



Title: Memphis & Shelby County Continuum of Care Grievance Policy & Procedures

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Reviewed By: Governing Council

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Approved By: Governing Council

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**Purpose:**

All agencies participating in the Continuum of Care (CoC) have the right to file a complaint or grievance about the provision of services, housing, or the operations of the coordinated entry system. The Memphis/Shelby County CoC maintains an agency grievance procedure to ensure that agency's complaints are dealt with promptly and in an unbiased manner.

**Scope:**

Agencies should consider utilizing this grievance procedure for the following types of complaints:

- I. Against another agency's CoC-funded project
- II. Against a process within the CoC or against the CoC Lead Agency/HMIS Lead Agency (grievances against the Lead Agency should be submitted directly to the CoC Governing Council)

*NOTE: Complaints related to the CoC funding application, CoC funding awards, or Coordinated Entry System are handled through separate grievance processes. This form should not be used for these types of complaints.*

**Policy:**

**Informal Grievance Procedure:** If an agency in the CoC has a complaint about a decision or action concerning their agency, the agency is encouraged to first bring the matter to the attention of the person or agency against which they are filing the grievance as a verbal or informal grievance procedure. It is intended that discussion between the parties shall resolve the issue.

**Internal Grievance Procedure:** Before filing a formal grievance with the CoC, the person or agency must first exhaust the internal grievance procedures of the agency against which they are filing the grievance and provide documentation of the results of this grievance procedure.

If the agency is not satisfied with the result of the informal grievance procedure or internal grievance procedures, or an internal or informal grievance process is not appropriate or feasible, a formal grievance procedure, as outlined below, should be initiated:

1. Agency's Executive Director completes grievance form and submits to the CoC Lead Agency.
2. The CoC Lead Agency will review the complaint and substantiate the claims. This process will include gathering all pertinent information and supporting documentation from both parties to substantiate or disprove the allegation.



3. The CoC Lead Agency will confer with the CoC Governing Council as necessary to resolve the complaint.
4. A written response to the grievance will be sent to both parties involved within sixty (60) days of receipt. If either party involved is not satisfied with the result of the grievance review, they will be given the opportunity to file an appeal.
5. The appeal will be brought to the CoC Governing Council. The CoC Governing Council will provide a written response to the appeal within thirty (30) business days.
6. The decision of the CoC Governing Council will be final. If the grievance was initiated by or against the CoC Lead Agency, the CoC Governing Council Chair will receive the grievance and, in conjunction with the CoC Governing Council, will investigate the grievance before making the final decision.

### **Anti-Retaliation Policy**

The Memphis/Shelby County CoC provides agencies and clients who wish to file a grievance the opportunity to do so without retaliation from the party accused or any representative associated. Retaliation includes, but is not limited to; harassment, intimidation, violence, program dismissal, refusing to provide services, use of profane or derogatory language to or in reference to the complainant, or breach of contract.

The Memphis/Shelby County CoC will take immediate steps to stop retaliation and prevent its recurrence. These steps will include, but are not limited to:

- a. Technical Assistance
- b. Complying with a Corrective Action Plan
- c. Written report of grievance and retaliation to program funder(s)
- d. Discontinuing CoC Funding (Decision made at the discretion of the CoC Governing Council)

The CoC Lead Agency will request supporting documentation from the alleged victim of retaliation to substantiate all claims. Supporting documentation may include: police reports, emails, and eye-witness statements.

### **I. Grievances Against an Agency's CoC-funded project**

Grievances against an agency's CoC-funded project must specifically relate to CoC program components, regulations, and requirements listed under 24 CFR Part 578 or the "Memphis and Shelby County Homeless Consortium Policies and Procedures for Providing Assistance under the Continuum of Care" adopted by the Governing Council, including:

- a. Full participation in the Coordinated Entry system and abidance by the Coordinated Entry Policies and Procedures adopted by the Governing Council
- b. Housing First practice and prioritization of rapid placement and stabilization into permanent housing that does not have service participation requirements or preconditions for entry



## II. Grievances Against the CoC Lead Agency/HMIS Lead Agency

Grievances against the CoC Lead Agency must specifically relate to the duties and responsibilities outlined in the CoC Lead Agency agreement outlined below:

- a. In order to meet the requirements under the HEARTH Act and for the community funding application to receive the maximum points available, the CoC Lead Agency will provide staff support and technical assistance/policy guidance to the Consortium, its active committees, and the Governing Council.
- b. With input and consent from the Consortium, the CoC Lead Agency will develop and annually refine a performance assessment process that is aligned with the HEARTH Act and Mayors' Action Plan to End Homelessness.
- c. The CoC Lead Agency will conduct an annual performance assessment process as specified in the Policies and Procedures for Annual Renewals, that includes agency site visits, random case file reviews, and analysis of HMIS and financial management data.
- d. The CoC Lead Agency will help identify and/or respond to program requests for technical assistance or program refinement that will result in enhanced performance.
- e. The CoC Lead Agency will lead the annual Point In Time count and Housing Inventory, informed by best practice standards and HUD requirements.
- f. The CoC Lead Agency will support implementation of the HEARTH Act by sharing all relevant information, offering technical assistance and support to all CoC and ESG funded programs.
- g. The CoC Lead Agency will provide annual gaps analysis and performance information to the City and County and will provide recommendations and support to the City for the Emergency Solutions Grant (ESG) funding process.
- h. The CoC Lead Agency will provide at least annual assessments of the community's progress in reducing homelessness and systems-level analysis.
- i. With input and assistance from the Consortium and its Governing Council, the CoC Lead Agency will help develop and manage a coordinated assessment process that helps identify appropriate interventions for all individuals and families experiencing homelessness in Shelby County.
- j. The CoC Lead Agency will develop and submit the community's application for funding under the Continuum of Care program as the Collaborative Applicant, and will coordinate the submission of the Consolidated Application, including the individual program applications.
- k. The CoC Lead Agency will apply for HUD CoC Planning grant renewal funding, and if awarded, will enter into an agreement with HUD, perform the required grant activities, as well as work to raise match for the Planning Grant.



- I. The CoC Lead Agency will facilitate and oversee the HUD-mandated Coordinated Entry System for Memphis/Shelby County.

Grievances against the HMIS Lead Agency must specifically relate to the duties and responsibilities outlined in the HMIS Lead Agency agreement outlined below:

- a. The HMIS Lead Agency will ensure the operation of and consistent participation (to the extent possible) by recipients of funds from the ESG and Coe programs.
- b. The HMIS Lead Agency, with support and input from the Consortium's HMIS Committee, will establish the HMIS, initiate and implement HMIS policies and procedures, conduct oversight, and data quality management, as well as ensure execution of appropriate data security standards.
- c. The HMIS Lead Agency will execute written HMIS Participation Agreements and/or Business Agreements with each HMIS lead for the CoC and ESG funded programs that include the requirements of the security plan by which all users must abide, the penalties associated with violating the security and confidentiality policies, as well as training requirements for system users.
- d. The HMIS Lead Agency will conduct at least quarterly training for HMIS users.
- e. The HMIS Lead Agency will ensure that the HMIS Policies and Procedures will be reviewed and updated annually. The HMIS Lead Agency will work with providers who are not CoC or ESG funded to seek inclusion of their data and, when resources permit, enter data on their behalf.
- f. The HMIS Lead Agency will use HMIS to generate data for the Annual Point in Time Count, Emergency Housing Inventory Count, the Annual Homelessness Assessment Report, and community and program performance reports, and will provide this data to the Collaborative Applicant.
- g. The HMIS Lead Agency will serve as the applicant for HMIS funding under the Continuum of Care, and if awarded funds, will enter into an agreement(s) with HUD for the grant activities related to administration of the community's HMIS.
- h. The HMIS Lead Agency will work to raise funds that will serve as federally-required match for the HMIS CoC and/or ESG grants.

To file a grievance against the CoC Lead Agency/HMIS Lead Agency, the agency's Executive Director must also sign off on the grievance form. That form, along with supporting documentation, must be submitted to the Governing Council Chair.



## Reference: Additional Grievance Policies & Procedures

*NOTE: Complaints related to the CoC funding awards or Coordinated Entry System are handled through separate grievance processes. These processes are listed below for reference.*

### I. CoC Funding Awards

*From Policies, Priorities & Procedures for Continuum of Care Renewal Applications, New Grant Applications, Reallocation, Rank & Review, approved August 15, 2018*

Appeals: In the event that an agency wishes to appeal the recommendation for non-renewal, the agency must notify the governing council in writing (on letterhead and scanned/emailed to: Governing Council Chair with a copy to CAFTH's CoC Coordinator within seven days of the notification. The Governing Council may require additional information and will render its decision within 14 days of receipt of the appeal.

Third Party Review: In the event of an appeal that is not satisfactorily resolved at the Governing Council, an agency may request a third party review of the determination for non-renewal. The agency must notify the Governing Council of a request for third party review by the lead agency of another mid-south urban CoC within seven days of the written notice/determination, or within seven days of the adoption of this policy. The third party reviewer will receive written and oral presentations from the lead agency and the agency submitting the appeal and will render a decision within 14 days.

### II. Coordinated Entry System

*From Coordinated Entry Manual: Policies and Procedures for Referring Services and Housing Placements for Persons who are Experiencing Homelessness, approved January 23, 2018*

This grievance policy is centered on the client's rights regarding the coordinated entry system and a fair and equal process as it relates to placement and services. If an agency has a concern regarding the Coordinated Entry System, the complaint should be submitted in writing (on paper, via electronic communication, or using the online complaint form provided by the lead CoC Agency). Grievances will be addressed using the following process:

1. Step One: Coordinated Entry Facilitator. The initial report of a consumer grievance shall be directed to the Coordinated Entry Facilitator. Upon receipt, the Coordinated Entry Facilitator will exhaust every effort to satisfy the matter within ten days of receipt.
2. Step Two: Executive Director of the Lead CoC Agency. If the matter is still not resolved, the concern should be addressed in writing to the Executive Director of Community Alliance for the Homeless, Inc., who will work to resolve the matter within ten days of receipt.
3. Step Three: Governing Council. If no resolution has been reached after steps 1 and 2, the matter shall be submitted in writing to the Governing Council of the Memphis/Shelby County Homeless Consortium. The Governing Council Chair, after reviewing the matter with the appropriate parties, will determine the best course of action and respond accordingly within ten days of receipt.
4. All decisions by the Governing Council shall be considered final.