

YOUTH SERVICES POLICY

Title: Complaints and Grievances	Type: D. Community Based Services Sub Type: 10. Supervision Number: D.10.21
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References: La. Revised Statute 15:574.12, La. Children's Code Art. 412, ACA Standards O-3C-01, Administration of Correctional Agencies, 2-7174 (Juvenile Probation and Aftercare Services); YS Policy Nos. A1.4 "Investigative Services", A.1.9 "Records Management and Retention", C.2.11 "Prison Rape Elimination Act (PREA)", C.4.3 "Mandatory Reporting of Abuse and Neglect of Youth"	
STATUS: Approved	
Approved By: <i>James Bueche, Ph.D., Deputy Secretary</i>	Date of Approval: 10/18/2017

I. AUTHORITY:

Deputy Secretary of Youth Services (YS) as contained in La. R.S. 36:405. Deviation from this policy must be approved by the Deputy Secretary.

II. PURPOSE:

To establish a formal grievance process through which a youth may seek resolution of a complaint relating to his stay in a facility or under YS supervision.

III. APPLICABILITY:

Deputy Secretary, Assistant Secretary, Undersecretary, Chief of Operations, Executive Management Advisor, Regional Directors, and Regional Managers.

Regional Managers are responsible for ensuring all necessary procedures are in place to comply with this policy.

IV. DEFINITIONS:

Grievance - A formal complaint regarding a condition, circumstance or action considered by the grievant to be unjust.

V. POLICY:

It is the Deputy Secretary's policy to afford youth under the supervision of or in the custody of YS the right to grieve any inappropriate or infringing conditions, behavior or action of staff, volunteers or other youth.

Youth who choose to file a formal grievance shall not be subject to any disciplinary sanction or adverse action pertaining to the filing of a grievance.

It shall be the responsibility of the Regional Manager to provide appropriate assistance/accommodations for youth with literacy deficiencies or language barriers.

Grievances shall be treated as confidential information and only shared with staff on a need-to-know basis.

VI. PROCEDURES:

A. At the time of the initial interview, the youth and their parent/guardian shall be informed of the YS grievance process. The "Youth Grievance Procedure" form located in JETS [see Attachment D.10.21 (a)] shall be read and explained to the youth and parent/guardian. The form shall be signed, dated and filed in Section 4 of the case record (refer to YS Policy No. D.5.1) as evidence of the notification of the grievance procedure. The youth shall be provided with a "YS Grievance Form" located in JETS [see Attachment D.10.21 (b)].

B. All grievances must be in writing and sent to the Regional Manager. If a complaint is received via telephone, the staff receiving the call shall document on the "YS Grievance Form" the nature of the complaint made by the youth or parent/guardian.

1. If, at any time, the issue involves sexual misconduct as defined in *YS Policy No. C.2.11 "Prison Rape Elimination Act (PREA)"*, the grievance must be forwarded immediately to the Regional Manager.

2. CBS staff shall respond promptly to any complaint received alleging abuse of a youth within one of the Agency's secure youth facilities pursuant to *YS Policy No. A.1.4 "Investigative Services" Section VI. A. 1.*

3. If a youth attempts to report abuse or neglect via the grievance process, refer to *YS Policy No. C.4.3 "Mandatory Reporting of Abuse and Neglect of Youth"* for procedures.

4. Youth in secure care should be encouraged to use the Administrative Remedy Procedure for complaints related to their stay in secure care. (Refer to YS Policy No. B.5.3)

C. STEP ONE

1. Upon receipt of a grievance, the Regional Manager shall review the complaint and, if appropriate, make inquiries. If it is found that there is a basis for the complaint, the Regional Manager shall take corrective action.

2. If it is found that there is no basis to the complaint or that it is beyond the control of OJJ, he/she shall so advise the grievant. All grievances shall be responded to promptly, accurately and thoroughly.
3. Regional Managers shall track the grievances received using the "CBS Grievance Tracking Log" [see Attachment D.10.21 (c)]. The tracking log shall be maintained in the regional office where the grievance is filed. The grievant name, JETS Client ID number, the date of receipt, the date of the reply or action, and other data determined to be useful shall be tagged.
4. The Regional Manager shall respond within twenty-one (21) calendar days of receipt of the grievance. If unable to respond within this time limit, he/she shall so advise the grievant and provide a tentative date to expect a response.

Complaints should be dealt with at the lowest organizational level possible with the authority to resolve the issue. If the Regional Manager believes that the complaint is beyond his purview to correct, he shall forward it to the appropriate Regional Director for resolution.

5. Each complaint and response shall be documented in a JETS narrative. Documentation shall include the date the complaint was received, the person making the complaint, what was discussed, the name of the staff who received the complaint, and a summary of the discussion and resolution.

D. STEP TWO - APPEAL

1. If a grievant is dissatisfied with the Step One decision/response by the Regional Manager, he/she has ten (10) days to appeal the grievance to the appropriate Regional Director. The Regional Director shall respond within twenty-one (21) calendar days of his/her receipt of the appeal. The Regional Director's response shall be documented in a JETS narrative by the Regional Director or designee. The decision of the Regional Director is final.
2. Copies of grievances and responses by the Regional Director shall be sent to the Assistant Secretary for his review and/or information.

Previous Regulation/Policy Number: D.10.21

Previous Effective Date: 10/10/2014

Attachments/References: D.10.21 (a) Grievance Form.pdf
D.10.21 (b) Grievance Policy Receipt.pdf
D.10.21 (c) Grievance Log 1014.docx

YOUTH SERVICES GRIEVANCE FORM

Date Received: _____

Name: _____ JETS Client ID Number: _____

Address: _____

State your problem (who, what, when, where and how)

Problem: _____

Remedy requested (what do you want done to solve the problem):

Remedy requested: _____

Date of Incident/Occurrence: _____ Today's Date: _____

This form must be completed within 90 calendar days of the date of the incident/occurrence and given to the regional manager.

Step One – Regional Manager’s Response

(Maximum Time For Processing: 15 working days)

Regional Manager’s response to your grievance Step One request: _____

Date: _____ Regional Manager’s Signature: _____

Youth received Step One response on: _____ Youth’s Signature: _____

If you are not satisfied with this response, you may go to Step Two. The Regional Manager must submit your request to the Deputy Assistant Secretary – CBS within 20 working days after you receive the Step One response.

Request Step Two: ____yes ____no Reason for Step Two request: _____

Step Two – Regional Director’s Response

(Maximum Time For Processing: 20 working days)

Date Received: _____

Regional Director’s response to Step Two request: _____

Date: _____ Regional Director’s Signature: _____

Youth received Step Two response on: _____ Youth’s Signature: _____

RECEIPT OF YS POLICY D.10.21
YOUTH GRIEVANCE PROCEDURE

Youth under the supervision of OJJ are afforded the opportunity to voice complaints or grievances in certain situations.

Some of the situations that are grievable are:

1. If your probation officer or other OJJ staff uses abusive or distasteful language.
2. If your probation officer or other OJJ staff attempts to sexual abuse or harass you.
3. If you feel there is a conflict of interest with your probation officer.

Some non-grievable matters are:

1. The court-ordered conditions of probation/parole.
2. If your probation officer files a revocation of probation/parole.
3. If you fail to obey the instructions of your probation officer.
4. The final decision of previous grievances.

Procedure:

The youth or parent must inform the Regional Manager of the grievance in writing on the “Grievance Form” provided to you today or available at the regional office. Attempts will be made to resolve the grievances at this level. If the problem is not resolved at this level, an appeal process is available up to and including the level of Regional Director.

The grievance procedure has been read and thoroughly explained to me, and my signature indicates complete understanding thereof.

Date Youth's Signature

Date Parent/Guardian's Signature

Date Probation Officer's Signature

CBS GRIEVANCE TRACKING LOG

Regional Office: _____

	Youth's Name	JETS Client ID #	Step One Grievance Received <small>(enter date)</small>	Regional Manager's Response <small>(enter date)</small>	Step Two Appeal Sent to Regional Director <small>(enter date)</small>	Regional Director's Response <small>(enter date)</small>
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						