

## GRIEVANCE AND APPEAL POLICY

**\*Please note if you are a SR or VPK provider please follow the Due Process Procedures in the SR20 or VPK20 Provider Contract.**

This grievance policy is designed to provide prompt and orderly resolution of complaints or disputes arising in the course of conducting business with, receiving services from, and/or providing services to the Early Learning Coalition of Lake County (ELCLC). Any party has the right to present a grievance to the Coalition within ten (10) business days of an occurrence, or within ten business (10) days of a party having reasonable knowledge of said matter.

For the purpose of this policy the following definitions apply:

Grievance is defined as any complaint by a client or recipient of services of the agency who is receiving services with regard to:

1. His/her treatment by agency personnel, (a worker or supervisor), or
2. Any other concern about his/her situation as related to the service programs of the agency which the client or recipient of services would like to have resolved.

Complainant is defined as the person who makes the complaint.

A grievance must be submitted in written form (electronic or mail) to the following address:

CCR&R Coordinator  
Early Learning Coalition of Lake County  
1300 Citizen's Boulevard, Suite 206  
Leesburg, FL 34748

The Coalition utilizes the following policy and procedures in response to a parental complaint in order to determine that the standards prescribed in ss. 1002.82 and 2002.88, Florida Statutes are being met:

- A. All complaints will be recorded by the individual making the complaint in their own words on an approved form and retained for a minimum of five years.
- B. Coalition staff will process complaints against providers according to these policies and procedures without regard to whether or not the provider is subcontracted with the agency to provide subsidized early care and education services.
- C. Complaints which are not required to be reported to the abuse hotline or licensing but which might benefit from technical assistance may be handled by Coalition staff and/or other staff of an outside referral source as is appropriate to each situation. Coalition staff has the responsibility to provide technical assistance, to the extent possible, to all legally operating providers to help

resolve complaints. All Childcare related issues are requiring technical assistance should be referred to the appropriate child care licensing office.

- D. Abuse/Neglect complaints or complaints which pose an immediate health and or safety risk will be reported within one hour to the Florida Abuse Hotline and/or the licensing authority, as applicable. All other reports will be processed within two working days.
- E. In counties where DCF does not have licensing authority, the same policy and procedures apply but are reported to the local licensing agency. In Lake County, the licensing authority is Kids Central, Inc.
- F. Complaints regarding all providers: licensed, registered, exempt, and “illegal” providers will be processed according to these policies and procedures without regard to whether or not the provider participates in the School Readiness program.
- G. All complaints should be directed to the Childcare Resource & Referral (CCR&R) Coordinator.

### **Abuse/Neglect Complaints**

- A. If a complaint concerns child abuse or neglect, the complainant must be given the Florida Abuse Hotline phone number and is strongly encouraged to report it directly.
- B. If the complainant is a mandated reporter of suspected child abuse or neglect (i.e., licensed or registered providers, school teacher, health care or other professional services provider, etc.), Coalition staff will remind the complainant of his/her legal responsibility to report the abuse by calling the Florida Abuse Hotline directly.
- C. The complainant will be advised that Coalition staff are mandated reporters and will be making a report to the Florida Abuse Hotline if the caller gives any specific information about the situation.

### **Licensing Violations**

- A. The complainant will be strongly encouraged to call the licensing authority directly. The caller will be given the telephone number of the licensing authority.
- B. Coalition staff will provide a copy of the complaint to the licensing authority for follow-up. Complaints posing an immediate risk related to health, safety and/or sanitation will be reported to the Florida Abuse Hotline and the licensing office, as applicable, within one hour. Other reports will be given to licensing within two working days of the receipt of the complaint.
- C. Coalition staff will NOT notify a provider of a complaint since to do so may jeopardize the investigation by the licensing authority.

D. Coalition staff will document the outcome with regard to license status.

### **Programmatic, Financial or Personal Complaints (Do not report to Licensing)**

- A. Coalition staff or the complainant will write the complaint out in the complainant's own words on an approved form.
- B. Coalition staff will respond or refer to the appropriate department for comment, technical assistance or other action.

### **Discrimination (Do not report to Licensing)**

- A. Coalition staff or the complainant will write the complaint out in the complainant's own words on an approved form.
- B. Coalition staff will forward complaints regarding disability discrimination to HHS.gov under the Civil Rights tab.
- C. Coalition staff will respond or refer to the appropriate department for comment, technical assistance or other action.

### **Information about Complaint Procedures**

Anyone who requests a copy of complaint procedures will be provided a copy by Coalition staff.

### **Notifying a Provider of a complaint**

Coalition staff will NOT notify a provider of any complaint that must be reported to the Florida Abuse Hotline or to the licensing authority.

### **45 CFR 98.32 and CCDF Plan Element 2.6.5**

The State shall:

- A. Maintain a record of substantiated parental complaints;
- B. Make information regarding such parental complaints available to the public on request.

The Coalition shall:

- A. Maintain a file of program and provider complaint information documented on an approved form; the complaint information will be retained for a minimum of five years. These complaints will be made available to the public upon request.
- B. Provide a detailed description of how such record is maintained and is made available.

**Subject to confidentiality laws, complaint dispositions are open public records.**

## Access to Provider History

All families receiving CCR&R referrals will be strongly encouraged to view a provider's licensing registration history through the Department of Children and Families' website at [www.myflfamilies.com/service-programs/child-care](http://www.myflfamilies.com/service-programs/child-care) and if additional information is desired to contact the licensing authority before selecting a provider.

Licensing inspections and verified licensing complaints are available online at [www.myflfamilies.com/service-programs/child-care](http://www.myflfamilies.com/service-programs/child-care).

## Due Process

- A. If a client believes that the negative action brought against them by Coalition staff was made in error, the client should first seek to resolve the matter by contacting the Coalition and providing the necessary documentation to resolve the issue.
- B. The Executive Director of the Coalition shall not be involved in the pre-appeal resolution of the issue.
- C. If the client believes that the issue was not resolved by the Coalition, the client may file a formal written appeal for review by the Executive Director of the Coalition, using the following procedure:
  - a. Submit a written appeal to the Executive Director or another executive staff person as designated by the Coalition Board.
  - b. The appeal must fully describe the nature of the error the client believes has been made and shall contain any documentation which supports the client's claim.
  - c. The appeal shall be postmarked or emailed before the date of the intended action.
  - d. The recipient who fails to file a timely appeal waives the right of appeal.
  - e. If the client files a timely appeal, he or she will not be suspended or terminated from the program until the written decision of the Executive Director or the original date of the intended negative action; whichever occurs later.
  - f. The Executive Director of the Coalition or other executive staff person designated by the Coalition Board must respond to the client, 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.
  - g. The client who wishes to appeal the decision of the Executive Director of the Coalition or other executive staff person designated by the Coalition Board may request further review by an Appeals Committee.
  - h. 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 Executive Director or other executive staff person designated by the Coalition Board's written response to the client's formal written appeal.

- i. Any client that wishes to appeal a negative action but is unable to submit the appeal in writing may be assisted by Coalition staff.
  - j. Immediately following receipt of a request for appeal the Executive Director or delegate will send out a poll to determine the availability of the Appeals Committee to conduct the review hearing. A date will be chosen that must fall within forty-five (45) days of the date of receipt of the request for the meeting of the Appeals Committee.
- D. The client shall be given the opportunity to defend his or her position in an orderly proceeding of the Appeals Committee.
- E. When the meeting of the Appeals Committee is scheduled, the client shall be notified:
  - a. Of the date of the Appeals Committee;
  - b. Informed that it is a public meeting;
  - c. And informed that any information presented may be used by other state agencies.

### **The Appeals Committee**

- A. 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.
- B. The Appeals Committee shall be convened within forty-five (45) calendar days of receipt of the client's request for an appeal.
- C. The client shall be provided up to thirty (30) minutes to present their position and any Information they wish the Appeals Committee to consider.
- D. The Coalition staff, excluding the Executive Director or other executive staff person designated by the Coalition board, shall be available to provide any information requested by the committee.
- E. 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.
- F. The required final determination letter will be delayed for the length of time given to the parties to provide the additional information.
- G. The appeals committee shall elect or appoint a member of the Coalition, excluding the Executive Director 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.
- H. The appellant shall be notified in writing of the appeals committee's determination within ten (10) days of the date of the meeting.
- I. The determination of the appeals committee shall be final.