Grievance Procedures

REGIONAL HOUSING LEGAL SERVICES & PENNSYLVANIA UTILITY LAW PROJECT

CLIENT GRIEVANCE PROCEDURE

PURPOSE

Regional Housing Legal Services, Inc. and the Pennsylvania Utility Law Project (hereinafter RHLS), has established a Client Grievance Procedure pursuant to its contractual obligation with Pennsylvania Legal Aid Network. The purpose of this procedure is to consider and dispose of all complaints filed by any person who believes that he or she has been denied legal assistance improperly, or who is dissatisfied with the legal assistance provided.

To assist with the implementation of the grievance procedure, the Board of Directors of RHLS shall establish a Grievance Committee. The Grievance Committee shall have the authority to consider and dispose of all complaints which are unresolved by the RHLS staff. In the case of an adverse decision, the complainant will have the right to appeal to the full Board of Directors. However, a client is not required to submit his or her grievance to the committee, and a decision to do so will not interfere with the person̓s right to complain to the various attorneys. Nor will it interfere with the person̓s right to request a fair hearing under regulations promulgated by the Pennsylvania Department of Human Services.

REVIEW PROCEDURE

RHLS has established the following review procedure for determining the validity of a complaint about the manner or quality of legal assistance that has been rendered:

 Information about the Client Grievance Procedure shall be provided to a client at the time of the initial visit to a RHLS office describing grievance procedure and setting forth instructions on the procedure to be utilized in making a complaint.

The Executive Director shall give prompt consideration to each complaint received. Attorneys in the branch offices shall promptly report any grievances to the Executive Director. In the event the grievance concerns the Executive Director then the Executive Director shall appoint another Attorney to consider the grievance. “Prompt consideration” means a separate discussion of the complaint with the complainant, and the RHLS employee involved; and written notification to the complainant, and the RHLS employee involved; and written notification to the complainant of the decision on the complaint within five (5) working days unless circumstances demand a more immediate resolution of the grievance.

The written notification shall inform the complainant of actions taken with regard to the grievance or why no action was taken. This notification shall also:

1. inform the complainant of the right to keep the details of the case confidential;

2. inform the complainant of the right to have the decision reviewed by the Executive Director if the decision has been made by another attorney of RHLS;

3. inform the complainant of the right to a fair hearing under the Department of Human Services’ regular fair hearing procedures for cases supported with DHS funding if the cause of the grievance relates to any finding of ineligibility, reduction or termination of services to the complainant by RHLS;

4. inform the complainant of the right to take the complaint to the Grievance Committee of the Board of Directors of RHLS if the matter has not been resolved to the satisfaction of the complainant by the Executive Director of RHLS; and,

5.inform the complainant of the right to submit an oral and written statement to the Grievance Committee, and if requested by the complainant, that RHLS will transcribe a brief written statement dictated by the complainant, for inclusion in the RHLS complaint file.

A complainant may appeal the decision of the Executive Director to the Grievance Committee. In the event of an appeal the Grievance Committee shall notify the complainant and the Executive Director of RHLS in writing of the hearing time, date, and location at least ten (10) days before the hearing date. The method of notification of the above hearing shall be by ordinary mail.

The complainant shall be afforded the opportunity to submit an oral and written statement to the Grievance Committee. Moreover, the complainant may be accompanied by counsel or lay advocate and the complainant may present evidence ands cross-examine, at the hearing; however, RHLS is not required to provide any representation for the complainant before the Grievance Committee.

Although not required to appear at the Grievance Committee hearing, RHLS employees involved in the grievance may appear and offer testimony in the matter.

The Grievance committee shall prepare a written decision of its findings and service a copy of the decision upon the complainant and RHLS by ordinary mail.

In the case of an adverse decision, the complainant shall have the right to appeal the Grievance Committee decision to the full Board of Directors. Such request for appeal shall be made within fifteen (15) days of Grievance Committee decision.

The Executive Director of RHLS shall maintain a file containing every complaint (including any written statement submitted by the complainant) and a statement of its disposition. By “statement of disposition” is meant any or all of the following: (1) a memorandum by the Executive Director if the complaint is resolved by RHLS̓ in-house grievance procedure; (2) a copy of any decision of the Grievance Committee; and, (3) a copy of the Order ands Discussion of the Hearing Examiner if the complainant had a fair hearing under the Department of Human Services’ regular fair hearing procedures.

For reasons of confidentiality, the complaint file shall not be made available to the RHLS general staff; however, any employee involved with the grievance may, if he or she so desires, submit a statement of their position in the matter which shall be retained in the complaint file. The Executive Director shall preserve the complaint file for examination by the Pennsylvania Legal Aid Network.

REVIEW PROCEDURE ON COMPLAINTS CONCERNING DENIAL OF LEGAL SERVICES

RHLS has a simplified procedure for review of complaints about eligibility determinations denying legal assistance. In every case where RHLS makes a decision that a person is financially ineligible for legal assistance or that such assistance is prohibited by other regulations or requirements, that person shall receive a notice of non-eligibility advising him of the following rights:

a. the reason the person has been determined not eligible;

b. the right to request an informal review of the decision with the Executive Director or an Attorney of the office to which he applied for assistance;

c. the right to have the decision reviewed by the Executive Director if the informal review had been made by an Attorney; and,

d. the right to request a Fair Hearing under the Department of Human Services’ regular fair hearing procedures.

The Executive Director in the main office and Attorney in the branch offices shall give prompt consideration to each request for an informal review received by their respective offices.

This simplified review procedure does not permit a complainant a hearing before the Grievance Committee; however, the complainant can request a fair hearing under the regulations promulgated by the Department of Human Services, for cases supported with DHS funding for further review of the decision by the Executive Director of RHLS.

CLIENT GRIEVANCE PROCEDURES NOTICE

If you have a complaint about the Regional Housing Legal Services̓ or the Pennsylvania Utility Law Project’s service concerning any of the following:

1. You were denied legal services because of your income.

2. Your case was turned down.

3. You were dissatisfied with the assistance provided.

4.You have a complaint about the manner in which you were treated.

5. You have a complaint about any other matter.

You have a right to take your complaint to the Executive Director of the Regional Housing Legal Services. This can be done by filling out a Grievance Form, available from the Paralegal, and attached here and returning it to the Glenside Office. The receptionist at the front desk will help you with your complaint if you need assistance.

After reviewing your complaint, the Executive Director will tell you, in writing, what action is being taken about your complaint or why no action is being taken. If you are not satisfied with the way in which your complaint is being handled by the Executive Director, you may then, if you wish, take your complaint to the Grievance Committee of the Board of Directors, or, if it is a question concerning your financial eligibility for legal services, you may request a Fair Hearing at the Department of Human Services. The Executive Director or the Paralegal in the Glenside office will tell you how to go about doing this.

If you have any questions about these procedures, please contact the Executive Director or the Paralegal in the Glenside Office, phone: 215 572-7300.

The mailing address of the Executive Director and the Paralegal is:

Regional Housing Legal Services

2 South Easton Road

Glenside, Pennsylvania 19038

(215) 572-7300

GRIEVANCE FORM

If you have a complaint about the Regional Housing Legal Services̓ services concerning any of the following:

1) You were denied legal services because of your income.

2) Your case was turned down.

3) You were dissatisfied with the assistance provided.

4)You have a complaint about the manner in which you were treated.

5) You have a complaint about any other matter.

Please describe such complaint in the space below:

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Complainant Date

SAMPLE LETTER

Dear \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_:

 This is to inform you that Regional Housing Legal Services has determined that you are/are no longer eligible for legal services for the reason(s) listed below:

 \_\_\_\_\_ Your income exceeds the eligibility guidelines set forth for our program.

 \_\_\_\_\_ A criminal matter is not handled by our office. You should contact the Lawyer Referral Services in your county.

 \_\_\_\_\_ Your case is a fee-generating case; that is, one which a private attorney would accept on a contingent fee basis.

 \_\_\_\_\_ Other \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 If you have been determined ineligible for legal services solely because your income appears to exceed our guidelines and you disagree with the conclusion, you may appeal in the following manner:

 First, you may request an informal meeting or review of income eligibility with the Executive Director, or an Attorney or their delegate in the office to which you applied.

 The following procedures have been established to handle eligibility questions involving matters other than income and any complaints which you may have regarding the services provided by this office or any staff member.

 First, there will be an initial review by the attorney/paralegal with whom you have a problem; then, if necessary; secondly, there will be a review in the appropriate office by the Executive Director or his/her designee. Third, a written determination by the Executive Director or his/her designee will be sent to you and the attorney/paralegal with whom you have the problem. This determination will tell you how you can seek a fair hearing or an appeal to the Grievance Committee if you do not agree with the decision.

 Sincerely,

**NOTICE OF RIGHTS AND RESPONSIBILITIES**

of applicants for Title XX-funded legal services and clients whose eligibility for Title-XX funded services must be determined or redetermined

 Please be advised that you have:

* The right to request services funded under the Title XX Social Services Block Grant;
* The right to have an application form completed by the Title XX service provider within 10 calendar days from the date of the service request;
* The right to have eligibility determined within 30 calendar days from the date the application form is dated and signed;
* The right to be notified of eligibility and service decisions;
* The right to request a Departmental hearing to appeal:
	+ A finding of ineligibility after a determination or redetermination of eligibility;
	+ The failure to make a decision on an application or a request for service within the time periods specified in these regulations;
	+ A denial of service;
	+ A reduction, termination, or suspension of a service;
* The right to continue to receive service, if a timely appeal is filed, until the fair hearing decision is rendered 1;
* The responsibility to provide true and complete information to enable the Title XX service provider to establish eligibility;
* The responsibility to report to the title XX service provider any subsequent changes in circumstances which may change your eligibility, such as address, family size, PA 5-A card status, or income;
* The responsibility to provide documentation or eligibility-related items when required, as a condition for receiving, and continuing to remain eligible for Title XX social services;
* The responsibility for the cost of service from the proposed effective date of the title XX service provider’s decision which was appealed until the date service is terminated or reduced, if the Office of Hearing and Appeals finds that you do not meet eligibility or service requirements;
* The responsibility for payment of the fee decided by the Office of Hearing and Appeals as a result of an appeal hearing.

In addition, please be advised that fraudulent receipt of Title XX Social Services based on false information, provided knowingly, makes you liable to legal prosecution.

I have read the above list of my rights and responsibilities as a recipient of Title XX services.

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 Applicant’s Signature Date

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 Client’s Signature (at redetermination) Date

*Sources: 12, Pennsylvania Bulletin 2007, 2011 (June 26, 1982) regs. 3-1-104, 3-1-176.*

1 The provision of service is subject to the Code of Professional Responsibility

**RIGHT TO APPEAL AND FAIR HEARING**

You have the right to file an appeal within the time limits specified on the other side of this form and request a fair hearing from the Department of Human Services.

In order to have a fair hearing, you **MUST DO THE FOLLOWING:**

1. state your reason(s) for the appeal in the space provided below otherwise the appeal request will be dismissed without a hearing; *and*

2. indicate your phone number including area code in the space provided below; *and*