YOUR RIGHTS

What if I don't agree with the valid finding from the licensing inspection?

If you do not agree with the complaint finding, you may request a supervisory review. A supervisory review involves a formal review of the complaint inspection by the licensing supervisor. The review involves the licensing supervisor reviewing all the facts of the situation and either agreeing with or overturning the licensor's decision. You also can ask for a second review with the Assistant Service Area Manager (ASAM) if you disagree with the outcome of a supervisory review. The final step in the supervisory review is a review by the Service Area Manager (SAM). The SAM will review all the facts regarding the complaint inspection and issue the final decision.

How do I request a supervisory review?

You can request a supervisory review by simply calling your licensor and asking for a supervisory review form. You have 10 business days after the complaint finding has been issued to you to request a supervisory review.

Do I have formal due process rights if I disagree with a complaint inspection finding?

A complaint inspection finding is not subject to a formal appeal process. Only actions taken against a license are subject to the appeals process.

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Washington State Department of
Early Learning
Kids' Potential, Our Purpose!

Complaint Inspections

A GUIDE FOR LICENSED CHILD CARE PROVIDERS

Washington State Department of
Early Learning

What is a complaint?

Anyone concerned about a situation in a licensed child care facility can call 1.866.END.HARM to report those concerns. This call is called a complaint.

What happens after a complaint comes in?

After a complaint referral comes in, it is entered into a computerized tracking system. This is called intake. The intake system is maintained by the Department of Social and Health Services (DSHS). There are two things that could happen at this point:

- DSHS determines that the intake meets the legal definition of child abuse or neglect.
- DSHS determines that the intake is a child care "licensing only" issue.

If the allegation requires a Child Protective Services (CPS) investigation, the DSHS Division of Licensed Resources/Child Protective Services (DLR/CPS) will work with DEL on a plan to investigate.

When will DLR/CPS investigate?

DLR/CPS staff investigate allegations of child abuse and neglect in licensed child care facilities, including:

- Sexual abuse
- Physical abuse
- Exploitation
- Sexual exploitation
- Negligent treatment or maltreatment

You can ask for more information from the DLR/CPS investigator.

What if it is determined that an intake is a "licensing only" issue?

If an intake is a "licensing only" issue, that means it does not involve possible child abuse or neglect. In that case, DEL licensors will do a licensing inspection. We may inspect for:

- Health and safety hazards
- Supervision issues
- Accidental injuries
- Overcapacity
- Excessive or inappropriate discipline
- Unlicensed child care
- Other possible violations to Washington Administrative Code (WAC)

To ensure the safety of all children in licensed child care, DEL may take licensing action. This could mean a summary suspension of your license. You are not able to provide licensed care while your license is suspended. It could also mean DEL places your facility on the "Do Not Refer" list so parents calling their local child care resource and referral agency are not referred to your facility. The "Do Not Refer" status also will be noted on DEL's Child Care Check tool at www.del.wa.gov/check.

What can be expected during a DEL licensing complaint inspection?

During a complaint inspection, your licensor may:

- Make an unannounced visit to your facility.
- Review provider files and/or records.
- Interview staff, parents, children or others.
- Contact other involved agencies regarding their role in the inspection.
- Work with you to create a compliance agreement or safety plan to fix the issues.

Even if DLR/CPS determines that child abuse or neglect did not occur in your care, your DEL licensor may continue working with you around licensing violations that became known during the investigation. If serious violations were discovered, it may be necessary for DEL to take action against your license. This can include civil penalties; placing your facility on no-referral status; offering a probationary license; or denying, suspending, or revoking your license.

What happens if the DEL licensing inspection results in a valid finding?

- Your DEL licensor will tell you about the outcome (valid or not valid).
- Your licensor may work with you to create a compliance agreement. Compliance agreements are plans for correction. The licensor is responsible for monitoring the agreement.
- Depending on the finding, DEL may take licensing action. This may include imposing fines, placing your facility on a no-referral status, offering a probationary license (if appropriate), modifying the license, changing the license status, or revoking or suspending the license.