

SUBJECT: DHS Client Complaints Management	APPLICABLE TO: All DHS directly run and provider-run facilities and outreach programs, DHS program staff, and DHS PD and SIU staff. DSS OCS, OLA, ACCO, and OA staff	ISSUED: October 31, 2022
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■ PURPOSE

This procedure outlines the processes and protocols staff must follow when responding to a complaint made by, or on behalf of, a Department of Homeless Services (DHS) client who is staying at a DHS shelter or other facility or is experiencing unsheltered homelessness.

■ BACKGROUND

The Department of Social Services (DSS) Office of Constituent Services (OCS) receives, assesses, and refers complaints to the responsible DSS/DHS unit or other agency for resolution. The responsible DSS/DHS unit or other agency must resolve these complaints.

■ POLICY

DHS providers, DHS directly run facilities, DHS Programs, Office of Constituent Services (OCS), Office of Legal Affairs (OLA), Office of Accountability (OA), Special Investigations Division (SID), Office of Regulatory Compliance & Accountability (ORCA), DHS Serious Incidents Unit (SIU), DHS Security Division (DHS PD), Office of Equal Employment Opportunity (EEO), Disability Access and Functional Needs (DAFN) unit, and the Office of Disability Affairs (ODA) are required to respond to client complaints according to the procedure below. See Appendix A for a list of related Agency offices and associated acronyms.

■ TERMS

Intranet Quorum (IQ): A web-based application system designed to process, monitor, track, and resolve complaints initiated by DHS clients through the NYC 311, telephone hotline complaints, walk-in complaints, and mayoral/elected official referrals.

Infoline agents: Agents who answer calls about DHS shelters or facilities and enter the complaint details into IQ.

Ombudsman Staff: Staff who assess and advocate on behalf of a client. They verify complaints with clients and then refer complaints to the appropriate party using IQ.

OCS Staff: Infoline agent or Ombudsman staff person who receives complaints from DHS clients by email, webform, phone-calls, and walk-ins.

311 Representatives: Staff who answer 311 calls and Shelter Hotline calls after business hours. They enter complaints on a webform that transmits electronically to Ombudsman staff via IQ and/or to the Department of Buildings (DOB) or Housing Preservation Department (HPD) by email.

Threat of Violence and Harassment: These include explicit threats of physical or sexual violence, as well as unwanted sexual advances and threats of quid-pro-quo between staff and clients, where staff offer a favor or advantage in exchange for sexual or physical actions in return. This can also occur between clients.

DHS treats harassment based on gender and gender identity as sexual harassment.

DHS Facilities: These include DHS intake and assessment sites, shelters, drop-in centers, safe havens, and stabilization beds (both provider-run and directly run by DHS). “Facility staff” or “facility director” relates to staff from any of these sites.

DHS Leadership: Executive level staff, including the DHS administrator, first deputy commissioner (FDC), deputy commissioners (DCs), associate commissioners, and assistant commissioners.

Complaint Management Stages

- 1. Receiving and Entering:** Complaints are received through email, in-person, website message, postal mail, fax, or phone call to 311, Infoline agents or Ombudsman staff. Staff enter the complaints into their respective customer relationship management system (e.g., IQ).
- 2. Assessing and Referring:** In most instances, if complaints are referred to OCS staff, Ombudsman staff call the client to assess, confirm, and clarify the complaint and then notify the appropriate party within the time frames stated in this procedure. When complaints go directly to 311, 311 refers the complaint to the appropriate party to assess further.
- 3. Resolving:** Steps taken to directly mitigate or resolve a reported complaint. This happens after receiving a referral of the issue.

NOTE: Agency staff receive training from the Office of Refugee and Immigrant Affairs (ORIA) to ensure free interpretation services (Language Line Solutions) for clients who speak, or prefer communication in, their native language.

Complaint Severity Groups

Complaints are grouped into four categories; each complaint can involve multiple issues. The complaint category determines where and how quickly the complaint is routed and resolved.

1. Emergency

Complaints from someone threatening assault (e.g., “I’m going to stab him tonight.”); or about an active assault (e.g., “There’s someone running around with a knife.”); or when there is an immediate threat to life (“I see smoke in the hallway.”).

2. Assault and Danger

Complaints that involve past physical or sexual assault or threats of assault and harassment. These are distinct from Emergency complaints because the complainant is not the person making the threat, and the assault is not actively occurring when the complaint is made. These complaints include reports of past or future assault or threats (e.g., “My roommate threatened to punch me tonight,” or “My case manager says I’ll only get a rental assistance voucher if I do something sexually.”).

These complaints can mention a specific person or event, (e.g., “The security guard keeps making comments about me because I’m transgender.”); or a vaguer threat (e.g., “There are a lot of transphobic people here, and I don’t feel safe.”).

3. Urgent Building Issues

Complaints about a unit issue, the physical plant, or building (e.g., heat and hot water, leaks, mold, and vermin). There are two complaint sub-groups:

- Building-wide issues routed directly to DOB and HPD
- Some building and unit or area-specific issues routed to DHS Facilities and Logistics (F&L) via 311 or the Shelter Hotline, of which there are two main categories of complaints:
 - Default non-emergency complaints
 - Complaints marked as “emergency”

4. Other: All other complaints, including reasonable accommodations and disability discrimination

■ PROCEDURE

There are three stages of client complaint management, each with its own time frames, processes, and responsible parties.

NOTE: For complaints from clients who are unsheltered: The processes below, time frames, parties, and protocols apply, but the complaint is referred directly to the list of DHS SHS Outreach program administrators (PAs) who refer and oversee resolution.

I. STAGE ONE: RECEIVING AND ENTERING COMPLAINTS

DHS clients can make complaints through various channels, including 311, the Shelter Hotline, the DHS or DSS website, the DHS Main Number, calls, postal mail, or fax communications. Clients can also report complaints in person to DSS Ombudsman staff. All channels lead to the Office of the Ombudsman except certain 311 calls that are directed to DOB, HPD, or 911.

Shelter Hotline complaints are received by Infoline agents during business hours (Monday through Friday, 9AM-5PM) and by 311 representatives outside of business hours (Monday through Friday, 5PM-9AM, weekends, and public holidays). If 311 representatives cannot resolve a complaint, they transmit it as a webform to the appropriate agency to handle during its business hours. The webform is emailed to DOB and HPD or to F&L via IQ and to Ombudsman staff via IQ.

During business hours, complaints received by Infoline agents and Ombudsman staff are immediately entered into IQ.

II. STAGE TWO: ASSESSING AND REFERRING COMPLAINTS

In general, assessing and referring a complaint requires Ombudsman staff to call the complainant to clarify and further discuss their issue. Ombudsman staff informs the appropriate parties who may further assess, triage, and refer the complaint for resolution.

The time frame and assessment depend on severity grouping. (See TERMS above.)

NOTE: A complaint may include many issues; each issue within a complaint is independently assessed and referred. For example, if a client calls to report unsolicited sexual advances from a case manager and trouble with an RA request, those two issues will be routed differently.

A. Assessing and Referring Emergency Complaints

All Emergency complaint calls to 311 are immediately connected to 911 operators. If a caller requests help, 311 advises that 911 will handle the call; if a caller is making a threat, 311 does not disclose 911 involvement. Once a 911 operator takes over, 311 leaves the call and does not send a webform to, or contact, OCS or DHS.

The OCS staff person receiving Emergency complaints immediately calls 911 and immediately emails their OCS unit supervisor(s) (OCS management team). The OCS management team immediately escalates the complaint as follows:

1. HRA and Administrative Sites:

If a complaint occurs, or involves anyone, at an HRA site, DHS Administrative Office, DHS Warehouse, or elected/public official or building, it is *immediately* referred to the following:

- a. HRA Police Operations (if an HRA site is involved)
- b. OCS leadership

2. **DHS Shelters, Safe Havens, and Drop-in Centers**

If a complaint occurs, or involves anyone, at a DHS shelter, safe haven, or drop-in center, OCS management *immediately* refers the complaint to the parties below using the appropriate contact list:

- a. DHS PD
- b. DHS leadership
- c. DHS facility management (i.e., affected shelter director or social services director) *if the complaint isn't about staff.* (See Routing for Staff-specific Complaints below.)
- d. SIU leadership
- e. OCS leadership

DHS leadership then notifies the appropriate DHS PA.

NOTE: When Ombudsman staff forwards a complaint to a shelter director or social services director, they must add a note instructing the shelter to report the complaint as per the DHS Incident Reporting Procedure (DHS-PB-2022-001). When reporting an Emergency complaint as an incident, the director must include the SIU Call Number and CARES Incident Report number in their IQ response.

B. **Assessing and Referring Assault and Danger Complaints**

Calls to 311 about past or potential assaults and danger go to 911 operators. Once a 911 operator takes over, 311 leaves the call and does not send a webform to, or contact, OCS or DHS.

Complaints about Assault or Danger are assessed by Ombudsman staff who calls the complainant, confirms the nature of the complaint, and refers it to the following:

1. Facility and social services director
2. Respective PA and assistant commissioner
3. DHS PD

The referral is made within one business day and typically on the same day.

C. **Routing for Staff-related Emergency and Assault and Danger Complaints**

If an Emergency or Assault and Danger complaint is about DHS employees or provider staff, the routing below is followed.

1. **Complaints About Facility Staff**

The Ombudsman staff person immediately refers the complaint to all required parties except for the shelter director and social services director. Instead, the PA, assistant commissioner, or associate commissioner assesses if the complaint is about the facility director or a senior provider staff member, e.g., an executive-level staff person or their direct report.

2. **Complaints About a Facility Director**

The PA does ***not*** refer the complaint back to the facility but refers it up their chain of command. The assistant, associate, or deputy commissioner refers the complaint to a more senior staff member at the provider agency. The PA reports the complaint as a serious incident if it meets criteria.

NOTE: The PA must still respond to the IQ email, without changing the subject line, and record the routing and ultimate resolution of the complaint. This includes referring to the incident number when applicable.

3. **Complaints About Senior Provider Staff**

The PA does ***not*** refer such complaints back to the facility director or any other member of the provider agency but refers the complaint up their chain of command to the assistant, associate, or deputy commissioner, DHS administrator, DSS OA, and ACCO within one business day.

The DHS administrator then refers the complaint to the provider agency's Board of Directors (copying the relevant program DCs and ACs); OA refers the complaint to the NYC Department of Investigation (DOI) within one business day. More details on this protocol are included in *Mayoral Executive Order 64 (EO64)*¹ and the *DHS Memo Regarding Allegations of Sexual Harassment by Human Services Contracted Providers*.

NOTE: The PA or supervisors must respond to the IQ email, not changing the subject line, with the routing that has taken place and the ultimate resolution of the complaint. This could include referring to the incident number as applicable.

4. **Complaints About Other Provider Staff**

The PA forwards the complaint to the facility director to resolve. The PA reviews and approves the proposed resolution and requests OLA guidance as needed. The facility director reports the complaint as a Serious Incident if it meets criteria.

NOTE: The Facility Director must respond to the IQ email, without changing the subject line, and enter the ultimate resolution of the complaint. This could include referring to the incident number if the complaint as applicable.

5. **Complaints About DHS Staff**

The Ombudsman staff person forwards to SID to resolve. If DHS program staff receive a complaint about another a DHS staff person, they forward it to SID and do not investigate further until instructed by SID.

¹ Executive Order 64, Responsibility of Contracted Providers of Human Services in Relation to Matters Involving Allegations of Sexual Harassment (March 3, 2021). Retrieved at <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-64.pdf>.

6. **Complaints About Security Staff**

Complaints about security staff are routed based on complaint category:

- a. Category 1: The Ombudsman staff person refers complaints (e.g., not following policy, not performing duties, insubordination, unprofessionalism, time and leave issues) to the following:
 - i. DHS Security DC
 - ii. Facility director, social services director, PA, and assistant commissioner
 - iii. EEO - if the complaint is from a directly run facility.

- b. Category 2: These include issues such as criminal activity, excessive or unnecessary force, and harassment of any kind. The Ombudsman staff person refers the complaint to the following:
 - i. PA
 - ii. DHS PD and SID, who work with OLA to investigate the complaint – see *DHS Peace Officer Internal Assessment Process: 113-15*.
 - iii. EEO if the complaint occurs in a directly run facility.
 - iv. DHS PD and DHS program staff refer the complaint to DSS SID if the complaint is about DHS staff.

D. **Urgent Building Issues**

All physical plant complaints about DHS facilities are forwarded to DHS F&L, DOB, or HPD immediately by 311, or within one business day of an OCS staff person's receipt. The complaint type determines routing. Typically, building-wide complaints go to DOB or HPD, and unit-specific complaints go to F&L. When a complaint is referred to DOB or HPD for a building-wide issue, the complaint is assessed and triaged; if appropriate, an inspection is scheduled.

DOB and HPD respond in IQ confirming receipt; then OCS staff closes the complaint in IQ.

If the complaint is not anonymous, F&L contacts the client within 24 hours to discuss; otherwise, they contact the provider. F&L then updates IQ with the client or provider response within one business day of referral and closes the complaint in IQ if the issue has been resolved; otherwise, the complaint stays open until F&L receives confirmation of its resolution. If a client confirms complaint resolution, F&L emails the provider about their communication with the client and information received.

E. Other

For all other complaints, Infoline agents and Ombudsman staff enter the complaints into IQ within one business day. Within three (3) business days of receipt, Ombudsman staff complete the assessment and referral by speaking to the client and referring the complaint to the appropriate facility director, PA, and assistant commissioner.

311 representatives receive all other complaints arriving outside of business hours (Monday through Friday 5:00PM-9:00AM and weekends). If 311 representatives cannot resolve a complaint, they transmit it as a webform to the appropriate agency to handle during its business hours.

Reasonable Accommodations and Disability Discrimination

A sub-category of 'Other' complaints are complaints about RAs and discrimination related to a disability. Ombudsman refers these complaints to the facility director, director of social services, program administrator, and program analyst. ODA (DisabilityAffairs@dss.nyc.gov) and the DAFN unit (RARequest@dhs.nyc.gov) are copied, and the complaint stays with the Ombudsman team until resolution.

NOTE: If the complaint includes a suspected staff or shelter staff EEO violation, the following individuals must be copied on the email: the EEO Officer, special assistant to the EEO Officer, and the Chief of Diversity, Equity, and Inclusion.

III. STAGE THREE: RESOLVING COMPLAINTS

Resolving a complaint involves referring the complaint to another party or planning action and addressing or significantly mitigating the problem. Additionally, the resolution of a complaint is communicated back to the client who made the complaint unless it was anonymous. The time frames and parties responsible for resolution depend on complaint severity.

A. Emergency Complaints:

Emergency complaints are resolved by NYPD, HRA Police Operations, or DHS PD.

If a caller is known and is staying at a DHS facility, NYPD, DHS PD, or HRA Police Operations will handle. Complaints go to NYPD if the caller is unknown, is not staying at a DHS facility, or is unsheltered.

NOTE: The facility director must respond to the IQ email from OCS *without* changing the email subject line and note the corresponding SIU Call Number and the CARES Incident Report Number.

The facility director does *not* wait for an investigation before reporting to SIU. The facility director creates an Incident Report in CARES or StreetSmart and uses it to record and track complaint resolution.

Providers respond immediately to Emergency complaints to protect the safety of clients and staff (e.g., transferring clients to another site). Providers also investigate complaints as soon as possible – and generally within three (3) business days. If more time is needed, (e.g., because a police investigation is ongoing), the provider sends a formal communication to their assistant commissioner.

After completing an investigation, the facility director updates the Incident Report in CARES or StreetSmart with the outcome of the investigation and the actions to take for resolution.

Resolving an Emergency complaint includes the findings and actions taken to resolve or mitigate the problem.

B. Investigating Emergency Complaints

1. If there is a threat of physical or sexual assault to a client or their family, staff immediately offer a transfer.
2. Ask if the client wants to report a crime to NYPD and assist as needed.

NOTE: If NYPD begins a criminal investigation, facility staff must work with them and DHS PD as applicable and check with them before further interviews with the suspect, victims, or witnesses to avoid compromising the NYPD investigation.

3. Supervisory staff help the client or staff report to NYPD or get an order of protection as needed and assist the police as needed. This includes making all reasonable efforts to ensure accused parties remain on-site until police arrive and complete their report).
4. (Following an initial NYPD report), the accused person(s) is removed from the facility during the criminal investigation.

NOTE: If the staff person is a DHS employee, staff must seek guidance from DSS OLA and SID.

5. Staff secure camera footage and review it
6. If a criminal investigation is underway and allowed by NYPD, staff meet with the client to obtain further details if appropriate
7. If a criminal investigation is underway and allowed by NYPD, staff meet with the accused person(s) to obtain further details if appropriate
8. If a criminal investigation is underway and allowed by NYPD, staff meet with witnesses for further details.

C. Resolving Emergency Complaints

1. If a criminal investigation is underway and allowed by NYPD, staff submit a Gross Misconduct case or a request a suspension as applicable
2. Staff begin disciplinary action if appropriate.

NOTE: If the staff person is a DHS employee, supervisory staff request guidance from DSS OLA and SID.

3. Staff identify any new actions the provider will take to prevent similar incidents in the future.
4. The party responsible for resolving the complaint explicitly states in their records (including the Serious Incident report) what investigative steps were taken, or not, and their findings. If the complaint is unsubstantiated, this is also explicitly stated, and that no further or limited action is needed. If the complaint is substantiated, and action is being taken, the responsible party notes the resolution in their records (including the Serious Incident report) and communicate it to the client if known.

D. Reviewing the Emergency Complaint Resolution

When a Priority 1 incident is called in, SIU emails the complaint to the relevant distribution list, which includes the relevant assistant commissioner, PA, and other program staff, OMD, Vacancy Control, and DHS PD. DHS program staff then work with the facility director to ensure the required steps are taken for investigation and resolution. In addition, ORCA ensures the minimum steps are noted in the CARES Incident Report.

Generally, the minimum steps for investigating and resolving a complaint are taken before closing the Incident, but some actions may happen after it closes. In such instances, the facility director and PA continue to monitor the resolution in CARES case notes.

E. Complaints Between or Among Clients

Complaints between or among clients are resolved primarily by the facility director, with close supervision from the responsible PA. If the complaint is an Emergency, the PA ensures that the facility director follows the minimum standards for investigation and resolution, and DHS PD may oversee.

F. Staff-specific Complaints

1. **Complaints About Facility Staff**

If a complaint is not about the facility director or more senior staff, the facility director resolves complaints about their staff with PA oversight.

If the complaint is about the facility director, as identified by the PA or assistant commissioner, it is not forwarded back to the facility. Instead, the PA and assistant commissioner resolve the complaint with OLA guidance and consistent with the minimum standards stated above. The PA reports the complaint as an incident if it meets criteria.

NOTE: If the complaint is not being resolved by the facility director, because of who it involves, the PA must note this by responding to the OCS IQ email without changing the subject line. This could include referring to the corresponding SIU Call Number and CARES Incident Report number.

2. **Complaints About Senior Provider Staff**

The PA does not refer such complaints back to the facility director or any other member of the provider agency but refers the complaint up their chain of command to the assistant, associate, or deputy commissioner, DSS OA, and ACCO within one business day.

The DHS administrator then refers the complaint to the provider agency's Board of Directors (copying the relevant program DCs and ACs); OA refers the complaint to the NYC Department of Investigation (DOI) within one business day. More details on this protocol are included in Mayoral Executive Order 64 (EO64)² and the DHS Memo Regarding Allegations of Sexual Harassment by Human Services Contracted Providers.

NOTE: The PA or supervisors must respond to the IQ email, not changing the subject line, with the routing that has taken place and the ultimate resolution of the complaint. This could include referring to the incident number as applicable.

OA oversees the Board of Directors' investigation and resolution and tracks it outside of IQ.

3. **Emergency or Assault & Danger Complaints About Facility Staff (not Security)**

Program staff review these complaints to determine if they meet criteria for an Incident; if so, they are reported as such. **NOTE:** The complaint is not referred to the subject of the complaint. Program staff screen the complaint to see if it is about senior provider staff.

² Executive Order 64, Responsibility of Contracted Providers of Human Services in Relation to Matters Involving Allegations of Sexual Harassment (March 3, 2021). Retrieved at <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-64.pdf>.

If the complaint does not meet *either* Priority 1 criteria or EO64 criteria (i.e., complaint made about a senior staff person or their direct reports), it goes back to the provider to resolve with close supervision by programs and OLA. In these instances, the PA responds to the IQ email, not changing the subject line, with the resolution. The complaint is resolved according to the minimum standards for investigation and resolution.

If the complaint is about DHS staff, it goes to SID and OLA for resolution.

NOTE: The complaint must not be referred to the subject of the complaint. It should only be referred to their supervisor or another appropriate higher-level provider staff person and these complaints must be resolved expeditiously and closely monitored by Programs, OLA, and SID.

4. Complaints About Shelter Security

- a. **Category 1 complaints:** DHS PD leads and tracks the resolution of these complaints.

If the complaint is not about staff DHS PD oversees, DHS PD advises the PA, program, and assistant commissioner. With OLA guidance, program staff oversee and work with the facility director to resolve.

- b. **Category 2 complaints:** SID resolves these complaints if they are about DHS staff; otherwise, DHS PD leads the resolution and tracking in cooperation with OLA, the PA, and assistant commissioner.

G. Assault & Danger Complaints Not Involving Staff

These complaints are resolved by the facility director with PA oversight. The facility director assesses the complaint within one business day and escalates and reports it immediately as an incident as appropriate. The facility director takes immediate action to protect the safety of anyone affected by the complaint. The facility director responds in less than four (4) business days. If the complaint alleges discrimination, staff consult OLA.

H. Urgent Building Issues

These complaints are resolved by the facility provider and by DHS for direct-run and city-owned buildings.

See II(D) Stage 2: Assessing and Referring Complaints / Urgent Building Issues for more information.

I. Other

These complaints are resolved by the facility director with PA oversight within a reasonable time frame set by the PA.

NOTE: The facility director must respond to the IQ email received from OCS without changing the email subject line and note resolution.

Reasonable Accommodations

OCS refers these complaints to the facility director, director of social services, program administrator, and program analyst and copies ODA (DisabilityAffairs@dss.nyc.gov) and the DAFN unit (RARequest@dhs.nyc.gov). The parties have five (5) business days to resolve the complaint; all such complaints remain with the Ombudsman team until resolution.

Appendix A: DHS and DSS Unit Acronyms

ACCO: Agency Chief Contracting Officer
 DAFN: Disability Access and Functional Needs Unit
 DC: Deputy Commissioner
 DHS PD: DHS Security Division
 DSS: Department of Social Services
 EEO: Equal Employment Opportunity
 FDC: First Deputy Commissioner
 OCS: Office of Constituent Services
 ODA: Office of Disability Affairs
 OLA: Office of Legal Affairs
 OA: Office of Accountability
 ORCA: Office of Regulatory Compliance and Accountability
 ORIA: Office of Refugee and Immigrant Affairs
 SID: Special Investigations Division
 SIU: Serious Incidents Unit

Effective Immediately

REFERENCES:

- OCS/Ombudsman’s Office Communication Bulletins
- DHS Incident Reporting Procedure for DHS-funded Programs (DHS-PB-2022-001)
- ORCA Compliance Policy (DHS-PB-2021-004)
- [DHS Memo Regarding Allegations of Sexual Harassment by Human Services Contracted Providers](#)
- [Mayoral Executive Order 64](#)