

BANANAS CHOOSING CHILD CARE HANDOUT

Child Care Complaints

How to Avoid Them And What To Do About The Ones You Can't...

Child care complaints are probably inevitable. No matter how much parents like the program or provider caring for their children, and no matter how much a provider likes the children in care, difficulties and misunderstandings can arise. This Handout is about complaints – how to avoid them and what to do about the ones that arise despite everyone's best efforts.

Communication is a Two-Way Street



Good communication is a must in any effort to avoid or reduce complaints. It should begin even **before** a child enters a program. Start off the relationship with a **written contract**. A contract initiates discussion about how a program operates and also serves as a written reminder of the agreement between the parent and the program. Contracts

should be easy to read and understand. Signing a contract isn't enough, however. Both parties should jointly review its contents before enrolling a child. See BANANAS' Handout, "Sample Agreement for Parents and In-Home Caregivers" – available in English and Spanish – for a sample contract and information on writing and using contracts. (Handouts are available at our office, by mail with a self-addressed, stamped envelope or from our website, www.bananasinc.org.)

Verbal communication is just as important. Taking the time to talk in person and getting to know each other before the child starts in care will set the stage for continued healthy communication. Time and privacy are important for good communication. While some problems can be resolved in a few minutes during pick-up and drop-off times, any serious misunderstanding should be discussed when both parties have enough time to share their feelings without other people being present. If either party is really angry, it helps to set a meeting time in the near future. Providers can do so with a statement like "Anne, I can see you are really upset. I am too rushed to talk right now. Why don't I call you tonight or let's set a time one evening this week when we can discuss this problem. It's bothering me, too." By the arranged time, the angry party will probably have "cooled" off enough for a good discussion to take place.

Honesty is another important ingredient to problem-solving. If a parent is upset because the provider raised her rates, but complains about some program activity instead, a fruitful discussion will be difficult. A lot of time and energy will be wasted discussing the stated complaint without addressing the real issue. It is crucial for both providers and parents to be honest about their true concerns. Nobody should have to guess what's upsetting the other person.

Suggestions for Parents with Complaints

- Speak out – sitting on a problem won't solve it.
- Think your concern through before discussing it; reacting out of anger or haste can make things worse.
- Find a time when both parties can talk freely.
- Make sure you have a clear understanding of the problem; relying on a child's or another adult's version may result in misunderstandings.
- Keep the child (and other families and children) out of a dispute, don't be tempted to complain to other parents in the program.
- Listen to the other person; there are always at least two sides to every story.
- Be as clear as possible about what you would like to see happen (or never happen again); vague complaints are difficult to address.
- Try to leave any meeting with some kind of understanding – even if you and the provider "agree to disagree" and the child moves on to other care.
- Let the provider know if the situation does or does not improve.

Common Complaints

Child care complaints seem to grow out of unfulfilled or, in some cases, unrealistic expectations. **Parents** most commonly criticize child care programs for:

- Enrolling more children than the license allows and/or not hiring the legally-required number of assistants.
- Not supervising children at all times (for example: children are left alone outdoors or during nap time).
- Closing at the last minute for vacations or emergencies without arranging for substitute care.
- Keeping the T.V. on too much.
- Not giving children enough to eat.

- Using harsh discipline.
- Constantly changing rules or not enforcing rules in a consistent manner.
- Failing to give parents advance notice about program changes (like fee increases, changes in hours).
- Having high staff turnover in centers **or**
- Family child care providers leaving children with assistants too often.

Providers most commonly criticize parents for:

- Paying child care fees late.
- Picking up and delivering children late.
- Bringing children who are contagious or too sick to be comfortable in care.
- Not notifying the program when children are going to be absent.
- Expecting a provider to save a space for free while the child is on vacation or home sick.
- Not giving enough notice to the program when leaving child care. (Two weeks is the acceptable minimum; a month is better.)
- Wanting to pick up spotless children from child care.
- Making “good-byes” worse by lingering too long even after the staff has hinted “it would be a good idea to leave.”

Some of these complaints are the result of parents and/or providers not following the program contract or rules (picking up a child late, not giving notice about a rate increase). Some of them are just plain old disagreements (whether children should be spotless after a day of care or whether the T.V. is on too much). And some of these complaints are violations of the licensing standards that the State Department of Social Services (DSS) has set for child care programs (enrolling too many children, leaving children unsupervised). When trying to decide what to do about a problem, a parent or provider should analyze the type of complaint s/he has before deciding how to proceed.

Resolving Disputes Over Program Rules

When either party thinks a program rule is being violated, first check with the written contract. Sometimes you may find your memory is playing tricks on you and what you thought was the rule is slightly (or significantly) different. Sometimes, on checking, you will find out that you are right! When this is the case, pointing out the rule to the offending party (in a “non-offensive” way!) could end the disagreement. And, then again, it might not.

Some providers don’t even follow their own rules and there are usually chronic rule-breakers in any parent group. Written contracts alone won’t make these folks conform. Parents and providers should be able to expect that a written contract will be followed – otherwise why bother to have one? If standing up for your rights results in bitterness, the relationship was probably never going to work anyway. In these cases, the provider or parent may simply decide to stop doing busi-

ness with each other. On occasion, bending a rule can work for both parties. For example, if a parent always pays the child care fee late because a provider’s payment schedule doesn’t coincide with the parent’s pay period, wouldn’t it make sense for the provider to accept a different payment schedule from this family?

Dealing With Personal Disagreements

Some disagreements have nothing to do with rules or regulations. The parent and the provider simply have different views about children and child development. Unless the disagreement is so strong that changing care is the only answer, compromise may work. Before voicing your concern, take the time to decide if some middle ground might be acceptable. For example, perhaps you, as the parent, need Susie to be superclean only on Friday nights when you go to Grandma’s house. You might ask if you can send extra clothes that day and have the child changed just before pickup time. Another example might be that one of your child care parents is always late on Mondays. In this situation, you, as the provider, may be willing to charge a flat, additional fee on an ongoing basis to avoid the hard feelings every Monday. It’s up to each of you, parents and providers, to decide whether maintaining the relationship is worth a compromise.

It seems useful to point out here that, if a parent really takes time to screen carefully when looking for child care, many disagreements of this type can be avoided. Parents who visit a program several times before making a selection are probably not going to have as many surprises (or disappointments) as the parents who only shop for child care over the phone. There is no substitute for seeing a program in action. Programs can also help by not promising services or activities they have no intention of delivering. In the long run, a program is asking for trouble by attracting parents in this way.

Parents must accept that the provider has the last word in these “personal” areas. Child care programs have great flexibility in setting their rules, hours, rates, schedules and activities, etc. If a program is unwilling to change its method of operation to please an individual family, the family either has to live with the situation or change care. Sometimes the provider decides to end a child care relationship when personal differences are unresolvable. In either case, our Handout entitled “*Changes, Changes and New Beginnings*” offers some suggestions on how to ease the way when changing programs.

Parents whose children attend a child care center, rather than a family child care home, sometimes have more difficulty resolving problems simply because more people work in the program. First, try discussing the problem with the individual staff member/s involved. Keep in mind, however, that in

some centers, staff are not allowed to discuss complaints with parents. In those cases and when you cannot reach satisfaction by talking to staff, you will need to talk with the center director. If the center is non-profit, a Board of Directors has the final say on disputes. In for-profit centers, the final decisions are made by the owners or corporate managers. Find out the exact “chain of command” when first enrolling in a center. (In programs funded by the California Department of Education, families have certain rights and there is a standard appeals process.)

On occasion, parents may find that the problem resulted from staff misinterpreting rules or creating rules the director knew nothing about. Or, they may find the director is more willing than staff to alter or abolish a rule, in particular one that imposes a hardship on more than one family. On the other hand, the director may back up the staff, but give parents a better understanding of a particular policy.

Serious Complaints – What You Can and Should Do About Them

Some complaints involve the health and safety of children. Licensing regulations specify that:

- Programs should not exceed their licensed capacity.
- Programs should employ the number of staff required by their license.
- Children should be supervised at all times.
- Child care facilities should be safe places for children.
- No corporal or humiliating punishment is allowed in child care – no spanking, no smacking of hands, no withholding of food, no calling of names, no isolation in dark places. (Call BANANAS for more information on DSS regulations.)

Once a parent points out a licensing violation to a program, s/he has the right to expect instant if not immediate compliance.

A provider who habitually over-enrolls may not respond to gentle calls for compliance. If a program ignores a parent’s initial regulatory complaint, most parents look for a new program. We at BANANAS hope parents will take the additional step of reporting the program to **Community Care Licensing (CCL)**, (510) 622-2602. The agency enforces Department of Social Services regulations for family child care and center-based programs. Removing and safeguarding your own child is not enough. What about the other children in care whose parents may not be aware of the situation? Their only protection lies in parents reporting the problem.

Few, if any, programs ever get closed down based on a single complaint – so parents should not agonize too long over whether or not to report a **serious** violation. In most cases, the licensing staff will make an unannounced visit and, if the complaint appears valid, direct the program to come into compliance. Parents are becoming much more

savvy consumers of child care services, so programs which ignore parental concerns about regulatory issues shouldn’t be surprised when CCL is brought into the picture.

Complaints can also be registered anonymously. Simply call the local CCL office, ask for the worker of the day and let the switchboard operator know you want to make a complaint about a child care program. Don’t use this mechanism for registering complaints about a program’s general rules or program style. **CCL has no jurisdiction** over these “personal” areas. Parents must negotiate these aspects when choosing care for their children. Complaining to CCL should not be used for revenge when a parent is unhappy with the program for a non-regulatory reason. In the end, the program will be cleared when CCL finds the complaint has no merit. Bogus complaints just clog the system and slow down the licensing staff from investigating the real ones.

Child Abuse

Providers who have “reasonable suspicion” that a child in their care is being abused are required to report the child’s family to the child abuse system. A BANANAS social worker will take calls on our **WarmLine**, 658-6046, from providers who are unsure whether abuse is occurring, or who want more information prior to reporting a family. Once a provider feels a report is indicated, s/he should call **Child Protective Services (CPS)**, 259-1800. This is never an easy step to take.

While child abuse in a child care setting is rare, it does happen. Parents who suspect child abuse need to report it. If a child has a suspicious injury, s/he should be taken to a medical facility for an evaluation of the injury. The parent should be candid with the examining nurse or physician about her suspicions. Photographs should be taken to document the injury. Medical personnel are mandated reporters, but this doesn’t mean every suspected case of abuse gets reported to CPS. The parent should ask the doctor or nurse if s/he is going to report the injury. Parents are also welcome to call BANANAS’ WarmLine for information and support.

Parents should report any suspected child abuse in the child care setting – physical, sexual, verbal or other type of abusive behavior toward children – to Community Care Licensing. Police departments, CPS and CCL cross-report to each other (in other words, if an abuse complaint comes to the Licensing Office, the Office shares information about the complaint to CPS and the local Police Department, and vice-versa).

However, the cross-reporting might not happen immediately. If a parent is concerned that children are in immediate danger in a child care program, s/he should report the situation directly to the Licensing Office, 622-2602, and, if warranted, to the local Police Department. Sometimes parents want to withdraw a child from care before making an official com-

plaint. This protective gesture is understandable; but it is very important for parents to follow through on a child abuse complaint. Some complaints should never be ignored. When the safety of children is involved, parents and providers must take that extra step of bringing an outside agency into the situation.

In The End...

Here are a few truisms about complaints:

- Parents are rarely going to be completely satisfied with every aspect of the child care program they select. Likewise, programs may never have complete agreement with every parent whose child they enroll. Differences of opinion are unavoidable and, in some cases, healthy.
- Problems can't be solved unless they are discussed openly, and, hopefully, with good will on both sides. Criticism should always be as constructive as possible and accompanied by some suggestions on how to improve the situation.
- Parents and providers should abide by the rules they agreed to when the child was enrolled or they should jointly change the rules which aren't working. Compromises made when the parent and provider like and trust each other are usually good for all concerned. However, no compromise will work if the two parties don't have a basic sense of trust in each other.

- Remember that complaints made with care can lead to the successful resolution of problems.

Summary of Resources

- Call **BANANAS**, 658-7353, if you have questions about licensing regulations or about how to handle a complaint. We will listen to your concerns and try to help you plan a course of action.
- Parents can report center-based or family child care licensing violations or suspected child abuse in child care to **Community Care Licensing**, 622-2602.
- Parents who suspect cases of child abuse should contact **Child Protective Services**, 259-1800.
- Last but not least, parents have the right to check the licensing history of any licensed child care program. The information is available from **Community Care Licensing**, 622-2614. Providers are also required to provide parents with any licensing report that documents a facility visit or substantiated complaint investigation.

In addition to Handouts, BANANAS also has several videos/DVDs on parent/provider relations that can be checked out at our office.

- Cultivating Roots: Partnership with Families
- Partnership with Parents

For a full listing of available videos/DVDs, please see our Video Lending Library List at our office or on our website, www.bananasinc.org.

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