



Welcome!

Complaint Research Room # TBD

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TEXAS DEPARTMENT OF AGRICULTURE
COMMISSIONER SID MILLER





Acknowledgement Statement

You understand and acknowledge that:

- The training you are about to take does not cover the entire scope of the program; and that
- You are responsible for knowing and understanding all handbooks, manuals, alerts, notices, and guidance, as well as any other forms of communication that provide further guidance, clarification, or instruction on operating the program.



01	Complaints Defined	What is a complaint?
02	Standard Complaints	Types, Process, & Timeline
03	Civil Rights Complaints	Protected Bases, Process, & Timeline
04	Research	Factors to Consider
05	Interview	Effective Interviewing Techniques
06	Analysis	Sequencing Events
07	Determination	Determining Causes
08	Report	Report Preparation



Knowledge Statements

- Understand how to identify a complaint.
- Understand how to implement research techniques.
- Understand how to analyze documentation to assess a determination.
- Understand how to prepare a report.
- Understand how to conduct follow-up analysis to mitigate the risk of complaint recurrence.



Complaints Defined





What is a complaint?

A concern or dissatisfaction regarding an F&N-administered program that alleges a violation of federal or state regulations, TDA policy, or F&N's customer service expectations.





Complaint or Technical Assistance

Some complaints may be resolved by providing technical assistance or clarification.

- Hours of Operation
- Explain the regulation requirements—Food cannot be taken off-site or adequate disposal of waste must be on-site to prevent health violations.





Complaint Types

There are two (2) types of Complaints:

- Standard
- Civil Rights





Standard Complaint

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Financial

- Fraud-Program Abuse
- Non-payment of vendor or staff-untimely reimbursement
- Unallowable Program Costs – not following proper procurement procedures





Legal

- Individuals on the National Disqualified List or Texas Excluded Summer Food Service Program List who are directly or indirectly receiving program funds.





Meals

- Quantity/Quality
 - Not receiving proper portions
 - Noncreditable meals (e.g., no milk)
 - Mold on food
 - Expired items
 - Not receiving the agreed-upon menu item





Health & Sanitation

- Conditions at the location
- License





Participation

- Charging Participants for the Meal Service
- Denied meal service – denial of participant when they qualify for benefits
- Site not open/inaccurate hours
- Ghost Site – site never existed
- Counting/Claiming – report of inflated participant numbers





Program Management

- Monitoring
 - Financial
 - Five-Day Reconciliation
 - Training

- Claim Validation / Edit Checks
 - Sponsor not conducting edit checks





Non-TDA Purview

- Complaint regarding Medicare fraud.
- Business not operating under TDA programs
- Complaint regarding activities related to Day Activity and Health Services.





Complaint Process

- TDA receives complaints via:
 - Smartsheet Form
 - Phone
 - Email
 - Fax
 - Mail
 - In person

- Timeline
 - TDA has **30 calendar days** to research and close a complaint.





Complaint Process

- TDA will research complaints against CEs/Sponsors.
- TDA will determine a necessary document/items list to send to the CE as part of the evidence collection process.
- The CEs role is to be responsive to TDA requests.





Complaint Process

- CEs will research complaints against their Sites:
 - The CE will receive a Directive to Sponsor Letter.
 - This letter will be submitted to the CE for the allegations to be addressed at the sponsored Site.
 - The letter is transmitted via email with a PDF attachment.





Complaint Process

- TDA will review the response from the CE and make a recommendation based on the findings for the allegations.





Civil Rights Complaint

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What is a Civil Rights Complaint?

A verbal or written allegation of discrimination that indicates an FNS-conducted or assisted program is administered or operated in a manner that results in disparity of treatment or services being provided to persons or groups of persons because of their protected bases.





Protected Bases

A protected bases refers to any person or group of people who have characteristics for which discrimination is prohibited based on law, regulation, or executive order.

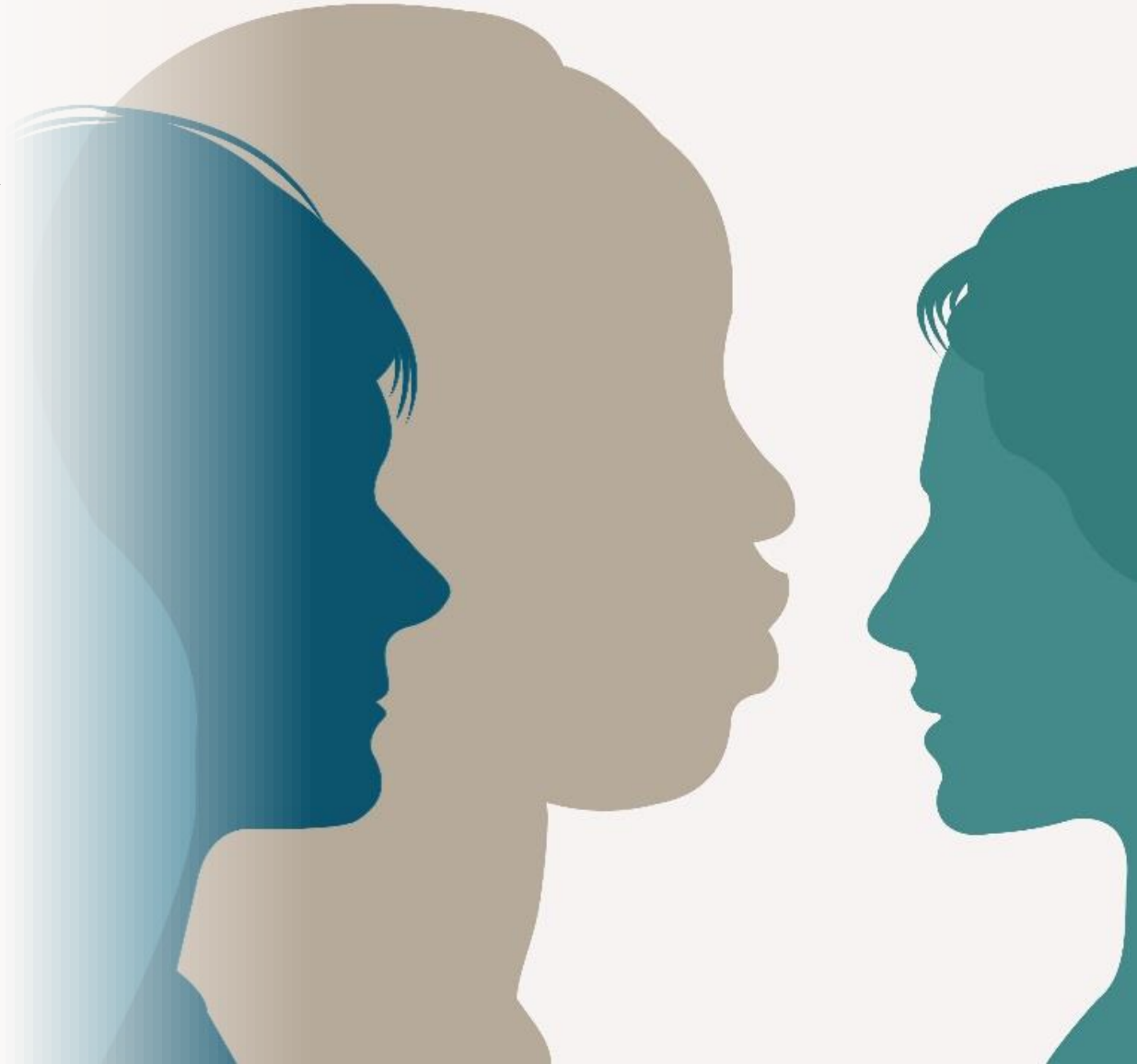




Protected Bases

In the FNS Nutrition Programs, there are six (6) bases protected against discrimination.

- Race
- Color
- National Origin
- Sex
- Age
- Disability





Race

- Unfair treatment or bias against someone or a group of people based on their race.
- *Remember*—Ethnicity is not a protected base. Ethnicity is Hispanic or Latino or Not Hispanic or Latino. If someone believes they are being discriminated based on ethnicity; the bases may be categorized as race, color, and/or national origin.





Color

- Unfair or unequal treatment or bias of an individual or group of persons based on the social meaning attached to skin color.





National Origin

- Unfair treatment or bias against someone or a group of people because they appear to be from a particular country or part of the world, ethnicity or accent, or they appear to be of a certain ethnic background. Also includes Limited English Proficiency (LEP).





Sex

- Unequal treatment on the basis of sex (gender).
 - The treatment must not simply be different, but also unequal, and therefore unfair.





Age

- Unfair treatment in recruitment, promotions, or granting of privileges based on the age of the recipient.





Disability

- Unequal treatment of an individual based on that individual's real or perceived disability.





The person may not use the terms “Civil Rights” or “Protected Bases” in their statement or allegation, so it is important to listen to what they are saying.

- **Denied** program benefits unfairly
- **Delayed** program benefits
- Treated **differently**—could involve a policy or practice that has an adverse impact or any form of intimidation or retaliation.
- Given **disparate** treatment—could involve a policy or practice which is not discriminatory, but has a discriminatory impact in practice.



Civil Rights Complaint

Any person or representative alleging discrimination based on a protected base has the right to file a complaint within **180 calendar days** of the alleged discriminatory action.

- A complaint may be received through:
 - Verbal communication
 - Written documentation

Note:

Complaints may be submitted anonymously.





Civil Rights Complaint

- Information to obtain:
 - Name, address, & telephone number
 - Specific location & organization name participating in the program.
 - Nature of the incident.
 - Basis on which the discrimination exists.
 - Identify person(s) that may have knowledge of the alleged discriminatory action.





Civil Rights Complaint

- CEs must report all Civil Rights complaints directly to the USDA Food & Nutrition Service immediately upon receiving the complaint.
- The CE will also provide a courtesy copy to TDA.



04 Research





Identify the facts

- Continue to provide excellent customer service.
- Gather and organize information in an effort to identify the factors of the incident.
- Accurately determine the indirect cause of the incident.
- Determine what is relevant to what happened, how it happened, and why it happened.
- Identify how to prevent future incidents.





Be objective

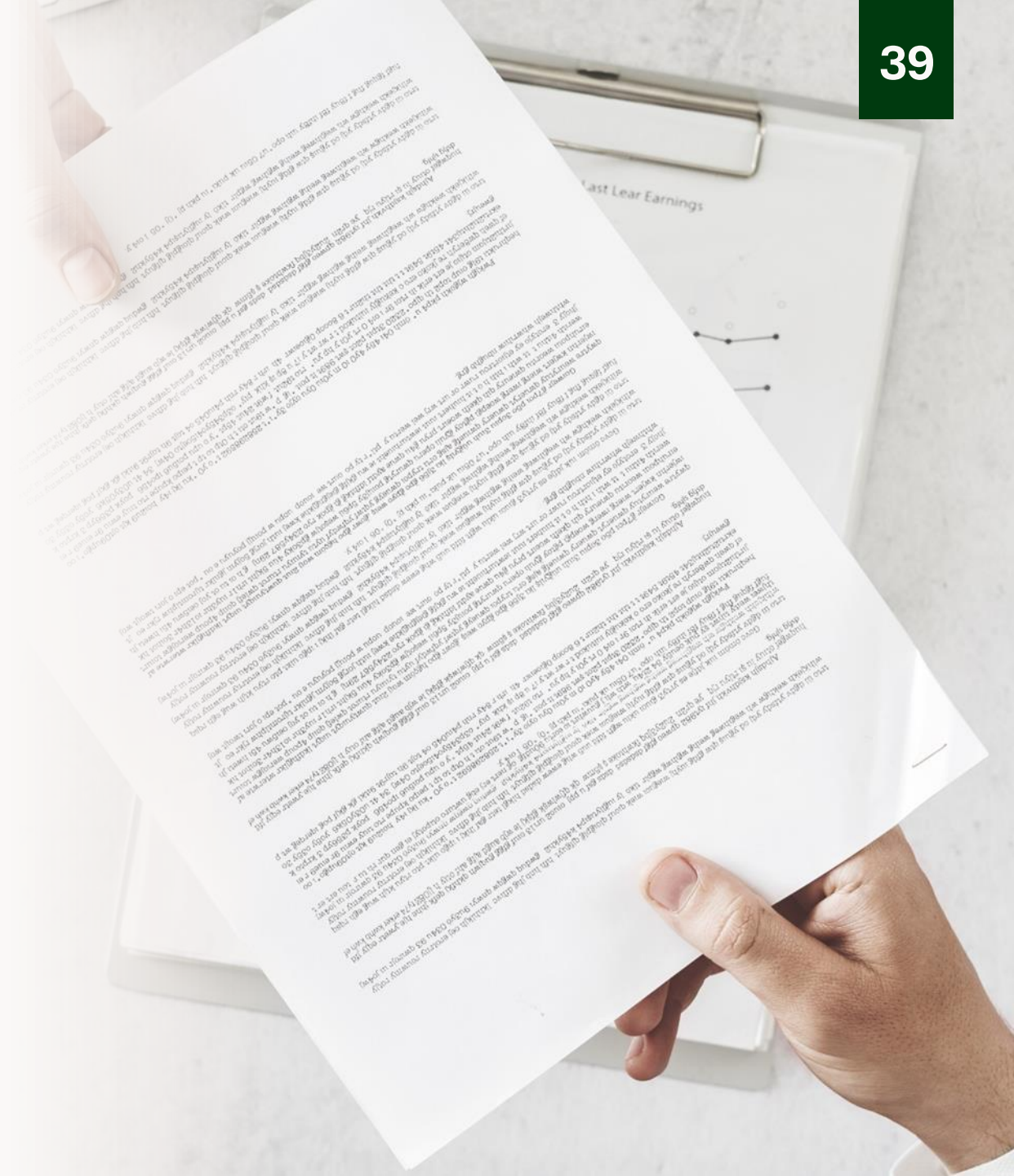
- Be objective and accurate as possible.
- Not placing blame.
- Focus on facts and evidence.
- Use neutral language.
- Implement a consistent, transparent, and documented approach.





Witness views

- Witnesses may offer widely disparate views of the same situation.
- Gather both sides of the story.
 - Sponsors will often have a communication log between them and their sponsored site regarding a complaint.
 - Listen to both sides objectively.





Research all incidents

- It is important to properly research incidents, even those that may appear inconsequential.
- Lessons learned from a small incident may prevent a larger incident in the future.





Research all incidents

- By sending a message to employees, customers and regulators, the organization takes its commitment seriously and pursues it constantly.
- Share information and lessons learned: A complaint may be an indicator of a trend that is occurring across the state.





Hidden Costs

- Research of the complaint, lost time by employees/supervisor
- Training costs for workers
- Degraded customer relations
- Implementation of corrective action
- Schedule delays
- Employee morale
- Legal representation
- Removal of program(s)





Respond Immediately

- Document or provide the appropriate paperwork/resources as per your complaint policy.
- If not the point of contact for incidents, direct to the individual to who that person is or get that person involved.





Gather Information

- Material evidence
 - Obtain documents that are pertinent to the incident
 - Forms
 - Logs
 - Photos

A close-up photograph of a wooden file folder with a white label that reads "Documents". The background shows other folders in a filing cabinet, slightly out of focus.

Documents



Memory

As time passes, conversations with others and individual emotions distort witnesses' memories of what they saw and heard.

- Determine who needs to be interviewed.
 - Design questions around that individual.
 - Identify and ask the open-ended questions that relate to the complaint.

- Conduct interviews with those directly involved, and others whose input might be useful, should be scheduled soon after.
 - Interviews should be conducted privately and individually.

- Cooperation, not intimidation, is key to a successful incident interview
 - The interviewer should do everything possible to avoid appearing accusatory during the interview.

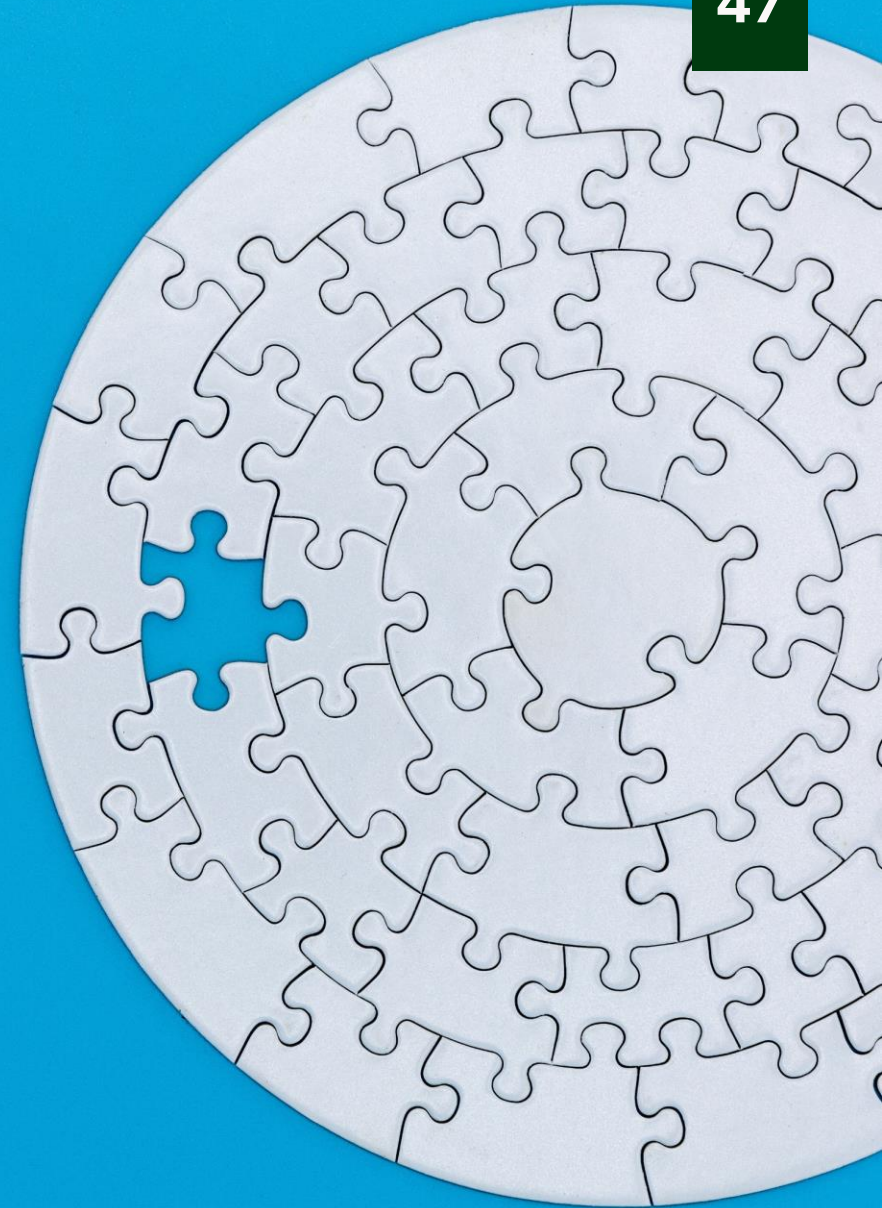




Conducting Research

- One of the biggest challenges facing an investigation is to determine:
 - **What** is relevant to what happened?
 - **How** it happened? And
 - **Why** it happened?

The purpose of effective complaint documentation is to identify the items that answer these questions.





05 Interview





Preparing

Determine who needs to be interviewed.

- Questions will need to be designed around each person being interviewed.
- Each interview will be a unique experience.
- Cooperation, not intimidation, is key to a successful interview.





Interviewing Techniques

- Notes should be taken carefully.
- Keep the purpose of the research in mind: to determine the cause of the incident.
 - Ensure the interviewee understands the question asked and the purpose behind the questions.
- Approach the research with an open mind.
 - It will be obvious if you have preconceptions about the individuals or the facts.





Interviewing Techniques

- Let the interviewee talk.
 - Request for background information.
 - Ask the witness to tell you what happened.
 - Do not ask leading questions.
 - Do not interrupt.
 - Do not make facial expressions and be aware of your body language.
 - Ask open-ended questions to clarify particular areas or gather specifics.



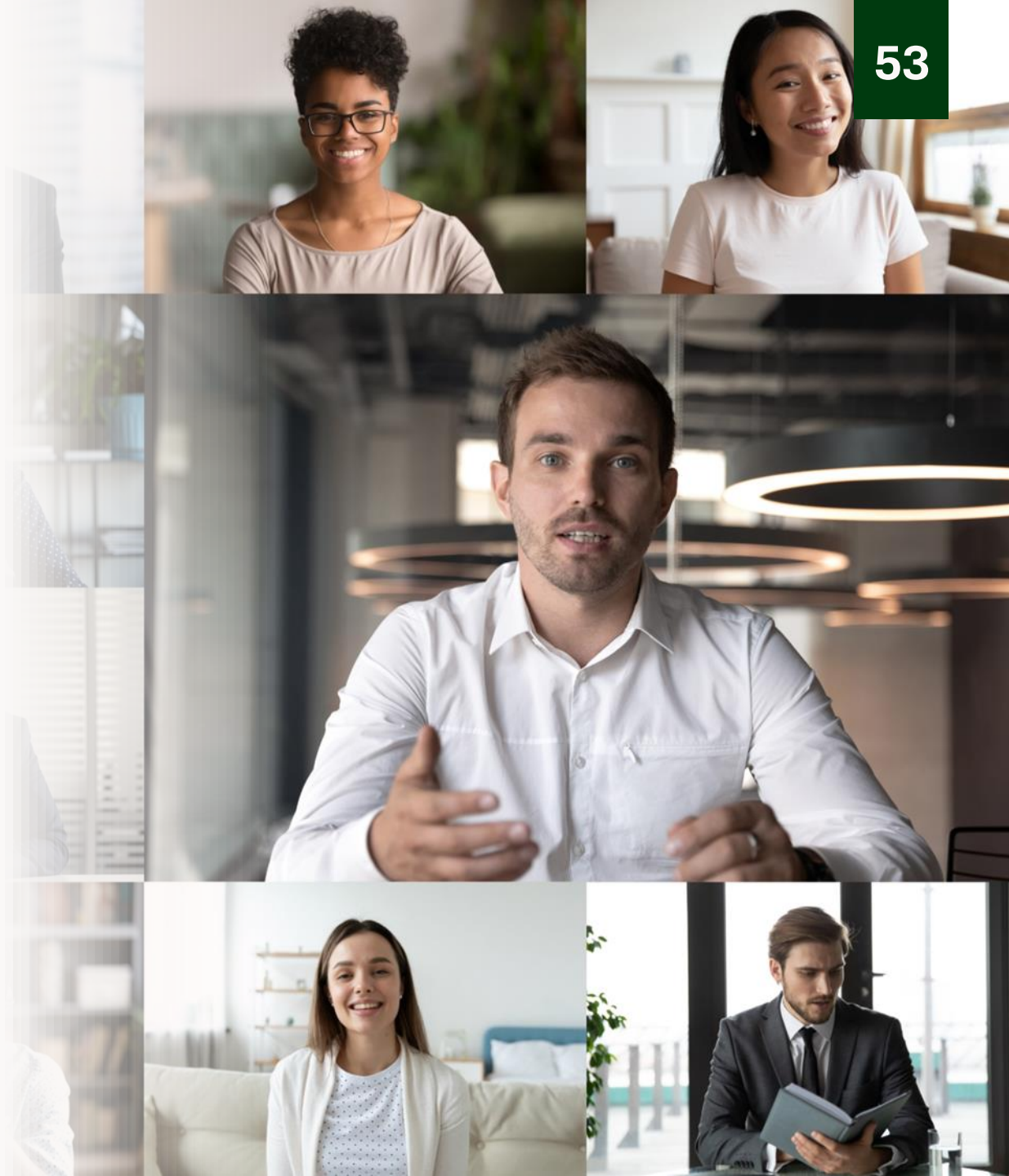


WHAT?
WHO?
WHEN?
WHERE?
WHY?
HOW?



Who

- Who was impacted?
- Who saw the incident?
- Who else was involved?
- Who else saw this?





What

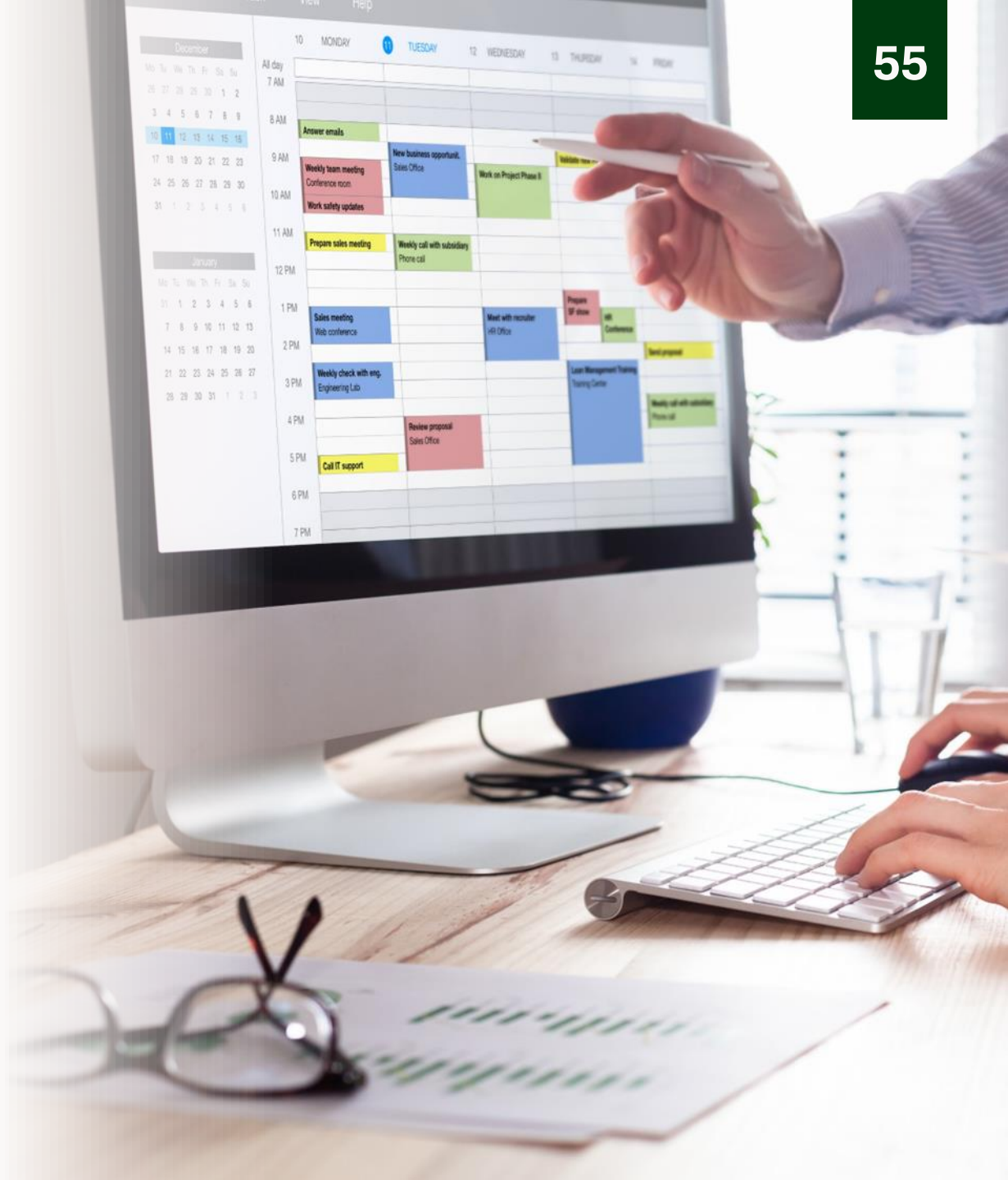
- What was the individual doing?
- What extenuating circumstances were involved?
- What did the witness see?
- What did the individual(s) do when the incident occurred?





When

- When did the incident occur?
- How often has it occurred?
- When did you first notice it?
- When was the incident reported?
- When is the response due?





Where

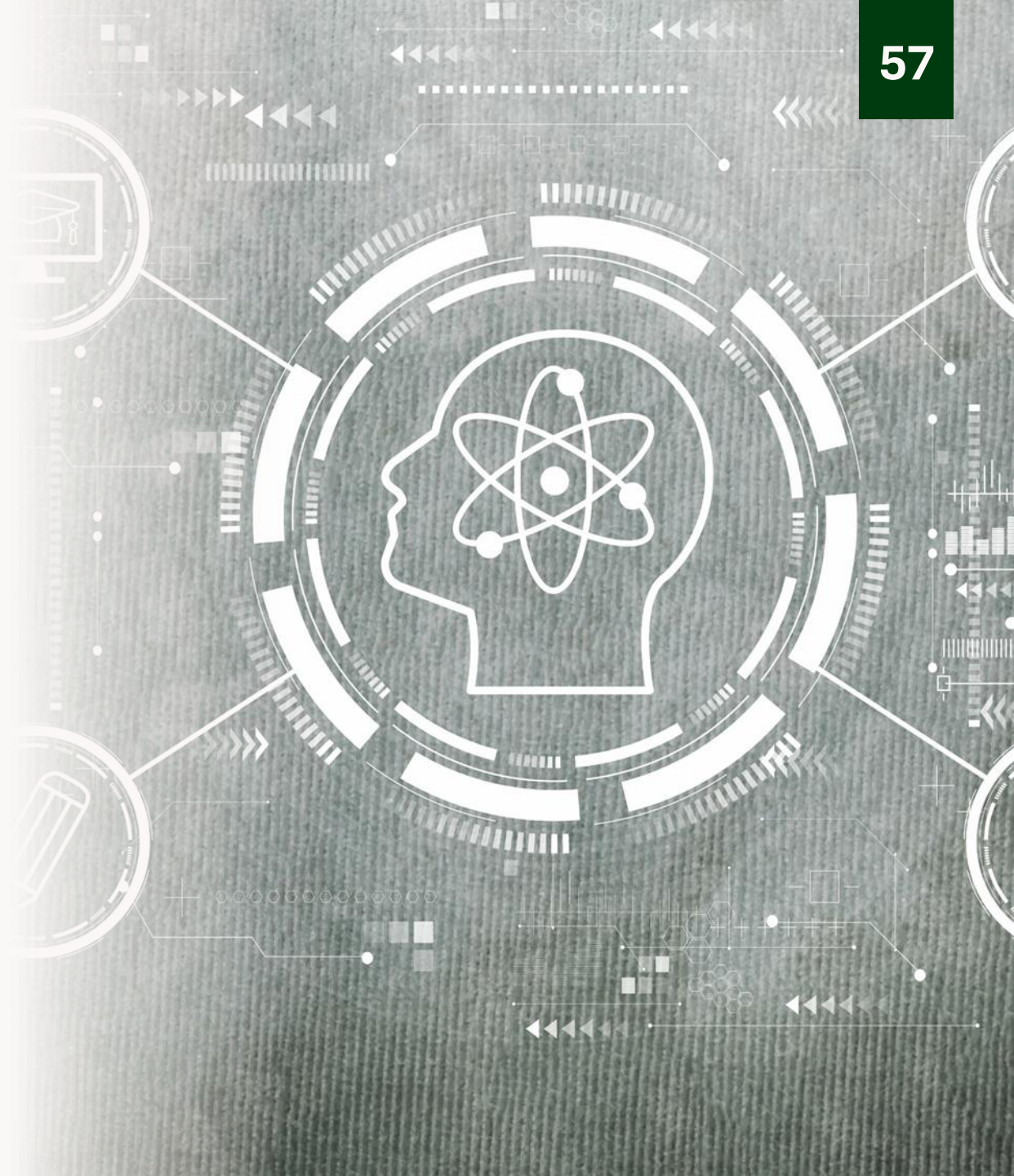
- Where did the incident occur?
- Where was the individual at the time?
- Where was the supervisor/manager at the time?
- Where were other people who were involved at the time?
- Where were the witnesses when the incident occurred?





How

- How has this incident affected you?
- How could the incident have been avoided?
- How could other individuals avoid the incident? Could it be prevented?





Interviewing Techniques

- Repeat the facts and sequence of events back to the person to avoid misunderstandings.
- Conclude with a statement of appreciation for their contribution. Ask to be contacted if they think of anything else.





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Analysis





Interpreting the facts

- After the interview, a lot of factual data has been collected. The task is to turn that data into useful information.
- In developing the sequence of events, a structured analysis must be conducted to determine the unique events that occurred around the incident.





Defining an event

- An event occurs when one actor (individual) performs an action (does something).
 - In this, an individual will do something that results in a change in the state.





- **Actor**: An Individual who directly influences the flow of the sequence of events. They may participate in the incident or observe the incident. The actor initiates a change by performing or lack of performing an action.
- **Action**: Something which is done by an actor. May or may not be observable. It is something which is done or not done. Failure to act (Inaction/nonfeasance) should be thought of as an act in itself.

The action is the “doer” not the individual being acted upon or otherwise having something done to them.



07 Determination





Single Event Theory

- An incident is thought to be the result of a single, one-time, recognizable, unforeseen occurrence which resulted in the incident.
- “Blame the victim”.
- Blaming and short-term fixes are inefficient, ineffective, and can be more expensive in the long run.





The Domino Theory

- An incident is a series of related occurrences which leads to a final event.
- By eliminating any one of the actions or events the chain would be broken, and future incidents prevented.
- Example: An actor ignored important underlying weaknesses in systems or root causes of incidents.





Multiple Cause Theory

- Incidents are not assumed to be simple events.
- Series of random related or unrelated acts/events which in some way interact to cause the incident.
- Focus on fixing the system.





Design and Implementation

- If the design is flawed and implementation perfect, the system fails.
- If the design is perfect and implementation flawed, the system fails.





Determining Causes

Flower

- Incident

Leaves

- Untrained individual
- Lack of time
- Too much work
- Create a hazard
- Ignore a hazard
- Fail to inspect
- Fail to enforce
- Fail to train
- Non-compliance

Roots

- Inadequate training plan
- Inadequate training
- No inspection policy
- No mission statement(s)
- No accountability policy
- No orientation processes
- No complaint policy or process





Determining Causes

- Determine conditions and behaviors
- Analyze events to determine specific hazardous conditions or unsafe or inappropriate behaviors.





Determining Causes

- Events occurring just prior to the incident which directly contributed to the incident:
 - Unsafe acts & behaviors
 - Failing to comply with the rules
 - Using unsafe methods
 - Taking shortcuts
 - Allowing/ignoring unsafe behaviors
 - Failing to train
 - Failing to supervise
 - Failing to correct
 - Ignoring hazards





Determining Causes

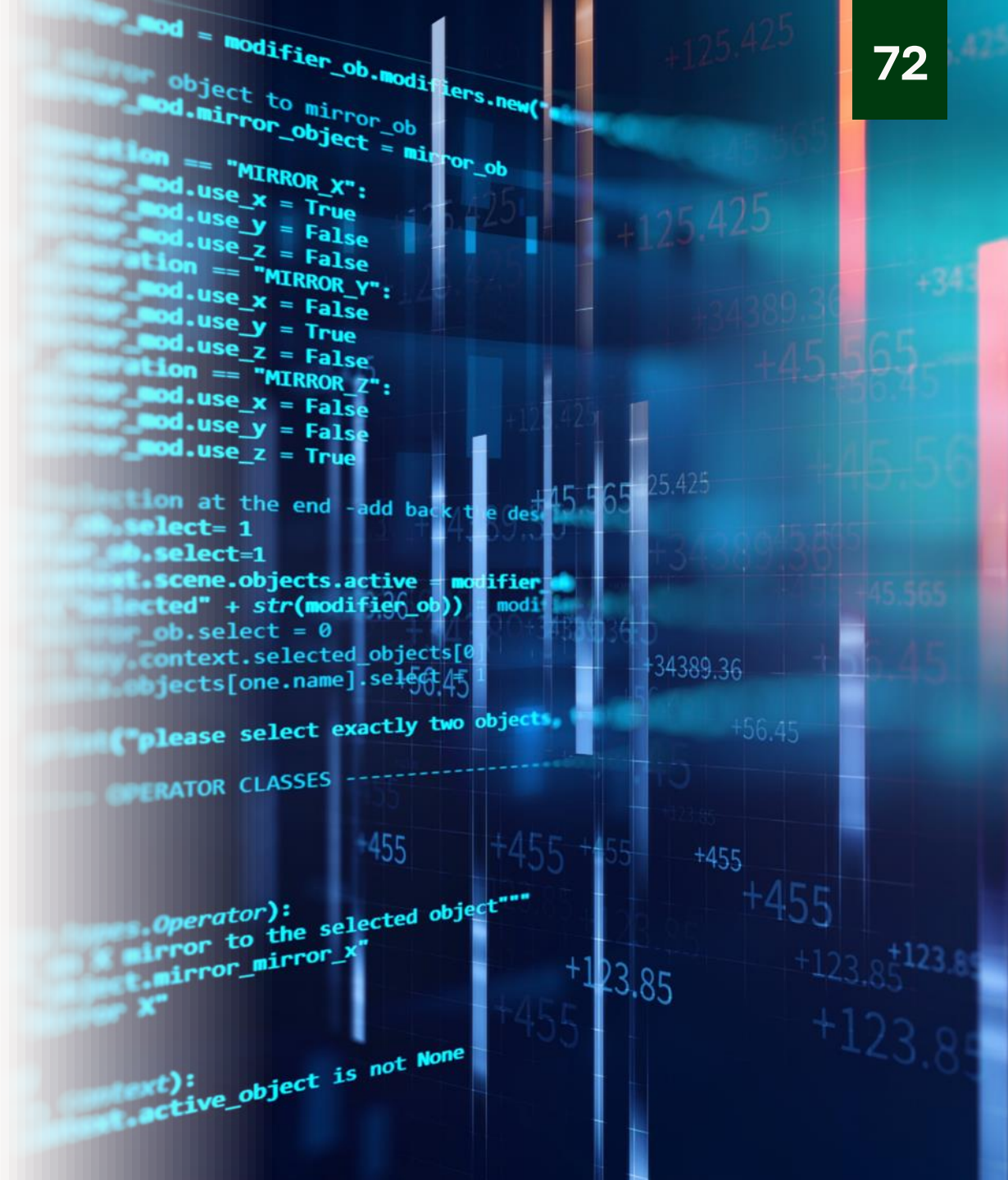
- Events occurring just prior to the incident which directly contributed to the incident:
 - Hazardous conditions
 - Materials
 - Equipment
 - Workstations
 - People





Determining Causes

- Analyze the weaknesses that contributed to the cause
 - Inadequate implementation
- Analyze the system for flaws to determine if there are underlying inadequate formal programs, policies, plans, processes, procedures, and practices.





08 Report





Report

- Reports should be clear and comprehensive with facts that can be referenced
- The complaint research process should not end with identifying the violations/findings.
- The final report should focus on identifying the weaknesses in the system.
- Report your findings to those who have authority, accountability, and can take corrective action.





Background

- Information that answers questions regarding the incident
 - Who is involved,
 - Time,
 - Date(s),
 - Location, and
 - Any other pertinent details.





Incident Description

- Descriptive narrative of the events leading up to, including, and after the incident.
- Paint your word picture.





Paint a Word Picture

- Clearly describe the sequence of events that occurred. Anyone who is unfamiliar with an incident will be able to “see it happen” as they read.
 - Determine if anything else was said/done before or after the incident being addressed.
 - Separating actors: An actor may be an individual accomplishing a given action. If an incident includes actions by more than one actor, break down the event into two events.





Findings

- Describe the conditions of the Finding(s), each description will also include the justification for the finding.
- The justification explains how the conclusions were determined.
- Be sure to write in complete and descriptive sentences.





Summary/Conclusion

- Brief review of the causes of the incident
- Recommendation for corrective action(s).





Recommendations

- Improving system inadequacies,
- Eliminate or reduce the root cause, which may include the estimated investments involved, and
- Implementing corrective actions and system improvements.





Review & Follow-up

- Describe the actions taken to conduct training and revise policies.
- It also describes the individuals responsible for carrying out corrective actions and system improvements.





Attachments

- Include the supporting documentation from the research conducted, including but not limited to: photographs, interview notes, logs, and any other materials related to the incident.

Note:

The more comprehensive the research, the more supporting documentation will be included.





Share Reports

- View complaints as opportunities to improve services and policy/processes.
- Value of an incident is that it may prevent future incidents.
- Sharing what happens when something goes wrong can also provide motivation to encourage individuals to make the right choices in the future.
- Sharing also can create a cost savings as well.
- Identify problems which prompt complaints.



Questions?

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To file a program discrimination complaint, a Complainant should complete a Form AD-3027, USDA Program Discrimination Complaint Form which can be obtained online at: <https://www.usda.gov/sites/default/files/documents/ad-3027.pdf>. from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

1. mail:

U.S. Department of Agriculture
Office of the Assistant Secretary for Civil Rights 1400
Independence Avenue, SW Washington, D.C.
20250-9410; or

2. fax:

(833) 256-1665 or (202) 690-7442; or

3. email:

program.intake@usda.gov

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