

# Early Learning Coalition



of Pinellas County, Inc.

<b>Policy:</b> <b>ELCPC-10.1B</b>	<b>Title:</b> Client/Recipient Grievance and Complaint Resolution Policy	
	<b>Review Date:</b> <b>June 2017</b>	<b>Next Review Date:</b> <b>June 2018</b>

**References:** Coalition School Readiness Plan  
Coalition Anti-Fraud Plan  
Coalition SR Provider Monitoring Plan  
OEL SR and VPK Grant Agreements  
s. 1002.84(17), F.S.  
s. 1002.91, F.S.

**Purpose:** To establish a procedure for clients/recipients to submit to the Coalition a grievance or complaint against a provider's or the coalition's actions that may be contrary to state and federal policies, procedures, rules or regulations.

**Background:** The Coalition may impose corrective action, funding sanctions or scholarship termination for fraudulent activities or noncompliance with program requirements. Providers contracted by the Coalition offer VPK and/or School Readiness programs.

## **Policy:**

### **I. Client/Recipient Complaint Against Provider**

1. Clients/recipients may submit a complaint against a provider to the Coalition via phone, email, fax, mail, hand delivery, or the Coalition's website.
2. All complaints are forwarded to the CCR&R Coordinator to be recorded on the CCR&R Complaint Report.
3. The CCR&R Coordinator forwards the CCR&R Complaint Report to the appropriate Coalition staff for review.
4. If the complaint is against an SR provider, Coalition staff will use the SR Provider Monitoring Tool to document the action taken and any corrective action to be completed by the SR provider.
5. The complaint will also be reported to the Pinellas County Licensing Board or the Florida Abuse Hotline as appropriate.
6. Abuse/neglect complaints must be reported ***within the hour*** to the Florida Abuse Hotline and the licensing authority.

7. Once the issue is resolved, the appropriate Coalition staff member will submit the results to the CCR&R Coordinator to update the complaint record.
8. The Coalition records all parent complaints and retains them on file for a minimum of five (5) years.
9. The Coalition will make information regarding parental complaints available to the public in accordance to Coalition Policy ELPC-10.2, Public Records Requests.

## **II. Client/Recipient Grievance or Complaint Against the Coalition**

*Refer to Section III. for grievances regarding suspected fraud.*

1. If the client/recipient believes a Coalition decision or action was contrary to state and federal policies procedures rules or regulations, they may submit a Client Eligibility Appeal Form (G-10F-15) within ten (10) business days of determination. This form is available at [www.elcpinellas.net/downloads-families](http://www.elcpinellas.net/downloads-families) or by request and may be submitted via certified mail, fax or hand delivery.
2. The Director of Program Operations or designee will respond to all requests for review within ten (10) business days.
3. If the client/recipient does not agree with the decision made by the Director of Program Operations or designee, the client/recipient must file a written request with the Chief Executive Officer of the Coalition for review within ten (10) business days upon receipt/notification of the decision.
4. If the client/recipient fails to request a review within ten (10) business days the Coalition decision will be final.
5. The Chief Executive Officer of the Coalition will provide written response to all requests for review within ten (10) business days.
6. The Chief Executive Officer of the Coalition will respond to all requests for review within ten (10) business days. The Chief Executive Officer's decision is final.

## **III. Client/Recipient Grievance Regarding Suspected Fraud**

The following procedures must be followed when a **client/recipient** desires to appeal a decision made by the Coalition staff **for suspected fraud**:

1. Prior to any suspension or termination of services, the Coalition will provide written advance notice of the intended action to suspend or terminate benefits to the client/recipient to be affected and it must clearly advise of the allegations, the basis of the allegations, the intended action and the date the action is to be imposed. The Coalition will send the written advance notice at least fourteen (14) calendar days before the intended action. The written advance notice should be translated into the client/recipient's native language if the Coalition's other communications with the client/recipient have been translated. The written advance notice shall include following:
  - a. The procedure for the client/recipient to follow to attempt to appeal the decision. Clients/recipients must submit a Client Fraud Appeal Form (G-10F-16) within fourteen (14) calendar days of determination. This form is available at [www.elcpinellas.net](http://www.elcpinellas.net) or by request.

- b. A statement, in **bold print**, that the failure to file a timely appeal waives the right to an appeal.
  - c. Notice of the potential for repayment of improper benefits if the conclusion of fraud is upheld, including any benefits received after the receipt of the written advance notice.
  - d. The procedure for the client/client/recipient to obtain a copy of his or her file.
  - e. The amount of overpayment to be recovered, if applicable.
  - f. The length of time for which the client/recipient's benefits are suspended or the date of the termination of benefits, if applicable. This length of time shall be proportionate to the alleged offense committed, consistent with suspensions or terminations issued to other client/recipients who allegedly committed comparable offenses, and may also consider prior offenses, as appropriate.
2. A suspension or termination shall not be applied against client/recipients with a valid at-risk referral.
  3. If the client/recipient believes that the conclusion was made in error, the client/recipient should first seek to resolve the matter by contacting the Coalition and providing the necessary documentation to resolve the issue. The CEO of the Coalition shall not be involved in the pre-appeal resolution of the issue.
  4. If the client/recipient believes that the issue was not resolved by the Coalition, the client/recipient may file a formal written appeal for review by the CEO of the Coalition, using the following procedure:
    - a. Submit a written appeal to the CEO or other executive staff person as designated by the Coalition Board. The appeal must fully describe the nature of the error the client/recipient believes has been made and shall contain any documentation which supports the client/recipient's claim.
    - b. The appeal shall be postmarked or emailed before the date of the intended action. The client/recipient who fails to file a timely appeal waives the right of appeal.
    - c. If the client/recipient files a timely appeal, he or she will not be suspended or terminated from the program until the written decision of the CEO or the original date of the intended action, whichever is later.
    - d. The CEO of the Coalition or other executive staff person designated by the Coalition Board must respond to the client/recipient, in writing, within thirty (30) days of receiving the appeal with a decision as to whether the suspension or termination will be upheld or modified.
    - e. The client/recipient who wishes to appeal the decision of the CEO of the Coalition or other executive staff person designated by the Coalition Board may request further review by an appeals committee. The request for further review by an appeals committee must be submitted to the Coalition in writing within ten (10) calendar days of the date of the CEO or other executive staff person designated by the coalition board's written response to the client/recipient's formal written appeal.
  5. The client/recipient shall be given the opportunity to defend his or her position in an orderly proceeding of the appeals committee. When the meeting of the appeals committee is scheduled, the client/recipient shall be notified of the date of the appeals committee, informed that it is a public meeting, and informed that any information presented may be used by other state agencies.

6. The appeals committee shall be selected by the Chairman of the Board of the Coalition and a chair of the appeals committee shall be named.
7. The appeals committee shall be convened within forty-five (45) calendar days of receipt of the client/recipient's request for an appeal.
8. The client/recipient shall be provided up to thirty (30) minutes to present their position and any information they wish the appeals committee to consider.
9. The Coalition staff, excluding the CEO or other executive staff person designated by the Coalition Board, shall be available to provide any information requested by the committee.
10. The appeals committee will consider all statements, review all documents and may request any additional evidence or information from the parties if an appeals committee member believes it is necessary and relevant to the decision making. The required final determination letter will be tolled for the length of time given to provide the additional information.
11. The appeals committee shall select or appoint a member of the Coalition, excluding the CEO of the Coalition or other executive staff person designated by the Coalition Board, to memorialize the events of the appeals committee proceeding and the final determination including the basis for the decision.
12. The appellant shall be notified in writing of the appeals committee's determination within ten (10) days of the date of the meeting.
13. The determination of the appeals committee shall be final.