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HUMAN RIGHTS AUTHORITY-SPRINGFIELD REGION

REPORT 17-050-9014
SPARC

INTRODUCTION

The Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission opened an investigation after receiving a complaint of potential rights violations within Sparc's supported employment program. The complaint is that a client was not provided with adequate services pursuant to his individual services plan, a substantiation of which would be a violation of the Mental Health and Developmental Disabilities Code (405 ILCS 5).

Located in Springfield, Sparc is a not-for-profit organization dedicated to the advancement of people with intellectual and developmental disabilities through a variety of residential and vocational programs. The matter was discussed with administration, case management and supported employment representatives. Relevant sections of the client's record were reviewed with guardian authorization.

COMPLAINT SUMMARY

The client is employed at a restaurant where he is joined by a job coach through Sparc's supported employment program. Restaurant staff reportedly called his guardian one evening to say the coach failed to show the entire shift and that the client was upset and frustrated. The guardian contacted a former coach whose number was the only one she had and the coach said he or she would get back to her but never did. Although it is unclear exactly who at Sparc was ultimately informed, no one from the program reached the guardian to discuss the incident.

FINDINGS

According to the staff we spoke with, Sparc has sixty supported employment clients working in the community in total, about forty-three of whom are assisted by eight job coaches and a couple back-ups, which they believe is a sufficient ratio. The program is individualized as

needs vary; some require constant coaching while others do not. This particular client receives no other services from Sparc. A coach who spends considerable time with him said the client's parents drive him to work and that he typically arrives about five minutes prior to meet him and prepare for the shift, although he was not scheduled with him on the evening in question. They were unsure what exactly had happened but planned to explore the situation and meet with the guardian to review and set some expectations.

We were told in follow up interviews that the problem was indeed caused by a scheduling error and no one was assigned to this client on that day. Although they were certain this happened only once, they are determined to prevent any repeat. A program leader has the schedule on hand and she along with two others can check for potential problems. They are drafting something formal to better coordinate with employers and guardians with features to increase communications between them during and after hours, which is expected to be completed and adopted within a few months. They also intend to send letters to families alerting them to a layered contact system. Regarding the client's support plan specifically, an independent service coordinating agency is now responsible for the plan's development according to new federal rules, but they intend for his strengths and needs to be reevaluated and they believe he should have the same coach assigned to him on a regular basis.

A look at the client's individual support plan in place at the time showed enrollment in supported employment where for three days per week he was to work on goals with prompts to gather supplies and complete assigned tasks before the end of his shift. There is no reference to exactly how much time a coach was to spend with him during a shift, however. Assessment sections of the plan identified limits in using public transportation and relaying his address and phone number if lost. A risk assessment completed at the same time concluded that he lacked the requisite skills to be alone in the community and that he was not to be unsupervised in any Sparc program.

CONCLUSION

Sparc has a general service planning policy that lists required contents, including assessments and goals, which seems to be complied with in this client's plan, but nothing specifically on how supported employment is supposed to function.

The Code states that a recipient of services shall be provided with adequate care and services, pursuant to an individual services plan (405 ILCS 5/2-102a). Although in this one instance the client was not technically left alone, he was left unsupervised by a Sparc employee who is ultimately responsible to him and a violation of his right to adequate services pursuant to his plan is therefore, substantiated. Sparc has remedied the situation already, and a policy to guide the supported employment program and to allay concern for any future occurrence is underway.

SUGGESTIONS

Procedures should identify specific program supervisors to be reached for unusual circumstances, a process for developing vocational goals and arrangements, client rights, a grievance process and a means for disseminating supervisory contact information to the client, guardian and employer.

There should be a statement of expectations for the employer/program relationship. Describe the role and function of each.

Support plans or future “implementation strategies” should state the amount of time a job coach is supposed to spend with a client and otherwise conform to the requirements under Rule 120 (59 Ill. Admin. Code 120.160 (b)) and, if applicable with DRS funds, regulations that govern employment programs (89 Ill. Admin. Code 572)

Ensure employers receive disability related education, including information on assisting individuals consistent with employment plans, and, if needed, education on assisting individuals who might experience anxiety or frustration.