



ADMINISTRATIVE POLICY:
Program:
Effective:
Functional Responsibility:

COMPLAINTS FROM CLIENTS
AFC
October 01, 2018
Human Rights Officer

POLICY and PROCEDURE For complaints from clients

I. POLICY:

- A. It is the policy of Centro Las Americas, Inc., (CENTRO) to provide services that fully comply with all federal, state, and local regulations and applicable laws, and to adhere to explicit ethical standards throughout all facets of the organization's operations. CENTRO will ensure these conditions of operation are met through an organized and ongoing comprehensive corporate compliance program.
- B. **PURPOSE:** To provide a well-defined mechanism for individuals, families, and guardians to make a complaint or grievance regarding a programs or department or facility or a particular violation of human rights. To provide an established set of procedures for the program and agency to address such grievances or complaints including access to CENTRO Human Rights Officer, Human Right Committee members, and agency administrative staff.
- C. **NOTE:** This policy does not replace any other program reporting policies regarding the reporting of abuse or neglect and is not intended to replace the responsibilities of "mandated reporters" as defined in CENTRO, DPPC, the Executive Officer of Elder Affairs, DMH or DCF regulations.
- D. Any staff or consultant who witnesses, discovers, or is notified of conduct which may be considered to be physical abuse, excessive force, mistreatment, psychological abuse, neglect or exploitation must take actions as outlined in the policy, Rights, Responsibilities and, *Reporting Human Rights Violations, Neglect, or Abuse* and Rights on the Rights of Person Served.
- E. Allegations of abuse, mistreatment, and neglect, which are subjected to mandated reporting to outside authorities (Rights, Responsibilities and, *Reporting Human Rights Violations, Neglect, or Abuse*), are also investigated, reviewed and tracked.
- F. **STANDARD:** All individuals have certain individual rights and the right to receive services in reasonably safe and secure environments. These rights are safeguarded by numerous program and agency policies regarding Person Served policies. In addition, all individuals, families, and guardians have the right to make a grievance or complaint to program/agency personnel without retaliation and have the complaint or grievance addressed in a timely and reasonable manner.



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PROCEDURE:

- 1) CENTRO's Human Rights Officer oversee the implementation of this policies.

- 2) Each Program/Department within CENTRO works closely with the Administrative Team to ensure that all program policies and practices are in keeping with the letter and the spirit of Human rights standards of applicable regulations, licensing and certification, and accreditation standards.

- 3) The Human Rights Officers work with Program staff and the Person Served to ensure that filing a complaint will not result in retaliation or barriers to services.

- 4) The Human Rights Officers ensures that the Notice of Right to File Complaints are provide to each Person Served/ Guardian, are posted visibly in programs and that compliant forms are available.

- 5) All individuals, family members, or guardians have the right to make an oral or written complaint or grievance to CENTRO via the Human Rights Officer or any Staff. Individuals may request assistance of staff or outside advocates in communicating a complaint or grievance.

- 6) All individuals, family members, or guardians have the right to make a written human rights complaint at any time to the state MASS HEALTH, DCF, DMH, DDS. CENTRO Human Rights Officer will provide assistance, where necessary.

- 7) Any person served (or any other interested party, including staff, parents, advocates, etc.) who has a complaint or grievance will be encouraged to first discuss the matter with the staff involved. The staff will work with the person to



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resolve the situation, and may involve his or her supervisor in facilitating the resolution.

- 8) Any person may initiate a grievance for any situation simply by speaking or writing to the Program Director, the Human Rights Officer, or any staff person and describing the situation. Such a situation is reported to the Program Director no later than the next business day.
- 9) A meeting will be set as soon as feasible with the complainant. Any party can request the Human Rights Officer be present at the meeting. The purpose of the meeting is to clarify the complaint and resolve it. The Program Director will make a written summary of the meeting, the findings and resolution, and any steps or actions taken or to be taken by the agency or program or other parties.
- 10) Within three business days of a complaint staff will inform the person initiating the complaint of the course of action that will be taken, including the projected time frame for investigation and responses, and that their complaint will not result in retaliation or barriers to services.
- 11) If the complaint is not resolved at this level, or if the person or other party chooses, a complaint may be submitted in writing by completing the CENTRO Complaint Form.
- 12) Complaint forms are made readily available in several locations in the program, as well as from the Human Rights Officer. A person may also initiate a complaint by speaking to the Human Rights Officer and describing the situation. The Human Rights Officer and all staff are available to direct or assist any persons who need help in filing a complaint.



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- 13) All Internally Supported complaints are logged in and reviewed individually and in the aggregate by the Administrative Team.

- 14) Allegations of abuse, mistreatment, and neglect, which are also subject to mandated reporting to outside authorities (Rights, Responsibilities, *Reporting Human Rights Violations, Neglect, or Abuse*), are also investigated, reviewed and tracked.

- 15) Any complaint of a violation of an individual's human rights as defined by program policies and regulations made to CENTRO staff must be referred to the Human Rights Officer and be reviewed by the Human Rights Committee.

- 16) For non-abuse, non-mistreatment, non-neglect issues, the Human Rights Officer or designee will investigate the situation, undertaking corrective action where necessary within three business days.

- 17) If the issues complained of are not clear cut or require further investigation, the Human Rights Officer may refer the issue to the Vice President and Chief Program Officer for resolution.

- 18) If the issue is not resolved during the informal complaint process, a formal complaint may be forwarded to the Vice President and Chief Program Officer by the Human Rights Officer. Within five working days the VP and CPO will resolve the complaint directly with the person making the grievance or schedule a meeting of involved staff, the Human Rights Officer, the person making the complaint, and any other party involved. A written summary of this meeting and any resolution will be made and forwarded to all parties involved.



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- 19) The person or other complaining party is then informed of any decision and actions taken to address the complaint, which will also be kept in writing by the Human Rights Officer. The decision will be communicated to the person in a manner that is understandable to the person.
- 20) If a complainant is not satisfied with the response, they can appeal to the CENTRO CEO and President within three days of receiving the response. This appeal will be resolved within ten working days and the person notified of the decision.
- 21) Grievances not resolved at the program level or management level will be forwarded to the CEO and President for further action.
- 22) The complainant also has the option of consulting with an attorney or with legal services available to the population served or other public advocacy group.
- 23) Reports on Internally Supported Complaints are submitted to the Administrative Team FOR Safety/Compliance review as well as to CENTRO's Governing Body. Complaints submitted to the Governing Body must meet the following criteria: the situation or action was actually or potentially Dangerous, Illegal, or Inhumane, and/or violated the CENTRO Rules of Conduct, and/or violated professional ethics, and does not include anything falling into the Critical Incidents category. This level of complaint is logged into the compliant system for use in aggregation and reports to the Human Rights Committee.

INFORMING INDIVIDUALS OF THEIR RIGHTS

PURPOSE: To ensure that each individual served by CENTRO receive and have explained to them or their guardian and /or advocate, all rights that they are afforded as individuals of services and supports. These rights will be communicated in a format that is most understandable to the



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individual and documented by their signature on the “Rights of Persons Served” which will be filed in the individual’s confidential case record.

RESPONSIBILITY: The Program Director is responsible for ensuring that the Rights of Person Served is reviewed with each individuals and/or guardian and/or advocate up admission to CENTRO. The Director will ensure that this document remain as part of the Confidential Case Record and not purged at any time.

PROCEDURE:

- 1) Upon admission to CENTRO, the responsible Director/ Department will assess what means of communication may require to communicate the information. The individual and those serving as the legal guardian (s) will informed of the individual’s rights.
- 2) The Director is responsible for obtaining the individuals and or the guardian and or advocate signature that he or she has received and been informed of these rights annually.
- 3) The Director will maintain the individual’s signed Person served in his or her confidential case record.