

LCCS POLICY 139

Ombudsperson Process & Resolution of Systemic Problems

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Current Effective Date:	10/1/2009, 12/21/2011, 9/29/2015
Obsolete/Combined Date:	#139A; 10/1/2009
Reason for Obsoleting/Combining:	Policies #139 & #139A combined
See new Policy #:	

Scope:	This policy applies to all agency staff.
Responsibility:	Ombudsperson, Directors, Associate Directors, or Manager/Designee
Purpose:	To ensure that the rights of the consumer are protected and that public complaints are addressed. To ensure that objective and expedient administrative responses are made to complaints regarding services and requests for information from the community and consumers. To establish a consistent method for addressing systemic problems.
Legal Cite:	ORC 5153.10; 5153.16; 5101:2-33-:20

POLICY STATEMENT

The LCCS Ombudsperson provides assistance or intervention regarding issues, concerns or complaints that are raised regarding the agency's service delivery when the complainant is not satisfied with the response received through the chain-of-command. The Ombudsperson is responsible for notifying the Executive Director of potential systemic problems at LCCS, initiating an evaluation of the problem(s), and making recommendations for any necessary corrective action.

PROCEDURE - including required timeframes and documentation

Concern/Complaint Process

Any member of the public may contact the Ombudsperson to express concerns, lodge a complaint or inquire about issues related to Lucas County Children Services' operations; however, the person expressing concerns/complaints about specific cases and/or worker actions/services should first seek resolution through the worker's chain-of-command.

The Ombudsperson will receive concerns/complaints by telephone, in writing or in person.

Any staff member referring someone to the Ombudsperson should assist her/him in making contact with that office by providing them with, at least, the Ombudsperson's name and telephone number. Due to the confidentiality of client information and agency records, a case-by-case determination is to be made regarding the nature of the information and initial response provided.

If the initial contact is received by another staff member in the absence of the Ombudsperson, the staff member is to obtain and document the complainant's name, contact information and a description of the concern/complaint. Depending on the method of initial contact, the staff member will forward the information obtained from the complainant to the Ombudsperson's office within one (1) work day of receipt by delivering any written material received and/or sending a "High Priority" E-mail to the Ombudsperson. The Ombudsperson will then contact the complainant within 24-hours of receiving the information. When the Ombudsperson is absent for a period in excess of 24-hours, complainant information is to be forwarded to the designated back-up for the Ombudsperson who will determine the most appropriate initial response.

Based on the information obtained by the Ombudsperson, she/he will make a determination regarding the course of action to be taken including, but not limited to the following:

- If the request is for general information (e.g., agency procedures), the Ombudsperson will provide the appropriate information and resolve the matter.
- If the concern is about possible CA/N, the Ombudsperson will refer the complainant to Intake.
- If the concern/complaint involves an active or closed referral/case not covered by the above, the Ombudsperson will obtain pertinent information from the complainant regarding the issue(s). The Ombudsperson will then refer/forward the concern/complaint to the appropriate department Manager for resolution if the complainant **has not** previously spoken to and sought resolution from staff within the chain-of-command related to the referral/case.
- If the matter is determined to not be related, in any manner, to LCCS, but involves another agency, the Ombudsperson will refer the complainant to the appropriate agency (e.g., GAL office, MR/DD, Juvenile or Domestic Relations Court).
- If the request is for case record information on a closed referral/case, the Ombudsperson will forward the request/requestor to an Information Release Processor.
- If the complainant represents the media, the Ombudsperson will notify the Public Information Officer who will decide the appropriate course of action.
- If the concern/complaint involves a situation where the complainant **is not** satisfied with the response received through the chain-of-command, the Ombudsperson will take the information and assist or intervene in an appropriate manner.
 - Requests for report disposition appeals through the chain-of-command must be made within thirty (30) days of notice of the disposition. Requests for complaint reviews by the Ombudsperson must be made within 30 days of the issuance of the chain-of-command resolution (See Policy 140, Steps 1 through 6).

Denial of initial certification, recertification, or revocation of a foster home certificate

- If the applicant or caregiver utilizes LCCS' grievance/appeal review process and if the original decision is upheld, the Ombudsperson will send the final/reaffirmed

decision to the Placement Department within 1 business day so that the Placement Dept. can meet the timeline for the required notification to ODJFS within three (3) business days following receipt of the decision.

When the Ombudsperson determines that her/his assistance or intervention is appropriate, then she/he will discuss the process to be followed, including projected time lines, with the complainant and effected staff during the initial contact with each. Confidentiality parameters will also be discussed with the complainant, as well as the necessity for releases where appropriate.

The Ombudsperson will notify the primary parties (i.e., persons directly effected) about any complaints and/or requests for information within one (1) work day of receipt, including a summary of the complaint/request for information. A copy of any written complaint will be made available to appropriate staff upon request.

Upon notification that a complaint/request for information has been received, involved staff should contact the Ombudsperson and advise her/him about whether the complainant has sought resolution through the chain-of-command and of any changes or resolution regarding the issues that have occurred subsequent to the most recent information provided by the complainant. Suggestions from staff regarding how the reported issues might be resolved should also be shared with the Ombudsperson.

Department Managers, who are notified by the Ombudsperson about a complaint/request for information that **has not** previously been addressed through the chain-of-command, will respond via telephone, E-mail or in writing to the Ombudsperson within two (2) work days describing how the complainant's concerns are or will be addressed. The Manager will send copies of written responses to the appropriate Director/Associate Director.

When the complaint/request for information received by the Ombudsperson **has** previously been addressed through the chain-of-command, the Ombudsperson will investigate the complaint/request for information by gathering relevant, objective information. Depending on the circumstances, the Ombudsperson will conduct related research, review case records, interview staff and service providers and/or convene meetings to resolve complaints/requests for information and to ensure that culturally sensitive/responsive services are being provided. The review will be conducted and a finding issued within thirty (30) days of the request for review, unless there are exceptional circumstances.

The Ombudsperson will attempt to resolve disagreements in a manner that is acceptable to all parties. When the Ombudsperson's review, however, results in a recommended change in planned case activities that are not supported by involved staff, the Ombudsperson will:

- Convene a meeting with involved staff to discuss the issues/concerns and seek resolution.
- Present the matter to the Director/Associate Director who has responsibility for the decision when resolution is not reached at the meeting.
- Make a final appeal to the Associate Director of Quality Improvement (QI) and Executive Director if all attempts have been made to resolve the issue/complaint and the Ombudsperson is still not satisfied with the result.

When a final resolution is attained, the Ombudsperson will:

- Communicate the results of her/his investigation or resolution of the concerns to the complainant by telephone, E-mail and/or letter,
- Submit a final report to the Associate Director of QI and Executive Director,
- Notify the Associate Director of QI and Executive Director of a potential systemic problem,
- Complainants who are not satisfied with the findings of the Ombudsperson may request a final meeting with the Associate Director of QI and Executive Director—by contacting his/her office,
- The Office of the Ombudsperson will distribute the Ombudsperson's report to the involved Management staff. The Executive Director reports to the Board, in Executive Session, the results of the complaint if it pertains to a specific case or client.

The Ombudsperson will keep a log of all complaint/requests for information activity and submit a written summary report to the Associate Director of QI and Executive Director—and Board quarterly.

Resolution of Systemic Problem(s)

Upon receiving notification of a potential systemic problem(s) from the Ombudsperson, the Executive Director will initiate an evaluation of the problem(s) by assigning that responsibility to the appropriate Director, Associate Division Director or Manager. Within ten (10) work days of receiving the evaluation assignment from the Executive Director, the designated administrator will advise the Ombudsperson of action taken or the assignment of the systemic problem(s) evaluation to another designee.

Within another ten (10) work days, the designee will notify the Ombudsperson of specific steps taken, including any projected time lines for completion of the evaluation and corrective action plan.

At the conclusion of the evaluation, the Director, Associate Director or Manager originally designated by the Executive Director, will notify the Ombudsperson, in writing, of the findings and any systemic modification recommendations needed for final problem(s) resolution. Upon receipt, the Ombudsperson will review the evaluation and problem(s) resolution report, and forward it to the Associate Director of QI and Executive Director—for final approval.

The appropriate Director, Associate Director or Manager will be responsible for monitoring any corrective actions implemented to ensure that the systemic problem(s) has been resolved and will continue to be addressed.

CASE PRACTICE GUIDES

Caseworkers and supervisors should continue to receive and attempt to resolve complaints directed to them.

RELATED POLICIES and FORMS

Policy 140: Non-Employee Grievance Review & Resolution