

Executive Summary

Report on the Follow-Up Evaluation of the Legal and Compliance Unit of the Office of Child Care, Early Learning System (original evaluation report dated January 11, 2016)



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Office of the Internal Auditor

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Executive Summary

This document reports significant results of a follow-up evaluation of the Legal and Compliance Unit (LCU) of the Office of Child Care, Early Learning System. The purpose of the evaluation was to determine the extent to which the Program has implemented the twenty-five (25) recommendations made at the time of the original evaluation report, issued in January, 2016. Follow-up evaluations are required by the auditing standards promulgated by the Institute of Internal Auditors. Less-significant results have been separately-provided to the Office of Child Care.

Summary of results and recommendations

- Management has made significant progress toward implementing many recommendations from the original report, particularly in 2017 after the 2016 reorganization of the Office of Child Care;
- Management has continued and promoted the core *High Reliability Organizational* (HRO) model in the LCU. Additional work is recommended to implement this model in the Licensing Unit (LU);
- For HRO models, executive management has an elevated role in determining program success. ELD executive management should regularly visit the LCU and LU in order to develop: a sense of operations; mutual understanding; and trust in the expertise of these staff. An informal, non-authoritarian, collegial management style is most-appropriate for HROs
- Increased staffing should remedy the previous excessive workload-to-staff ratio, barring future workload increases;
- The need persists for stronger, more-frequent sanctions, to offset the long-term decline in license revocation, the long-term increased reliance on license suspension, the 2016 loss of the emergency suspension option, and the historically minimal use of civil penalties;
- Inconsistencies persist in the rate of Valid, Invalid, and Unable to Substantiate Findings, between Licensors and between Regional Directors;
- The long-term increase continues in the inability or reluctance, to conclude whether allegations are Valid or Invalid. This increased reliance on the Unable to Substantiate Finding results in a lack of differentiation between riskier and less-risky facilities. The result hampers the Office's ability to effectively respond to allegations, identify patterns of adverse events, and allocate resources according to risk;
- Management should vigorously pursue changes to rule and statute that afford more-timely and stronger sanctioning of facilities. As recommended in the original report, facilities should be sanctioned more often than has historically been the case;
- Management should reconsider its decision to not impose stronger sanctions for violations of child-to-staff ratios, because inadequate staff levels reduce supervision capacity thereby increasing the risk of many types of child harm;
- Management is making adequate progress toward minimizing risks from organizational culture differences. Management should consider making therapeutic supervision available to staff, to reduce the risk of secondary traumatic stress.