

# The Commonwealth of Massachusetts

## Department of Early Education and Care

POLICY	
<b>Subject: Internal Investigations and Personnel Guidance</b> 	<b>Field Operations – Residential &amp; Placement</b>
Effective Date: June 26, 2010 <b>Revised Date: March 22, 2022</b>	<b>Policy No.: EEC-RP-InternalInvestigations.POL02142020.02</b>
<b>Authority:</b> 606 CMR 3.04(3)(e) RESIDENTIAL PROGRAMS SERVING CHILDREN AND TEEN PARENTS 606 CMR 5.04(3)(d) AGENCIES OFFERING CHILD PLACEMENT AND ADOPTION SERVICES	

**Overview:** Department of Early Education and Care (EEC) Regulations require licensees to conduct internal investigations of any allegations of non-compliance with EEC’s licensing regulations and all suspected incidents of child abuse and neglect, serious incidents involving the health and safety of children, and the death of any child in Residential and Placement care [606 CMR 3.04(3)(e)] and [606 CMR 5.04(3)(d)]. **This policy clarifies the requirements for conducting, reporting, and notifying EEC of internal investigations in Residential and Placement programs.**

### Incidents Requiring Internal Investigations

The requirement to conduct internal investigations applies to any incident reported to The Department of Children and Families (DCF) pursuant to M.G.L. chapter 119, section 51A, regardless of whether the report is screened-in for investigation by DCF. Internal investigations are also required for incidents that are not reported to DCF but still raise health and safety concerns. This includes reports made to the Disabled Persons Protection Commission (DPPC). Examples of incidents requiring internal investigation include, but are not limited to:

- any serious injury;
- a serious illness that may not have received proper medical treatment;
- sexual activity among residents or between staff and residents;
- a major disturbance by residents of a facility;
- a fire;
- an extraordinary runaway incident, such as one involving theft of an agency vehicle; and
- allegations of substance abuse by staff while on duty.

### Notifying EEC

Upon learning of an allegation or serious incident in Residential or Placement care, the licensee, the licensee's chief administrative person, or a designee shall notify EEC *immediately* by entering the case into the EEC LEAD Portal. **If the case involves death, evacuation, or a high profile/media event, the licensee must also call the EEC Regional Office.**

### **Removal and Return of Staff**

Any staff member suspected of potential abuse or neglect must be removed immediately from unsupervised contact with any residents/clients. The licensee must follow their EEC-approved child abuse and neglect policies, which may require the named staff to be removed from the program entirely. **EEC may determine unsupervised contact is not warranted but other stipulations may be considered.** Before any staff suspected of potential abuse or neglect may return to regular duties, the following criteria must be met:

- The staff member may not return to unsupervised contact with residents **until DCF/DPPC unsupports the 51A/19C and EEC has completed its investigation.** The licensee must work with the assigned EEC licensor to assure an appropriate corrective action plan.
- If a 51A/19C is supported for abuse and neglect, the agency shall follow their own personnel policies. If the program intends to reinstate the employee, **that person may not return to full work status until a new Background Record Check (BRC) process *including* a new discretionary review by the licensee and suitability from the BRC Unit are completed.** The licensee must also work with the assigned EEC licensor to assure an appropriate corrective action plan.
- **If EEC determined unsupervised contact was not warranted, the agency shall document this along with any agreed upon action taken such as re-training, increased supervision and/or policy change.**

### **Required Program Policies**

The licensee shall develop and follow procedures for conducting internal investigations within the program. All procedures must be approved by EEC and shall include:

- 1. the time frame for conducting and completing investigation;**
  - Internal investigations must be completed in order to assure the safety of children, protect the rights of all involved parties and minimize disruption within the program. Two weeks is an approximate estimate for most internal investigations; however, a complex investigation involving numerous interviews and extensive documentation may require more time.
  - In the event that the investigating agency requests that a provider stop or delay the internal investigation activities, the licensee must cooperate with any such requests.
- 2. the requirements for reporting suspected child abuse and neglect to the chief administrative person and to DCF or any other state agency, and for following the procedure required by 606 CMR 3.04(3)(g) regarding reporting to EEC;**
  - In all cases of serious physical and sexual assault allegations or injuries reported to the police or the District Attorney's Office, the licensee must consult with the program's EEC licensor before beginning their internal investigation.
- 3. the process for designating persons responsible for implementing each step of these procedures, including conducting the investigations, reviewing the investigation report, and taking corrective action, if necessary; and**
  - The internal investigation must be conducted by individuals who are not involved in the incident in any way and who can review the issue objectively. Such individuals may include an agency administrator, a team of staff, or an outside consultant.
  - The investigator(s) must interview involved persons and witnesses individually, and must gather all relevant documentation, such as signed statements, incident reports, medical reports, log entries, children's records and personnel files.
- 4. the written format to be used for investigation reports;**

- After reviewing the evidence, the program investigator(s) must write a report that states the allegations, describes the investigative activities, states the findings, and describes any corrective action taken by the licensee, including recommendations to prevent similar incidents from occurring in the future.
- This report and any documents inclusive of video or audio monitoring that are collected or produced by the licensee or staff members must be made available to EEC and may be reviewed as part of EEC's investigation activities.