every reasonable effort to accommodate personal schedules and obligations but may not be able to accommodate all change requests.
  - Audio and video recording is not permitted during the resolution panel.
  - Any HomeFirst surveillance video viewed and included in the decision-making process and considered as evidence in the matter will be available for participant viewing, but copies will not be provided except as required under 45 CFR § 164.512
- The Service Director will make a decision about appeals of denial of services within 1 business day for participants if they cannot wait until the Resolution Panel hearing. If the

individual still would like to appeal the decision further, it will be reviewed in the Resolution Panel.

- If an individual is not satisfied with the Resolution Panel's decision, they may request administrative review by the Chief Program Officer (CPO).
  - The administrative review will consist of a review of all documentation and evidence presented and/or considered during the Resolution Panel review, including any appeals and statements submitted by the individual requesting the administrative review.
  - The CPO may, at his/her/their discretion request additional information from the individual or from the panel members to help inform the decision-making process.
  - The administrative review will not consist of an in-person review with the individual unless requested at the CPO's discretion.
- An administrative review must be requested within 72 hours after receiving the formal decision from the Resolution Panel and must be requested by the individual or legal representative, guardian or person otherwise authorized to act on behalf of the individual.
- To request an administrative review, the participant should email or call the CPO directly as indicated in the written response received from the Resolution Panel.
- The Chief Program Officer's (CPO's) decision will be final if it reaches that level.
- The participant will be provided with a formal written decision in writing.

#### **Maintenance of Grievances/Retention/Tracking**

- Grievances should not be stored in a participants file. Each director will maintain a grievance binder that is stored separately from participant files and is not accessible by direct level staff. Once a formal grievance has been addressed and the outcome documented, all pertinent documentation relating to that grievance, including the written grievance and any supporting documentation or information obtained during the course of the investigation should be provided to the appropriate director and filed in the binder.
- The Quality Control Department is responsible for central tracking and reviewing all formal grievances quarterly and providing an analysis of grievances and trends for the Compliance Committee.
- At the end of each month, the director will scan all formal grievances and associated documentation received and completed that month to the Quality Control Department for tracking.
- Formal grievances are considered to be part of a participants record and will be maintained in a manner consistent with HomeFirst Record Retention policies. This includes grievance's written and submitted electronically (via e-mail/text)

#### **Santa Clara County Behavioral Health Department (BHD) Grievance and Appeals Procedure**

- The Santa Clara County Behavioral Health Department requires that BHD clients be given an avenue to file grievances and complaints to the county directly. The BHD Grievance and Appeal Forms are in the lobby area of our Medi-Cal certified sites, along with prepaid, self-addressed stamped envelopes. The forms are offered in English, Spanish, Vietnamese, Farsi, Tagalog, and Chinese. The BHD Problem Resolution Process is also displayed in the lobby areas of our Medi-Cal certified sites, in the respective five threshold languages. Behavioral Health clients who file internal grievances that are not resolved within 24 hours are encouraged to file a grievance with the Behavioral Health Dept.

HomeFirst's Management Structure is as follows:

- Case Manager or another direct service staff
- Program Manager or Shelter Manager
- Directors
- VPs
- Quality Control/Compliance
- Chief Program Officer

**APPLIES TO:**

- For the HomeFirst Grievance and Appeal Process, any HomeFirst Participant or guest
- For the Santa Clara County Behavioral Health Department Grievance and Appeal Process: Behavioral Health Department participants, CCP Program participants, DTHBP participants

**RELATED FORMS/DOCUMENTATION:**

- HomeFirst Grievance Form
- HomeFirst Appeal Form
- Record Retention, Storage and Destruction PP
- Santa Clara County BHD Grievance and Appeal Forms
- Santa Clara County BHD Problem Resolution Process