

# Department of Early Learning

## 10.3.1

### Complaint Inspection Procedure

#### Intake/Initial Action

1. The Department of Social and Health Services Children's Administration (DSHS CA) intake will receive and screen all child abuse and/or neglect allegations and licensing complaints for licensed and unlicensed care.
2. CA intake will determine whether the allegation regarding a licensed or unlicensed child care rises to the level of child abuse and neglect.
  - a. A completed intake will be available through FamLink and the licensor and supervisor will receive an automated alert.
  - b. A standby DEL supervisor will be contacted after hours by CA intake by phone if an allegation presents imminent risk of harm to children.
3. The DEL supervisor will review the intake to determine if it is a licensing only allegation or the complaint should be re-screened by a DLR/CPS supervisor for child abuse and neglect.
4. The DEL supervisor will also review the intake to determine if the provider self-reported the complaint to intake. If the provider did self report, the supervisor will mark the self referral checkbox in the licensor's toolkit for that provider & complaint. Examples where the supervisor would check the box include: self reports directly to intake and self reports to the licensor or licensing supervisor where they are instructed to call intake. If a staff member reports an event anonymously then the self referral checkbox will not be marked.
5. If the complaint is attached to a child care facility with The Early Childhood Education and Assistance Program (ECEAP) slots, the supervisor will send a copy of the complaint, by email to the DEL ECEAP Program Administrator.
6. The licensing staff will create a Provider Action in FamLink once a screened in referral is received from CA intake. The screened in referral may be a licensing complaint or a child abuse and neglect complaint.
7. If DEL receives a report of child abuse or neglect, DEL will direct the reporting party to notify CA intake. DEL staff will also call CA intake to report the allegation.
8. In addition to the child abuse and neglect reporting requirements, Family Home Child Care facilities have additional reporting requirements to CA intake and licensing staff. Child Care Centers and School Age programs are only required to report child abuse and neglect allegations to CA intake.
9. When a DEL licensor receives notice through CA intake of an allegation of sexual child abuse or neglect by a staff person, DEL will notify the parents or guardians of the alleged child victim, if DLR/CPS has not already done so. The notification is done in person or by phone within 48 hours. The licensor will document that DLR/CPS or licensing staff

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made notification to the parent(s) in FamLink in a provider note within five business days. RCW43.215.120.

10. Refer to 10.1.7 No Referral Policy and Procedure when notifying Child Care Resource and Referral, ESA and OSPI about licensing actions.

### **DEL Complaint Inspection**

11. DEL licensing staff will inspect a child care facility when a complaint is filed that alleges potential licensing violations.
12. Licensing complaints require an on- site visit by the DEL licensor, except in the case of duplicate complaints of the same incident. The DEL supervisor must approve any decision not to make an on-site visit in order to determine the outcome of a complaint. This decision must be documented in FamLink with a provider note by the licensor.
13. A DEL supervisor may screen out complaints in FamLink that do not allege licensing violations.
14. The licensor must initiate a complaint inspection within one business day of the date the referral was received. This can be accomplished by conducting the following pre-inspection activities:
  - a. Review referral information and FamLink files for complaint history.
  - b. Contact the referrer and other appropriate collateral contacts such as DLR/CPS, former licensors or the food program for more information, as appropriate.
  - c. Identify issues and areas that need to be observed and create a list of individuals who need to be interviewed.
  - d. Document all information in the provider notes.
15. If the complaint contains a health and safety allegation, a site inspection must occur within five business days. A DEL licensor must request supervisor approval if unable to meet these time frames.
16. The licensor must document in FamLink in the provider notes section all office and field related activities in regards to the complaint inspection within five business days. These activities might include phone calls, supervisor case staffing or file reviews.
17. The licensor will conduct an unannounced visit to a child care facility to inform the licensee about the allegation and inspect the licensing complaint. The licensor will:
  - a. Inspect issues related to the complaint by observing the physical surroundings and the operation of the child care facility.
  - b. Review relevant on-site documentation.
  - c. The licensor will interview staff, parents and other relevant collateral contacts as necessary. The licensor will only interview a child when:
    - i. Participating in an interview with a DLR/CPS investigator during the course of an investigation; or

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- ii. The parent or legal guardian gives written permission using form 10.9.1.29 Permission to Interview a Minor.
18. The licensor will provide the child care licensee with information about what to expect during a complaint inspection and the anticipated timeframes.
19. Throughout the process, the licensor will consult with the supervisor if a summary suspension is recommended to protect the health, safety and welfare of children. A DEL licensor will only proceed with a summary suspension if approved by the Child Care Statewide Licensing Administrator (CCSLA) or designee as described in the 10.2.2 Summary Suspension Policy and Procedure.
20. During the licensing inspection, the licensor will list WAC violations related to the complaint on the DEL Compliance Agreement form. Additional compliance agreement issues not related to the original complaint must be documented on a separate Compliance Agreement form.
21. After the complaint inspection is completed, the licensor must make a finding of “valid” or “not valid” for each allegation contained in a complaint.
22. Findings must be related to the complaint allegations only. A finding must be based on information available during the licensing complaint inspection process.
23. A “valid” finding is based on sufficient evidence at the time of the licensing inspection and more likely than not, the licensee, staff or volunteers violated applicable WAC or RCW.
24. A “not valid” finding is based on sufficient evidence at the time of the licensing inspection and more likely than not, the licensee, staff or volunteers did not violate applicable WAC or RCW.
25. Prior to closing a complaint the licensor will:
  - a. Meet with the supervisor to review complaint findings and compliance agreement related to valid findings.
  - b. Record complaint findings in FamLink.
26. Written notification is sent to the licensee using the appropriate Findings Letter template 10.10.6 (a) for valid or 10.10.6 (b) for not valid, within 10 business days. Valid finding letters must be sent by certified mail or hand delivered.
27. The licensor will make unannounced site visits to the child care facility until the valid complaint issues are resolved. The licensor will document these site visits and progress in FamLink.
28. If the Compliance Agreement is not successfully completed within the agreed upon time frame, the licensor may initiate other licensing actions such as civil penalties, probationary license, imposing a license modification, denial, suspension or revocation. The licensor

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must consult with the supervisor to determine next steps and the decision must be documented in FamLink.

29. A licensing complaint must be inspected and closed within 45 calendar days. Any extension beyond this timeframe must be approved by the supervisor and documented in FamLink.
30. The DEL licensor will communicate with the local Child Care Resource and Referral Network, Community Service Office and the Office of the Superintendent of Public Instruction (Child Care Food Program) within three business days when a complaint allegation leads to summary suspension or revocation. See 10.1.7 No Referral Policy and Procedure.
31. The complaint process must be completed prior to release of information for public disclosure purposes.

### Joint Complaint Inspection and DLR/CPS Investigation

32. DLR/CPS will lead all investigations and interviews for screened in child abuse and neglect referrals. The DEL licensor and DLR/CPS investigator should conduct joint facility complaint investigations/inspections whenever possible. (See Service Level Agreement Attachment 0661-00228 Exhibit 7 between DEL and DSHS).
33. DLR/CPS will keep the DEL supervisor, RA or CCSLA informed in person or by phone if an allegation presents imminent risk of harm to children.
34. The DEL supervisor will immediately notify the DLR/CPS supervisor or DLR Area Manager, if DEL takes licensing action.
35. DLR/CPS investigators and DEL licensors may arrange for an agreed upon time to conduct a joint investigation/ inspection. If a child care child, licensee, licensee's family, or alleged perpetrator is being interviewed, the DLR/CPS investigator will contact the DEL licensor regarding the interview as soon as possible.
36. The DEL licensor will document the dates, time and people present during the interview. Provider notes will include licensing information specific to the DEL inspection. DEL licensors should document their participation in child interviews with DLR/CPS with a summary of the licensing related information.
37. The DEL licensor will not provide any information, either verbal or written about possible findings on the DLR/CPS investigation prior to the case closure by DLR/CPS.

### Definitions

**Children's Administration (CA) Intake:** A function of CA for screening and prioritizing referrals of child abuse or neglect and/or licensing violations.

**Child Abuse and/or Neglect (CA/N):** The injury, sexual abuse, sexual exploitation, or negligent treatment or maltreatment of a child by any person under any circumstances indicating the child's

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health, welfare and safety harmed thereby (WAC 170-295-0010). "Abuse or neglect" means sexual abuse, sexual exploitation, or injury of a child by any person under circumstances which cause harm to the child's health, welfare, or safety, excluding conduct permitted under RCW [9A.16.100](#); or the negligent treatment or maltreatment of a child by a person responsible for or providing care to the child. An abused child is a child who has been subjected to child abuse or neglect as defined in this section (RCW 26.44 (12)).

**DEL inspection:** When a complaint is received, DEL licensors have the legal authority to inspect a licensed provider, review the provider's records to ensure the health and safety of children, to determine compliance with DEL child care licensing rules (RCW 43.215.200 (6) and 43.215.240).

**DLR/CPS:** Division of Licensed Resources/Child Protective Services

**DLR/CPS investigation:** An inquiry into allegations of child abuse and/or neglect made to CA intake. The investigation determines if a child or children have been abused or neglected and identifies risk factors predicative of future abuse. RCW 74.13, 74.15 and 43.215.240 give DSHS/CA/DLR authority to investigate complaints of child abuse and neglect in child care home and centers.

**ECEAP:** The Early Childhood Education and Assistance Program is Washington's pre-kindergarten program for low-income three and four year old children and their families. ECEAP provides pre-school education, family support, health and nutrition services. Some ECEAP slots are in licensed child care facilities and some are exempt pre-school sites.

**Imminent risk of harm:** The significant possibility or likelihood that a child may be seriously physically or emotionally injured in the near future.

**Initiate:** A licensor may initiate a complaint inspection by conducting many types of complaint related activities, such as:

- Contacting a referent
- Making collateral contacts
- Making a site visit
- Reviewing referral documents
- Staffing with a supervisor

**Joint investigation/inspection:** Concurrent DLR/CPS investigation of CA/N and DEL inspection of licensing issues regarding a DLR/CPS complaint

**Licensing complaint number:** This term is equivalent to the FamLink term, Provider Action number.

### Licensing Findings:

- Valid- based on sufficient evidence at the time of the licensing inspection, more likely than not, the licensee, staff or volunteers violated applicable WAC or RCW related to the complaint issues.

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- Not Valid-based on sufficient evidence at the time of the licensing inspection, more likely than not, the licensee, staff or volunteers did not violate applicable WAC or RCW related to the complaint issues.

**Licensing only complaints:** Reports called into CA Intake that does not meet the minimum standard to be “screened in” as CA/N, but allege complaints of WAC violations.

**Licensing violations:** Instances where child care providers did not follow specific WAC.

**Provider Notes:** Documentation of licensing activities in FamLink.

**Sufficient Evidence:** Ability to verify that WAC or RCW was violated through observation, reviewing facility records, witness information or provider confirmation.