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P&A Client Grievance Procedure

Appeal/Grievance Rights

A prospective or eligible client who is dissatisfied with the decision to deny services by P&A (complainant) shall have the right to appeal that action. Likewise, any client of P&A who feels that the advocacy services s/he has received are inadequate, unprofessional, or not in keeping with P&A standards shall have the right to file a grievance against the advocate. The basis for that grievance may include, but is not limited to, allegations of violations of professional practice standards. In addition, a prospective or eligible client who feels that P&A is not operating in compliance with the law may file a grievance.

Notice

All prospective or eligible clients requesting services from P&A shall be informed orally of the right to file a grievance. Documentation shall be provided on the intake form that such notice was provided. A copy of the grievance procedure shall be provided to all prospective or eligible clients when a case is opened. Likewise, a copy of the grievance procedure and client evaluation form shall be provided to the client (as indicated in the "close" letter) when the case is closed.

A copy of the grievance procedure shall be provided to prospective or eligible clients who indicate dissatisfaction with services provided or with a decision to deny services.

A copy of the grievance procedure shall be provided to prospective or eligible clients who feel P&A is not operating in compliance with the law.

A copy of the grievance procedure shall be provided to persons who indicate dissatisfaction with the information and referral services provided, even after an explanation for the basis of the action.

All persons who request information in addition to the oral notice shall receive a copy of the grievance procedure.

Administrative Review of Appeal/Grievance

All complaints shall be filed in written form. If the complainant cannot or is not able to write, P&A will, on an individual basis, accommodate the complainant in expressing her/his complaint in written form.

The appeal/grievance shall be addressed to the appropriate supervisor. If the supervisor is the target of the grievance, it shall be addressed to the Director, in which case it shall be deemed an Executive Review, pursuant to the following section. The initial appeal/grievance will result in an Administrative Review by the supervisor (except as noted above).

The Administrative Review shall be completed within thirty (30) working days of receipt of the request. The findings of the Review shall be written unless the complainant does not read. In such case, the Review shall be communicated in the complainant's alternate communication format, i.e., audiotape, Braille, etc.

A report of the findings of the review by the supervisor shall be sent to the complainant within ten (10) working days from the completion date of the review.

Executive Review of Appeal/Grievance

Should the complainant be dissatisfied with any determination made within an Administrative Review, the complainant may request an Executive Review by the Director. This appeal/grievance shall be in written form unless the complainant cannot or is not able to write. In the event there is a real or apparent conflict of interest that might prevent the Director from rendering an objective decision, the review contemplated herein shall be conducted by the General Counsel of the Department of Public Advocacy. The decision as to the existence of a real or apparent conflict requiring disqualification shall be made by the Director.

The Executive Review shall be held within thirty (30) days after the receipt of the initial request for the review. The decision of the Executive Review shall set forth the issues, relevant facts, pertinent provisions on which the decision is based, and reasoning that led to the decision. The complainant shall be sent the decision within ten (10) days from the completion of the Review. Reasonable time extensions may be made for good cause shown by either party or at the request of either party with the approval of both parties.

Actions which the supervisor or Director may take include, but are not limited to

1. determining that the complaint is invalid;
2. meeting informally with the advocate to correct substantiated allegations;
3. reassigning the case to another advocate;
4. reflecting the substantiated grievance on personnel evaluations;
5. changing P&A policy; and/or
6. incorporating substantiated allegations into appropriate proceedings for termination of employment.

The Executive Review is the final determination of the agency; however, utilization of the appeal/grievance procedure does not preclude initiation of other grievance procedures that may be authorized by state or federal laws.

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