

CHILD CARE DIVISION

Complaint Policy and Procedures

PURPOSE

The purpose of the Child Care Division's complaint policy and procedures is to balance the needs of the children for safe, healthy, and appropriate care, the needs of parents for accurate information in order to make informed choices, and the needs of providers for fairness and protection of their reputations and businesses.

The division responds to complaints of a regulatory or statutory nature. Non-regulatory and non-statutory complaints are not investigated and are not shared with individuals seeking compliance information on providers. All complaints regarding child abuse or neglect are immediately reported to the Department of Human Services Child Welfare program and if appropriate, law enforcement. The division assists the above agencies in investigating these complaints, if requested.

If an individual wishes to know how the division handles complaints on regulated providers and possible illegal providers, division staff will inform the individual of these complaint procedures.

DEFINITIONS

A complaint is a formal statement, written or verbal, alleging a violation of state law or administrative rules by a person or facility providing child care.

A serious complaint is defined in administrative rule and is a complaint that alleges one or more of the following:

- children are in imminent danger
- there are more children in care than allowed by law
- corporal punishment is being used
- children are not being supervised
- multiple or serious fire, health or safety hazards exist in the facility
- there are extreme unsanitary conditions in the facility
- adults are in the facility who are not enrolled in the division's Criminal History Registry.

RECEIPT OF COMPLAINTS

Complaint allegations are handled through the division's central office in Salem. An individual wishing to make a complaint may call 503-947-1400 or 1-800-556-6616. When there is an allegation of illegal care, the division is authorized only to investigate the number of children in care, and not whether there are other statutory or regulatory violations.

Complaints are accepted in writing, by FAX, and by phone. Complaints may come from state or local agencies, including Department of Human Services (DHS) and law enforcement, other agencies such as United States Department of Agriculture and Child Care Resource & Referral (CCR&R) agencies, other providers, parents, or the general public.

The division's response to complaints received from persons without first-hand information will be determined by an assessment of the source of the information and the nature of the allegation. When appropriate, such callers will be asked to encourage the first-hand source to contact the division directly.

An individual may make a complaint anonymously. However, the division encourages individuals to provide their contact information so the division can contact them if additional information is needed.

COMPLAINT ASSESSMENTS

An on-site assessment will be conducted by division staff when a complaint is received by the division. On-site visits will be made on an unannounced basis. The visit will include technical assistance to the provider, as appropriate.

As the result of the on-site visit and complaint assessment, allegation(s) will be coded:

- valid (evidence that the noncompliance occurred)
- not valid (evidence that the noncompliance did not occur)
- unsubstantiated (conflicting evidence exists or information is not available)

If, during the on-site visit, division staff observes noncompliance that is not alleged in the complaint, the noncompliance will be treated as an observed noncompliance.

Following the on-site visit, division staff will prepare and mail to the provider a summary report of the findings, conclusions and if appropriate, the actions required of the provider to come into compliance. A follow-up site visit may occur to confirm compliance.

In some circumstances such as repeated violation or a serious violation of the rules, a maximum fine of \$100 per occurrence of noncompliance may be imposed on a registered family child care provider or provider of illegal child care.

COMPLIANCE INFORMATION RETENTION AND DISCLOSURE

Complaint allegations received by the division are public records and, as such, are retained in the provider's file. ORS 162.305 prohibits the destruction, removal, or alteration of a public record.

The division's policy is to not disclose "pending" complaints that are in the process of being assessed. When assessments have been completed, complaint information will be shared with the public making telephone inquiries concerning compliance history as described below:

- Complaints determined to be not valid will not be shared with the public.
- Complaints whose validity is unsubstantiated will be shared with the public for two years after the complaint assessment.

- Complaints determined to be valid will be shared with the public regardless of when they occurred (in accordance with state record retention schedule).
- Observed noncompliance will be shared with the public regardless of when they occurred (in accordance with state record retention schedule).

Providers have the right to submit a written response to a complaint. The response as well as other compliance history will also be disclosed to the public.

The public will be provided with a full explanation of the two-year timeframe and the meaning of each type of complaint.

Under the public records law, the public will be provided copies of a provider's complete compliance history, not subject to the above timeframe limitations, upon written request for that information.

RIGHT TO GRIEVE A COMPLAINT FINDING

If a provider does not agree with the findings of a complaint assessment, the provider may request a grievance review. Division staff will provide the written grievance policy and procedures upon request.

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