

Policy Considerations: Grievances

The intent of this policy consideration is to evoke discussion within your jurisdiction regarding best practices and key elements to include in policies and procedures. Jurisdictions should consider these policies in the context of their unique juvenile justice system structure; state and local mandates; risk tolerance level; and other individual needs.

Throughout the policy considerations the acronym “PP” is used. This stands for “policy and/or procedure.”

General

- The PP clearly states the purpose/intent of the policy and/or procedure and how it links to the agency mission
- The PP includes basic information such:
 - Name of the policy and/or procedure owner (department, position, title)
 - Clear definitions of all key concepts related and that appear in the policy and/or procedure(i.e. emergency grievance, grievance, etc.)
 - References to other relevant agency policies, state administrative rules, federal mandates, and agency forms related to the specific policy and/or procedure.
- The PP will be available to staff for review.
- The PP reviewed for revision/modifications at least annually.

Grievance Process

- The PP requires youth be informed of their rights, the grievance and appeal process, and provided a copy of the facility/agency grievance form at intake.
- The PP requires rights and grievance information be explained to youth in the youth’s language and in a way that is easily understood for youth with cognitive impairment, mental health needs, etc.
- The PP requires intake staff to check youth for understanding of youth rights, grievance process, and how to report sexual abuse and/or sexual harassment.
- The PP requires grievance information to be explained verbally to youth as well as appear in written format in the youth orientation/program manual and/or intake materials.
- The PP requires that the grievance and appeal process be posted in common areas (living units, programming areas).
- The PP requires that youth have access to methods of submitting grievance (for example: written or hotline) without requiring staff assistance. If youth request a grievance, staff provide the grievance form and writing instruments to youth in a timely fashion.
- The PP allows youth to file a grievance with a neutral external party who is not part of the facility or agency (i.e. Ombudsman, community advocacy organization, etc.). [PREA Standard 115.351]

- The PP requires the facility to provide youth the contact information (mailing address and phone number) of at least one designated neutral external entity with whom youth can file a grievance.
- The PP requires that youth have privacy when filing a grievance that alleges sexual abuse or sexual harassment (i.e. if youth calls the child abuse hotline, staff are observing youth but not able to hear the conversation; if it is a written grievance staff do not ask to see what youth is writing; etc.). [PREA Standard 115.351]
- The PP provides at least one method for youth to file a grievance of sexual abuse *anonymously* (PREA Standard 115.351).
- The PP requires at least one method for filing a grievance be in written format (i.e. grievance form to be placed in a locked grievance box).
- The PP requires staff to provide youth with the means to file a written grievance, as long as they can do so in a way that ensures youth and staff safety.
- The PP clearly explains who is responsible for checking the locked grievance box (must be mid-level and high-level managers), how often (including weekends), and designates a limited number of managers who have access to the locked grievance box.
- The PP clearly states there is no time limit on when youth can submit a grievance that alleges sexual abuse (PREA Standard 115.352).
- The PP puts forth that grievances in which sexual abuse and/or sexual harassment is alleged, do not require the youth/victim to attempt to resolve the grievance by first engaging with the alleged abuser (PREA Standard 115.352).
- The PP allows third parties, including fellow juveniles, staff members, family members, attorneys, and outside advocates to file a grievance on behalf of youth (PREA Standard 115.352).
- The PP allows third parties to assist youth in filing a grievance and/or assist youth throughout the appeals process (PREA Standard 115.352).
- The PP allows youth at any time to write a letter with their concerns directly to the Facility Superintendent and/or designated executive level agency staff (i.e. Department or Division Director)
- The PP requires person receiving written grievance to document date and time grievance was received.

Responding to Grievances

- The PP requires staff to respond to all grievances filed (i.e. those from third-party reporters, anonymous, etc.).
- The PP designates specific staff member(s) who are responsible for responding to youth grievances.
- The PP informs staff on where to document grievance responses and appeals decisions (i.e. document in grievance log; document initial response on original grievance form; etc.)
- The PP directs staff where to store the original grievance and corresponding response.
- The PP explains specific information to include in grievance response (i.e. name of youth, date of initial response, how the appeals decision was shared with youth, etc.)
- The PP details a reasonable timeframe for responding to grievances – i.e. within 72 hours.

- The PP states if grievance involves allegations of imminent risk of sexual abuse the grievance response designee must provide an initial response to youth within 48 hours and issue a final decision within five business days. (PREA Standard 115.352)
- The PP explains the process for a youth appealing the initial grievance decision.
- The PP includes at least one level of appeal.
- The PP requires a final agency decision be made regarding a grievance alleging sexual abuse within 90 days of the initial filing of the grievance (PREA Standard 115.352).
- The PP prohibits punishing a youth for filing a grievance in “good faith” (PREA Standard 115.332).
- The PP prohibits retaliation towards youth and/or staff for filing a grievance.

Quality Assurance and Oversight

- The PP requires facilities to track grievance types, timeliness, and facility/agency responses for reporting and program improvement purposes.
- The PP identifies an individual responsible for ensuring follow through on the grievance resolution and track the follow-up.
- The PP puts forth a system of high-level managers regularly reviewing (i.e. on a monthly basis) grievances/grievance logs to ensure grievances are responded to appropriately and consistent with the agency’s grievance policy expectations. Document the outcome of the review of grievance/appeal process. Analyze the data for disparities with regards to race, ethnicity, gender, age, etc.
- The PP has a designated individual responsible for monitoring retaliation for filing a grievance, particularly those grievances involving allegations of sexual abuse (PREA Standard 115.367).
- The PP requires monitoring staff and youth for retaliation for a minimum of 90 days after filing a grievance (PREA Standard 115.367).
- The PP directs staff responsible for monitoring retaliation where to document check-ins with the individual who filed the grievance.