

## Complaints:

Child Care Licensing has a duty to see that children are protected and receiving care that provides for their development, health, and safety. We are a resource to both parents and child care providers in meeting these goals. As such, we look at complaints from both the parent's point of view and the provider's.

### **PARENT'S PERSPECTIVE**

After carefully interviewing a provider, checking with the county's child care records, and checking references, a parent will most likely find that their child care experiences will be only beneficial to their child and themselves. There is, however, a chance that something may go wrong. In this case, parents need to be able to recognize the difference between a serious complaint (violation of rules and regulations) and a personal complaint (differences in beliefs, styles of communication, and business related problems).

Your child care provider plays a very valuable role in your child's life. It is very important for parents to have good, open communication with their child care provider. If you have talked to your provider about your child rearing beliefs on a regular basis, you will find it easier to be able to discuss any concerns that you have. Make a point of seeing how your child's day has gone. If the provider posts a daily schedule, check it out. Read all the information your child care provider shares with you and respond in kind.

You may not agree with all the policies a provider has. As a parent, you are making a choice of a child care situation that fits your child's needs, your beliefs, and what you can agree to regarding policies and fees. It is important for you to discuss all the policies so that you fully understand them. If possible get the child care policies in writing so that you can refer back to them if you have a question.

### **Personal Complaints**

Personal complaints parents have should be addressed with the provider directly. Examples of personal complaints are:

- Parents being charged a late fee that they feel is not valid.
- Parents being called to come get their child as provider feels they are too ill to be in child care.
- The provider is unwilling to take a child when the child has no winter boots and mittens.
- The provider charging for vacation or sick days.

When discussing personal complaints, ask the provider if you can talk to them at a time when they are not busy with the children. Once you are able to meet for your discussion, inform your child's provider of the concern you have and offer an alternative solution. Listen to your provider. See whether they would be able to make the change that you want to take place. Remember that a provider may not be able to make every change one parent wants as they have to think of their entire group. The child care provider may also have some definite policies that they feel they need to adhere to for their own purposes. If the provider cannot make the change you feel is important, see if they can offer an alternative that would be acceptable. Most concerns will be able to be handled through these negotiations with the child care provider. Remember to address all issues as they arise so that there is no built up feelings of frustration and anger.

If adjustments cannot be made, you will need to decide whether you can live with the situation or if you need to look for alternate care. If you are going to look for alternate care, be upfront with your provider. Let them know that you feel very strongly about this situation, and that you also understand the provider has a different viewpoint, so you will be looking for alternate care. Let

them know that you will be giving them the agreed upon notice when you have found alternate care. Remember that it is just as important for you to have a smooth transition for you and your child, as it is for the provider.

## **Rule Violations**

Child care licensing typically only gets involved in complaints that allege a violation of child care regulations. Examples of Rule Violations are:

- The provider caring for more children than they are licensed for.
- The provider using inappropriate forms of discipline with the children.
- The provider never takes the children outside.

If your complaint is regarding the health and safety of your child, it is a serious complaint

If parents have a concern about something that has happened in a child care home, they can contact the area worker and see if it is a licensing matter. The licensing worker may be able to offer suggestions that would be helpful in discussing a parent's concerns with their child care provider. If there is a concern for the safety of your child or other children in care, these issues should be addressed with the provider's licensing worker.

Call the area licensing worker and explain the situation to them. They will want to know the specifics of your concern and will ask you what you have seen or what your child has related to you. All complaints are confidential in that only the nature of the complaint can be discussed, with the provider or other involved parties, during the investigation. No one is told the name of the complainant or any identifying information.

Once the licensing worker has received a complaint claiming a licensing violation has occurred at a licensed child care home, that worker is required to investigate. We gather additional information that can shed light on whether the violation occurred. This may include interviewing people who could have direct knowledge of the situation or an unannounced visit to the program. The issues involved are discussed with the provider and a determination is made regarding the matter. There are three options for the determination. These are:

1. Licensing violation occurred;
2. Licensing violation did not occur;
3. No determination can be made.

If a licensing violation has occurred, a correction order is issued and the provider must make changes to comply with the licensing rule. Some complaints may result in a negative action occurring on the license such as making the child care license conditional (like being on probation) or revocation of the license. A negative action resulting from just one complaint is a rare occurrence and would only take place should the immediate health and safety of children be in jeopardy.

The second determination, licensing violation did not occur, would result if the investigation led to information that showed that there was no licensing violation.

The third determination, no determination can be made would be a result of not being able to verify whether the alleged complaint occurred or not.

All complaints remain in a child care provider's case record and are public information. When someone contacts our agency and requests information about complaints on a provider's record,

we release the general nature of the complaint, the determination made regarding the allegation, and any action taken by our agency as a result of the complaint.

There are instances where a parent's complaint is determined not to be a licensing violation or is unable to be substantiated. This does not mean that a parent does not have a valid concern. If this should occur, then the parent-knowing their child best- must make a decision in the interest of their child. They must decide whether they can work the situation out to feel their child is getting all their needs met in a safe environment or if they feel they must change child care providers and environments.

### **Provider's Perspective**

In looking at complaints from the provider's perspective, we will address the following issues.

- What providers can do to help alleviate complaints
- What complaints are investigated
- What a complaint investigation entails

### **Helping to alleviate complaints**

Child care is a business which deals with a lot of personal issues for the parents of the children you now have in care. Parents must be able to fully trust a person to care for their children in the manner that the parents would themselves. Trust-and-distrust underlies a lot of complaints received. Complaints come in a variety of ways. Parents may call social services because they have a hard time communicating their concerns with providers or feel that if they say something they may lose their daycare. Complaints may also come from concerned citizens who have viewed a situation which they feel is unsafe or other agencies who have received information that needs to be investigated.

There are many ways a provider can alleviate situations that may lead to complaints.

Have a thorough interview and screening process before accepting a family into your program. At the interview, have a set of questions that you ask the parents as well as allowing the parents to question you. Have the child come to your home so that you may observe them before you sign anything. Have a trial period to see how things will work. Trust your own feelings. If you don't think you can work with the family it is not advisable to take them into your program.

Develop good open communication. Help parents feel they can communicate concerns directly to you so that changes can be made to ensure the comfort level of all concerned. Providers should encourage parents to call them at a time when they can talk if they have any concerns. You may also encourage them to write in a journal passed between parents and providers if they see something that may lead to a problem or to convey what is happening with their child at home as well as providers letting parents know what is happening at child care. You may also suggest that you and the parents have quarterly conferences to address all aspects of the child care arrangement.

Be sure that you are clear about your rules and policies. Written policies are required to be shown to parents and it is a good practice to actually give the parents a copy. You should also understand the parent's expectations.

Try to resolve any conflicts as they occur. Frustration can build up, leading to volatile situation, if you have a lot of tiny problems that have not been addressed.

If providers convey an open door policy, parents will feel that they can view the child care at any time. This helps a parent feel they can trust the child care arrangements.

Seek the help of professionals when difficult situations occur such as problems with parents, unmanageable behavior of a child, contract problems, etc. Call your licensor to help you find resources.

Provide adequate supervision to see to the safety of all children in your care. Follow the rule and if you have questions, contact your licensor.

Keep notes, in a child's file, when a child may have hurt themselves (fallen or walked into a wall, etc.) so that you are able to explain any types of bruises that may occur in your child care. If a child is exhibiting any unusual behavior (crying constantly, undue aggression towards children, throwing themselves in a tantrum, etc.) keep written notes explaining what different things you have done to alleviate the situation as well as your conversations with the parents.

Enforce your policies equally and fairly to all clients.

### **Types of investigated complaints**

There are two different types of complaints that are received. The types are personal complaints and rule violations. Personal complaints are those which a parent may have regarding problems surrounding your business policies or a difference in beliefs. The second type would be concerns addressed by the child care rule.

### **Investigation of complaint**

Whenever Brown County receives a complaint alleging that a licensing violation has occurred at a licensed child care home, we are required to investigate. It is our policy to investigate in a timely, thorough, and respectful manner. We recognize the needs of each party involved in the treatment of complaints. Therefore, we have a number of goals for complaint investigations.

- To assure the protection, proper care, health, safety, and development of children in licensed family child care programs,
- To respond to concerns presented by members of the public about the practices of individual programs,
- To reveal adequate information to clear programs subjected to false complaints,
- To document sufficiently the circumstances and practices of programs failing to provide appropriate care so that corrective action or closure can be pursued.

Complaints come to our agency from a number of sources: parents, neighbors, teachers, child protection, police, other agencies, members of the public. The name or names of persons reporting licensing violations are classified as confidential per Minnesota Statute 1997, 13.46 subdivision 4(d). Licensed providers often want to know who complained, but we are prohibited from releasing that information. Providers assuming that the complainant is a parent whose child is in care can feel hurt or angry that the parent reported to us instead of talking to them. We have seen many instances of escalating tensions and accusations between providers and parents-or providers and neighbors or others-based on guesses about reporting sources. This is rarely productive, and these guesses are sometimes wrong, damaging relationships over nothing. While it is hard to do, it is a much better practice to focus on the issue at hand.

When Brown County receives a complaint, we document the specifics of the alleged licensing violation and start an investigation

If the complaint received alleges abuse or neglect to children served by the program, the licensing worker will immediately refer the complaint to the county child protection unit. We cooperate with the county child protection unit, as requested, in conducting the investigation.

If child protection is investigating, the child protection worker will immediately report the information to the Commissioner of the Department of Human Services. Child protection typically makes an unannounced visit to the provider's home and may be accompanied by a police officer. The parents of the children in care are notified of the investigation and may be interviewed by the child protection worker. Child care licensing does not conduct the licensing investigation until the child protection assessment is complete.

Once the child protection investigation is done, child care licensing will take any appropriate licensing action indicated by the findings of the protection investigation. This action may be a resolution letter, a resolution letter and correction order, or may be a negative action.

Most complaints do not involve child protection. If the complaint received does not allege abuse or neglect of children served by the program, the licensing worker will record the specifics of the complaint and initiate an investigation. The investigation may involve talking to parents using the childcare home, making an unannounced visit to the provider, on rare occasions interviewing children in care, or making a phone call to the provider to discuss the complaint. The decision on who to interview is made considering the seriousness of the issue and the likelihood that the individual interviewed would have direct relevant information.

Complaints that fail to allege abuse, neglect, imminent danger, or indicate a negative licensing action are typically investigated with the reporting source, the provider, and social worker observations.

If parents are contacted, child care licensing focuses on parents who are likely to have direct, relevant information regarding the specific allegation. Workers try to be respectful of the important relationship that all providers have with the parents who use them, and so we don't usually contact parents who would not have direct, relevant information.

If it has been determined that a licensing violation has occurred, a correction order may be issued at the time of the investigation visit or sent later with a letter.

Unless there is a negative licensing action, every provider shall receive a letter of resolution. This letter describes the allegations, may cite the relevant portion of the rule, and provide a determination. Determinations are as follows:

- Licensing violation occurred--This means that the provider admitted to the allegation or there is sufficient supporting information to indicate that a licensing violation occurred.
- Licensing violation did not occur—this means that in the licensing worker's opinion, no licensing violation is found. It could mean the report was false or that there are issues but they are not a violation of the regulations.
- No determination can be made—this means the licensing worker could not determine whether the report was true or false.

If a violation has occurred a correction order or letter including the following is issued to the provider.

- The citation of the rule part or law that was violated,
- A brief description of the condition(s) constituting a violation,
- A deadline for making the correction, and
- Information to the provider on how to request reconsideration of the violation.

Complaints remain in the license holder's record and become public information once the investigation is concluded. When someone contacts our agency and requests information about complaints on a provider's record, we release the general nature of the complaint, the determination made regarding the allegation, and any action taken by our agency as a result. Our agency has no right to withhold this public data when it is requested. Providers sometimes feel parents will rule out using a program if they hear a complaint was made about the program. In our experience as licensing workers, parents seem to be influenced more by their friends' and neighbors' references about a program's quality or by their own impressions of the provider. Parents also look at how the provider handled coming into compliance with the rule and how forthright the provider was about their record.

Being involved in a complaint investigation is at least uncomfortable, no matter what the circumstances. For all of us, being accused of doing something wrong is stressful. We know this and do what we can to be respectful while doing our job.