



Infant Child Enrichment Services

Policies for Complaints about Child Care Providers

ICES has no authority to investigate complaints. ICES does not license, regulate or monitor child care. The California Department of Social Services **Child Care Licensing Program** is who oversees licensed facilities and who is responsible to ensure licensed child care programs meet health and safety standards as outlined in Title 22 Child Care Regulation.

What Can ICES Do if They Receive a Child Care Complaint?

ICES staff can listen to the callers concerns and counsel them. We will provide health and safety information as it relates to child care and discuss some next steps or actions the caller might take.

If the complaint is centered on a program's business rules or personal disagreements, staff discuss the importance of communicating their concerns directly to the child care provider or program. We believe good communication is key to resolving problems. Some problems and/or concerns may be resolved in a few minutes but sometimes, serious concerns need more time to discuss. ICES recommends setting an appointment when both the child care provider and complainant can set aside time to talk privately.

It is important that both parties have a clear understanding of the issue and hear what they would like to see happen (or never happen again). With clear open communication, it may be that both parties can leave the meeting with an agreement or understanding. We believe it is best that both parties keep the concern private and not involve children or other families.

If the complaint ICES receives involves a possible licensing violation, staff will document a report of the complaint. We will urge the complainant with first-hand knowledge to report the concern directly to the appropriate **Child Care Licensing Program**. ICES will make no assumptions of guilt or innocence about the complaint issue and will strictly apply our policy of confidentiality. If the complaint alleges child abuse, the caller will be referred to Child Welfare Services. Our administration team reviews all complaint reports to determine whether ICES will forward complaints to the **Child Care Licensing Program**.

If an ICES staff member personally witnesses a licensing violation involving sexual or physical abuse or, a licensee or licensee staff is using, selling or manufacturing drugs, a report will be made to the **Child Care Licensing Program**. All other personally witnessed licensing violations may also result in ICES making a report to the appropriate authorities.

Removal from Our Child Care Referral Database

ICES retains a provider or program in our child care referral database or files as long as he/she has a clear license from the **Child Care Licensing Program** to operate. However, ICES reserves the right to temporarily suspend referrals or remove a provider or program from our referral files under the following circumstances:

1. The provider or program requests to be removed from our referral files.
2. If the **Child Care Licensing Program** notifies ICES that a provider or program has had their license suspended, revoked or placed on probation per AB 72, Chapter 358.



3. If the provider or program is found not to have an applicable license, i.e. due to a change of location or non-payment of licensing fees, etc.
4. If ICES management determines that the situation or conditions at a center or family child care home warrants the suspension of referrals pending an investigation by the ***Child Care Licensing Program***.

To be reinstated in ICES referral data base, ICES must have written documentation that a provider or program has a clear license restored by the ***Child Care Licensing Program***.

Child Care Not Regulated

Child care provided by “family, friend or neighbor” and/or center care operated by a school or recreation district are exempt from licensure and are not regulated by the ***Child Care Licensing Program***. Because of this, ICES is unable to rely on the licensing program to investigate allegations to determine findings of any health and safety or personal rights violation. Therefore, ICES reserves the right to remove any license exempt center from our referral files if administration determines that a situation or condition at the program warrants a suspension of referrals. This includes if the center cannot verify that it is legally exempt from licensure.

Notification of Removal from ICES Child Care Referral Database

Providers/programs will be notified in writing if referrals have been suspended or if they are removed from our referral files. The notice will include the reasons for the decision and the process for appealing the decision. If requested by a regulating agency, ICES will delay notification in order to prevent interference with an ongoing child care licensing or child welfare investigation.

Appeal and Uniform Complaint Procedure

Any parent or provider who feels they have been treated inequitably or unfairly may use the ICES Uniform Complaint Procedure. Upon request, ICES will provide a copy of the Uniform Complaint Procedure. Complaints concerning an ICES program or disagreements with agency policy or action, or staff person, must be made in writing within 14 calendar days after the alleged occurrence. The written complaint must be addressed to the agency’s Executive Director, 20993 Niagara River Drive, Sonora, CA 95370. If the complaint alleges discrimination based on race, color, national origin, gender, religion, age, disability or political beliefs, it must be received no later than six months from the date when the alleged discrimination occurred. The Executive Director will review the complaint and respond in writing within 14 calendar days of the receipt of the written complaint, unless the complaint involves the Executive Director or a decision made by the Executive Director whereby the ICES Appeals Hearing Board will hear the complaint. If the complainant disagrees with the Executive Director’s decision, he/she may submit a written appeal request within 14 calendar days of the postmark of the Executive Director’s response at which time the matter will be brought to the ICES Appeals Hearing Board. After the Board hearing, a written decision will be mailed to the complainant within 10 calendar days. Board decisions on complaints other than those alleging discrimination will be final. If the complainant disagrees with the Board decision about an alleged discrimination, an appeal may be made to the California Department of Social Services, Child Care and Development Division within 15 days of receiving the Board’s decision. Appeals should be mailed to: California Department of Social Services, Child Care and Development Division, Attn: Appeals Coordinator, 744 P Street, MS 9-8-351, Sacramento, CA. 95814.

