

## POLICIES AND PROCEDURES

Chapter 5, Section 23  
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**TITLE:** GRIEVANCE AND COMPLAINTS

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**POLICY:**

It is the policy of The Resource Exchange (TRE) to address complaints, or any other customer satisfaction concerns, with TRE services provided through its contract with the Colorado Department of Health Care Policy and Financing in accordance with applicable Code of Colorado Regulations and consistent with TRE's Mission and Roots.

<b><u>POLICY APPROVED:</u></b>	09/2017 (BOARD OF DIRECTORS)
<b><u>RESPONSIBILITY:</u></b>	Executive Director
<b><u>PROCEDURES UPDATED:</u></b>	8/2017, 10/2023, 7/2024, 09/2025

**DEFINITIONS:**

**Complaint:** Complaint definition-TRE will document and track any complaint as it relates to services provided by the CMA to include general business functions, administration, state general funded programs. All complaints received will be reviewed and demonstrated to be substantiated or unsubstantiated at the discretion of Case Management Agency Leadership compliance with agency policies, and all regulating rules and contracts. A complaint is deemed unsubstantiated if it falls outside the control of the employee or agency, does not align with TRE's standard response timeframes for returned phone calls and communications, grievances that are repetitively submitted by the same individual, or lack legitimate grounds. Complaints received outside of this scope of its contract with the Colorado Department of Health Care Policy and Financing (HCPF) shall not be included.

**Complainant:** an individual who files a complaint

**PROCEDURES:**

1. It is the intent of TRE to amicably resolve grievances/complaints through informal negotiations and the Service Planning (SP) process when available. Significant attention shall be focused on creating options and service alternatives that address the best interests of the person receiving services and to provide an opportunity for individuals to come together to find a mutually acceptable solution. Each stage of the process will be treated as an opportunity to include fresh perspectives while achieving collaborative, creative resolutions.
2. The Grievance and Complaint Policy and Procedure shall be provided verbally and in writing to persons receiving services or applicants for service, the parent(s) of a minor, guardian, and/or authorized representative at the time application for services is made, changes are made to the procedure, and upon request by the above-named persons.
3. People will not be coerced, intimidated, threatened, or retaliated against for making a complaint. It will not negatively affect future services and, if enrolled, people will continue to receive services during the complaint and grievance process. Filing a complaint or grievance will not prejudice the

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future provision of appropriate services or support to the individual in need of and/or receiving services.

4. Reporting a grievance or complaint is the first level of interaction for any concern with TRE. In the event an individual reports a complaint, TRE will attempt to resolve that grievance or complaint amicably with all parties. Grievance and complaints may be reported to any TRE staff member and should be reported to the appropriate TRE employee first (this could be the person with whom the issue resides or their supervisor).
  - a. If the complaint is not specifically against TRE, the complainant will be encouraged to report the complaint directly to the agency/person the complaint is regarding. TRE will assist the aggrieved party with filing the complaint upon request.
5. All grievance and complaints are then required to be reported via HCPF's Complaint Log and submitted to the Director of Quality and Compliance, or designee, for recording and to ensure follow-up is completed within 10 business days.
6. TRE will report grievance or complaint data to HCPF as indicated in the contract between TRE and HCPF, or as requested.
7. If the grievance or complaint is unresolved, there are additional options dependent on the program in which a person is receiving.
  - a. TRE's Chief Executive Officer will review the grievance or complaint and provide follow-up to the individual within 10 business days.
  - b. The following advocacy agencies have resources that may help you resolve your grievances or complaints with TRE: The Arc of the Pike's Peak Region (719-471-4800), The Arc of Pueblo (719-545-5845), Disability Law Colorado (303-722-0300), or the Colorado Cross-Disability Coalition (CCDC) (303-839-1775).

**TRE Member Feedback & Resolution Procedure:**

1. TRE's outlined process for responding to and resolving member or potential member complaints includes a clear, structured approach to addressing issues promptly and efficiently:
  - a. Initial response: TRE staff are expected to make a meaningful effort to resolve the issue. All complaints must be acknowledged with undue delay and within 2 business days of receipt. The response to the complainant will clearly communicate that the concern has been received, the TRE team is actively engaged in addressing the issue.
  - b. Escalation to Supervisor: If the TRE staff is unable to resolve the issue, they will escalate it to their supervisor for further review, assistance, and resolution.

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- c. Supervisor Intervention: The supervisor should try to resolve the complainant issue. If unable to do so, they will seek advice from their direct manager on the best action plan moving forward.
    - i. If a member/guardian requests a change in case manager, the supervisor will engage with the member/guardian to understand the nature of the concern. Based on the information provided, the supervisor may attempt to resolve the issue through discussion and problem-solving. If the concern cannot be resolved or a change is deemed necessary, the supervisor will assign a new case manager. The supervisor is responsible for ensuring that the member is informed of the change; both the outgoing and incoming case managers are notified; and all relevant systems and the complaint log are updated to reflect the change.
  - d. Manager Discretion: The manager, using discretion, will determine whether to take over the resolution based on the complexity of the issue and other factors contributing to the member or potential member complaint. The manager will involve other Executive Team members as needed to resolve the issue.
  - e. Manager collaboration: If the manager is unable to resolve the issue, the manager will assume lead responsibility for the complaint. The manager will engage with relevant parties, including internal agency staff, HCPF's escalation process, or other community leadership partners as appropriate. The manager is responsible for ensuring that the issue is resolved and all necessary follow-up actions are completed.
2. Complaint log management- It is the responsibility of each manager to ensure that the complaint log is updated, completed, and properly formatted monthly for complaints received by their perspective team members. Managers have the discretion to either undertake the task themselves or delegate it to a supervisor, team lead or staff member. Regardless of the assigned personnel, all updates must be fully completed by the 5th of each month for the previous month's complaints. This process ensures timely and accurate record-keeping of member feedback and resolution efforts.
- a. A redacted version of the Complaint log and resolutions will be provided to the Community Advisory Committee for review on a monthly basis.
3. Complaint log trend management-TRE's manager(s), with oversight, from a director are responsible for completing quarterly trend analysis of the complaint log. Trend analysis includes:
4. A comparison of complaint types and number of complaints over a quarterly timeframe.
- a. Number of complaints against the contractor, time, location, individual involved, staff involved.

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- b. Examination of potential reasons for the increase or decrease in complaints by total number, subcontractor, individual or staff.
  - c. An examination of preventative measures that can be implemented to reduce the frequency of future complaints.
  - d. Implementation of a plan of action or any future actions to take place.
  - e. An analysis of whether the plan of action and changes made were effective or if additional changes need to occur.
  - f. Complete quarterly trend analysis for deliverable (by October 15, January 15th, April 15th and June 15th.
5. Training- The training director at TRE will oversee the comprehensive training of all staff members on all aspects of TRE's member feedback and resolution protocol, including proper entries in the complaint log. All staff will have access to the necessary training materials to fully understand the protocol and responsibilities. This training initiative aims to ensure all staff have the knowledge and skills to effectively handle member complaints and adhere to procedures, promoting consistent and exceptional customer service across the organization. The training objectives include but are not limited to:
- a. Complaint definitions
  - b. Customer service best practices and expectations
  - c. Best practices for engaging with members and complaint resolution.
  - d. Understanding when a complaint needs escalation.
  - e. Responding to a complaint vs. Resolving a complaint
  - f. Documenting in activity logs (including timeframes)
  - g. Interacting with and updating the complaint log

**Escalations:**

An escalation is the process of forwarding a complaint to a higher level of authority within the organization to ensure appropriate resolution. Escalations are overseen by TRE's CMA Directors & Managers. When a complaint includes safety, urgent needs or submission to TRE from HCPF, the complaint will follow a more immediate protocol:

1. Assessment of Urgency: A Case manager or receiving agency actor will appraise the situation to determine the level of risk or urgency, focusing on client safety, mental health crises, or risk of harm.
2. Immediate Action: If a member or potential member is in imminent danger, the Case Manager will prioritize contacting emergency services; following all mandatory reporting requirements.

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3. Manager/Director Oversight-When a complaint reaches the status of escalation, the issue is escalated to a TRE CMA Manager and/or TRE CMA Director. The Manager/Director will enact higher-level decision making in determining a solution. All needed and necessary personnel will be engaged to address the situation effectively and within escalated timeframes when appropriate and obtainable.
4. Collaboration with External Agencies-If necessary, the agency will coordinate with external organizations (RAE, DHS, Homeless Agencies, etc.) to ensure the client's urgent needs are met swiftly and comprehensively. Actions will be taken immediately or within the shortest possible timeframe (in response to the nature of the urgency), minimizing delays to ensure that urgent needs or areas of crisis are addressed outside of normal timeframes. Managers/Directors will review and ensure the response is thorough, addressing all aspects of the issue, to include the underlying causes and short-and long-term needs are met.
5. Follow-Up-TRE's CMA Manager/Director will remain responsible for monitoring staff outcomes and providing needed tracking/follow-up until resolution is met. Continuous monitoring and follow-up occur to ensure the member or potential member remains safe, has a plan for long term support & services, exceptional case management is in place and referrals for the appropriate external resources have been completed.

**PROCEDURE for MEDIATION:**

A Complainant may request mediation as an alternative method for resolving grievances and complaints related to TRE services. Mediation provides an opportunity for both parties to engage in a collaborative process aimed at reaching a mutually acceptable resolution. Participation in mediation is voluntary and requires agreement from both parties.

1. Mediation can be requested by the individual if they have concerns with the following (these are examples only, not an exhaustive list. Other issues that affect an individual's services can also be referred to mediation):
  - a. When the individual is not receiving needed services.
  - b. Not receiving the services agreed to by the member,
  - c. Receiving services that are not right for her/him/them,
  - d. Receiving services that are not as good as they should be or,
  - e. Receiving services that are not working for him/her/them.
2. Mediation is not appropriate for (these are examples only, not an exhaustive list. Experience will provide ongoing opportunities to refine and expand the overall area of appropriate and inappropriate mediation issues):

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- a. Allegations of Mistreatment
  - b. Instances of actual or proposed human rights suspensions.
  - c. Issues where a decision places the individual receiving services at risk of grave harm, injury or death, or the agency in a legally binding position.
  - d. Anything clearly established in statute(s), rules and regulations or contract.
3. If an individual chooses mediation the following will occur:
  - a. He/she will be asked if a support person is needed to help. If support is needed but there is not a person of support already available, then mediation will find someone to help.
  - b. He/she/they will have meetings with the mediator to explain the complaint and help the mediator understand what is needed.
  - c. The mediator will meet with the complainant and the involved TRE employee separately to discuss the complaint. Following these separate meetings, the mediator will schedule a meeting with both parties.
  - d. Notice of the meeting date, time and location must be given 15 days prior to the meeting, unless waived by both parties.
  - e. The mediator will discuss the complaint and possible solutions with both parties. The outcome of the meeting, including any mutually agreed upon resolutions, will be documented in TRE's complaint records.