

Complaints Policy and Procedure¹

The Club celebrates achievements and success and looks for ways to improve the service for families. The Club welcomes suggestions and constructive criticism from parents/carers and children to help us maintain a high quality provision.

Share your concerns and suggestions by:

- Speaking to the Club's Senior Playworker - if you prefer to do this outside of normal Club hours and in confidence, please arrange a convenient time.
- Writing and placing the suggestion in the suggestions box kept entrance hall

The Club feeds back any action taken in response to suggestions, comments and concerns either verbally, in writing or when appropriate by placing a notice on the notice board about any changes made to operations as a result.

From time to time, a parent/carer, child (or local authority arranging care for a child in the Club), may find it necessary to make a complaint.

The Club's policy is to respond to and resolve complaints quickly, effectively and where possible in a positive and informal manner.

To help you, there are forms you can use (including a separate form for children) which are in the Families' Handbook given to parents/carers (or a local authority arranging care for a child) when a child starts attending the Club.

At all times, the welfare of the child is safeguarded and promoted and their wishes and feelings are taken into account.

All staff at the Club are familiar with the complaints policy and procedure and confidentiality is adhered to.

In the event of a complaint:

If your complaint is about the Registered Person/Responsible Individual, you must follow the **STAGE 2 procedure** (called the formal consideration) and inform the local office of Care Inspectorate Wales (CIW)

The address of the North Wales office is:

Welsh Government Office

Sarn Mynach

Llandudno Junction

LL31 9RZ

Telephone: 0300 7900 126 (CIW national telephone number)

Fax: 0872 437 7302

Email: CIW@gov.wales

CIW may ask you to follow up a verbal complaint in writing.

¹ This policy and procedure has been written in line with The Child Minding and Day Care (Wales) Regulations 2010 - and the principles set out in *Listening and Learning: A guide to handling complaints and representations in local authority social services in Wales* (ISBN 978 1 4734 1467 9) WG 2014

<https://qweddl.gov.wales/docs/dhss/publications/140730complaintsen.pdf>

Provided by | Darparwyd gan Clybiau Plant Cymru Kids' Clubs

Reviewed | Adolygwyd 22nd February 2023

The Fun Club at Ysgol Maes y Felin
Charity Number 1201378

If you think your complaint is of a safeguarding nature, then please speak to the Club's Responsible Individual or designated Safeguarding Officer without delay and refer to the Club's safeguarding policy.

In all other cases, address your complaint to the Responsible Individual or Deborah Harker who has been delegated by the Registered Person to resolve complaints.

At any time during the process of your complaint being resolved, you have the right to complain to CIW or, where relevant, the local authority which has arranged for the care of a child at the Club.

The role of CIW in the complaints process: CIW is happy to receive feedback about any social care service, but is not a complaints agency and has no statutory powers to investigate individual complaints between people and their service providers. They cannot make judgments on behalf of people or decide who is right or wrong.

When CIW receives feedback about a service they will consider it and inform the complainant. They will take one of the following actions:

- Undertake an inspection of the service within an identified timescale (a copy of the focused inspection report is sent to the complainant);
- Consider the information within the next planned inspection of the service;
- Advise the complainant to contact an identified agency;
- Refer the complainant to the service about which the complaint was made for resolution under their own complaints procedure;
- Advise the complainant that their information has been recorded and that there is no further action required from CIW.

See also: <https://careinspectorate.wales/>

STAGE 1: Local resolution of a complaint (complaints resolved within the Club within 14 days)

- Your complaint is acknowledged within 3 working days.
- The complaint is investigated. The Club's Responsible Individual or Deborah Harker who has been delegated by the Responsible Individual to resolve complaints decides how best to do this in each case, but may involve:
 - Making arrangements for a meeting with all relevant parties to discuss the issues, when it is appropriate, and with your agreement.
 - Advising you about the availability of advocacy² to assist you during the procedure.
- A written record is made of the investigation, any discussion (including any witness statements) and any decisions or agreements made at any meeting.
- A written report and draft response is made for the Responsible Individual or the Chair of the Management Committee and presented within 8 days of receipt of the initial complaint.
- You are sent a letter within 14 days of receipt of your complaint telling you that your complaint has been resolved, and of any action that has been taken as a result.
 - In certain circumstances, with your agreement, the 14 days can be extended for a further 14 days.
 - You are also advised that if you are unhappy with this process or the outcome of the complaint you can contact CIW, but please note the information provided in the box above.
- The Club makes a written record of outcomes of the investigation, and any action taken.
- A copy of the complaint record is kept for the Club's records and a summary is made available for CIW at their request.

² Someone of your choice who can advise you and /or act on your behalf during the complaint procedure
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STAGE 2: Formal consideration of a complaint (stage 2) - when the complaint is dealt with by an agency outside the Club.

The formal consideration, can begin either if the initial discussion (stage 1) has not been resolved and the complainant requests a formal consideration, or if the complainant wishes to go straight to stage 2 from the start. The decision rests with the person making the complaint³.

- These types of complaints are resolved as soon as reasonably practicable, and in any event within 35 working days of the request for formal consideration.
- The outcomes of a formal consideration are confirmed in writing by the Registered Person/Responsible Individual to you (the complainant) and summarise the nature and substance of the complaint, the conclusions and the action to be taken as a result.
- A copy of a written response is sent by the Responsible Individual to the appropriate office⁴ and to any local authority which has arranged for care for a child within the Club.
- The time limit may be extended with your agreement.
- If the complaint has not been resolved within 35 working days of the request for formal consideration, the Registered Person/Responsible Individual notifies the appropriate office of the complaint and reasons for the delay in resolution.

Complaints subject to concurrent consideration:

A complaint may be part of another, wider investigation, such as safeguarding, or a staff disciplinary process. In these circumstances, or where a complaint relates to any of the following matters:

- About which the complainant has stated in writing that they intend to take legal proceedings or;
- The Responsible Individual is taking or proposing to take disciplinary proceedings or;
- About which the Responsible Individual has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings.

The Responsible Individual considers, in consultation with the complainant and any other relevant agency how the complaint will be handled. In this case the Responsible Individual may decide to discontinue investigating the complaint subject to concurrent consideration if it appears that to continue, would compromise or prejudice the handling of the wider investigation.

In which case the Responsible Individual:

1. Informs the complainant of the decision to discontinue.
2. Can resume the investigation at any time.
3. Ascertains the progress of the concurrent consideration and notifies the complainant when it is concluded.
4. Resumes consideration of the complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered.

At all times during any complaint investigation the Club places safeguarding and protection of children as their highest priority.

³ 7.1.1 *Listening and Learning: A guide to handling complaints and representations in local authority social services in Wales* (ISBN 978 1 4734 1467 9) WG 2014

⁴ Of the body undertaking the formal investigation e.g. CIW

Polisi a Gweithdrefn Gwynion⁵

Mae'r Clwb yn dathlu cyflawniadau a llwyddiannau ac yn edrych am ffyrdd o wella'r gwasanaeth i deuluoedd. Mae'r Clwb yn croesawu awgrymiadau a beirniadaeth adeiladol gan rieni/gofalwyr a phlant, i'n helpu i gynnal darpariaeth o ansawdd da.

Rhannwch eich pryderon a'ch awgrymiadau drwy:

- Siarad ag uwch weithiwr y Clwb - os yw'n well gennych wneud hyn y tu allan i oriau arferol y Clwb, ac yn gyfrinachol, trefnwch amser cyfleus, os gwelwch yn dda.
- Ysgrifennu a gosod yr awgrym yn y bocs awgrymiadau a gedwir [**rhowch fanylion**]

Mae'r Clwb yn rhoi adborth ar unrhyw weithredu mewn ymateb i awgrymiadau, sylwadau a phryderon, naill ai ar lafar neu, pan fo'n gyfleus, drwy roi hysbysiad ar hysbysfrudd am unrhyw newidiadau a wnaed i'r dulliau gweithredu o ganlyniad.

O bryd i'w gilydd, gall rhiant/Gofalwr, plentyn (neu awdurdod lleol sy'n trefnu gofal i blentyn yn y Clwb), ei chael hi'n anghenraid arnynt i wneud cwyn.

Polisi'r Clwb yw ymateb i gwynion a'u datrys yn gyflym, yn effeithiol, a lle bo'n bosibl, mewn dull cadarnhaol ac anffurfiol.

I'ch helpu, mae ffurflenni y gellwch eu defnyddio (gan gynnwys ffurflen ar wahân i blant). Maent yn y Pecyn Gwybodaeth i Deuluoedd a roddir i rieni/gofalwyr (neu awdurdod lleol sy'n trefnu gofal ar gyfer plentyn) pan fo plentyn yn dechrau mynchu'r Club.

Ar bob achlysur diogelir a hyrwyddir lles y plentyn ac ystyrir y dymuniadau a'r teimladau o'u heiddo y gellir eu canfod.

Mae pob aelod o staff y Clwb yn gyfarwydd â'r polisi a'r weithdrefn gwynion, a pherchir cyfrinachedd ar bob achlysur.

Yn achos cwyn:

Os mai am y Person Cofrestredig/Unigolyn Cyfrifol y mae eich cwyn, rhaid ichi ddilyn **gweithdrefn CAM 2** (a elwir yn ystyriaeth ffurfiol) a hysbysu'r swyddfa leol o Arolygiaeth Gofal Cymru (AGC) [**rhowch y manylion cysylltu**]. Gall AGC ofyn ichi ddilyn cwyn ar lafar â chwyn ysgrifenedig.

Os credwch fod eich cwyn o natur diogelu-plant, yna siaradwch â [**Person Cofrestredig/Unigolyn Cyfrifol/swyddog diogelu plant dynodedig**] yn ddi-oed, a chyfeiriwch at bolisi'r Clwb ar ddiogelu plant.

Ym mhob achos arall, cyfeiriwch; eich cwyn at y Person Cofrestredig/Unigolyn Cyfrifol neu [**enw'r swyddog cwynion / Uwch Weithiwr Chwarae**] sydd wedi ei ddynodi gan y Person Cofrestredig i ddatrys cwynion.

Ar unrhyw adeg yn ystod y broses o ddatrys eich cwyn, mae gennych yr hawl i gwyno i AGC neu, lle bo'n briodol, yr awdurdod lleol, sydd wedi trefnu ar gyfer gofal plentyn yn y Clwb.

⁵ Mae'r polisi a'r weithdrefn yma wedi eu hysgrifennu i gydymffurfio â'r Rheoliadau ar Warchod Plant a Gofal Dydd (Cymru) 2010 – a'r egwyddorion a osodir yn

Gwrando a Dysgu: Canllawiau ar ddelio â chwynion a sylwadau yng ngwasanaethau cymdeithasol llywodraeth leol yng Nghymru (ISBN 0-11-091240-3) LiCC 2005 (DS:Gall y ddogfen hon gael ei diwygio yn dilyn dogfen ymgynghorol sy'n cael ei pharatoi gan Lywodraeth Cymru ar hyn o bryd (hyn ar 13.06.11):

<http://wales.gov.uk/dhss/publications/socialcare/guidance/listening/listening.pdf;jsessionid=2MzvNbQPxK0pYvG29T1918dR2NKwxWvN6NwyfyS6PLTWLC32Jn8!-1962665969?lang=en>

Rôl AGC yn y broses gwynion: Mae AGC yn falch o dderbyn gwybodaeth am unrhyw un o'r gwasanaethau cymdeithasol, ond nid asiantaeth gwynion mohoni, ac nid oes ganddi bwerau statudol i archwilio i gwynion unigol rhwng pobl a'u darparwyr gwasanaeth. Ni allant farnu ar ran pobl na phenderfynu ar bwy sy'n gywir neu'n anghywir.

Pan fydd AGC yn derbyn gwybodaeth am wasanaeth, byddant yn ei hystyried ac yn rhoi gwybod i'r achwynydd. Byddant yn cymryd un o'r camau canlynol:

- Ymgymryd ag archwiliad o'r gwasanaeth o fewn amserlen a wneir yn hysbys (anfonir i'r achwynydd gopi o'r adroddiad o'r archwiliad y canolbwytir arno).
- Ystyried y wybodaeth ar y cyd â'r archwiliad arfaethedig nesaf o'r gwasanaeth
- Cyngori'r achwynydd i gysylltu ag asiantaeth a enwir.
- Cyfeirio'r achwynydd at y gwasanaeth y gwnaed cwyn yn ei gylch, er mwyn ei ddatrys yn ôl eu gweithdrefn gwynion eu hunain.
- Hysbsu'r achwynydd bod eu gwybodaeth wedi ei chofnodi, ac nad oes angen gweithredu pellach o du AGC. Gweler yn ogystal: www.ciw.org.uk

CAM 1: Datrys cwyn yn lleol (datrysir cwynion oddi mewn i'r Clwb mewn 14 diwrnod)

- Bydd eich cwyn yn cael ei gydnabod o fewn [**rhowch y nifer o ddiwrnodau**].
- Archwilar y gwyn. Bydd Person Cofrestredig/Unigolyn Cyfrifol y Clwb neu [**enw'r swyddog cwynion / Uwch Weithiwr Chwarae**] sydd wedi ei ddirprwyo gan y Person Cofrestredig i ddatrys cwynion, yn penderfynu sut orau i wneud hyn ym mhob achos, ond gallai gynnwys:
 - Trefnu ar gyfer cyfarfod â'r holl bartion perthnasol i drafod y materion, ar adeg briodol, a chithau'n gytûn.
 - Eich cyngori ar argaeledd eiriolaeth ⁶ i'ch cynorthwyo yn ystod y broses.
- Cedwir cofnod ysgrifenedig o'r archwiliad, unrhyw drafodaeth (gan gynnwys unrhyw ddatganiadau gan dystion) ac unrhyw benderfyniadau neu gytundebau a wneir mewn unrhyw gyfarfod.
- Gwneir adroddiad ysgrifenedig ac ymateb drafft ar gyfer y [**Person Cofrestredig/Unigolyn Cyfrifol / cadeirydd y pwylgor rheoli**] a'i gyflwyno o fewn [**rhowch nifer y dyddiau**] diwrnod o dderbyn y gŵyn gychwynnol.
- Anfonir llythyr atoch, yn dweud wrthych fod eich cwyn wedi ei datrys, ac o unrhyw weithredu canlyniadol, o fewn **14** diwrnod.
 - Mewn amgylchiadau arbennig, a chyda'ch caniatâd, gellir ymestyn y **14** diwrnod am **14** diwrnod pellach.
 - Hefyd, fe'ch cynghorir y gellwch gysylltu ag AGC os ydych yn anfodlon â chanlyniad y gŵyn, ond cofiwch nodi'r wybodaeth a roddir yn y bocs uchod.
- Mae'r Clwb yn cofnodi yn ysgrifenedig gasgliadau'r archwiliad, ac unrhyw weithredu o ganlyniad.
- Cedwir copi o'r cofnod ar y gŵyn, yn gofnod i'r Clwb, a sicrheir bod crynodeb ar gael ar gyfer AGC ar eu cais.

CAM 2: Ystyried cais yn ffurfiol (cam 2) - pan ymdrinnir â'r achwynydd gan asiantaeth y tu allan i'r Clwb.

Gall yr ystyriaeth ffurfiol ddechrau naill ai os yw'r drafodaeth gychwynnol (cam 1) heb ei datrys, a bod yr achwynydd yn gofyn am ystyriaeth ffurfiol, neu os dymuna'r achwynydd fynd yn syth i gam 2 o'r man cychwyn. Yr achwynydd fydd yn penderfynu ar hyn ⁷.

- Datrysir y mathau hyn o gwynion mor fuan ag sy'n ymarferol resymol, a beth bynnag o fewn **35** diwrnod gwaith i'r cais am ystyriaeth ffurfiol.
- Rhoddir cadarnhad o ganlyniadau'r ystyriaeth ffurfiol yn ysgrifenedig i chi gan (yr achwynydd) gan y Person Cofrestredig/Unigolyn Cyfrifol, ynghyd â chrynodeb o natur a sylwedd y gwyn, y casgliadau a'r gweithredu y penderfynwyd arno o ganlyniad.

⁶ Rhywun o'ch dewis eich hun a alleich cynghori a/neu weithredu ar eich rhan yn ystod y broses gwynion.

⁷ 7.11 Gwrando a Dysgu: canllawiau ar ddelio â chwynion a sylwadau yng ngwasanaethau cymdeithasol Ilywodraeth leol yng Nghymru (ISBN 0 - 11- 091240 - 3) Lywodraeth Cynulliad Cymru yn 2005.

³⁴Parthed y corff sy'n ymgymryd â'r archwiliad ffurfiol e.e AGGCC

- Anfonir copi o ymateb ysgrifenedig (gan y Person Cofrestredig/Unigolyn Cyfrifol) i'r swyddfa briodol⁸ ac i unrhyw awdurdod lleol sydd wedi trefnu Gofal ar gyfer plentyn yn y Clwb.
- Gellir ymestyn y terfyn amser gyda'ch cytundeb chi.
- Oni fo'r gwyn wedi ei datrys o fewn 35 diwrnod gwaith o'r cais am ystyriaeth ffurfiol, y mae'r Person Cofrestredig/Unigolyn Cyfrifol yn hysbysu'r swyddfa briodol o'r gwyn a'r rhesymau am yr oedi yn ei datrys.

Cwynion sy'n ddarostyngedig i ystyriaeth gydamserol:

Gall cwyn fod yn rhan o ymchwiliad arall, ehangach, megis ar fater o ddiogelu, neu broses o ddisgyblu aelod o'r staff. Mewn amgylchiadau o'r fath, neu lle bo cwyn yn berthnasol i unrhyw un o'r materion canlynol:

- Lle mae'r achwynydd wedi datgan yn ysgrifenedig ei fod am fynd i gyfraith ynglŷn ag ef neu
- Lle mae'r Person Cofrestredig/Unigolyn Cyfrifol yn cymryd, neu'n bwriadu cymryd, gweithgareddau disgyblaethol, neu
- Lle mae'r Person Cofrestredig/Unigolyn Cyfrifol wedi ei hysbysu bod archwiliad yn cael ei gynnal gan unrhyw berson neu gorff sydd yn ystyried gweithgareddau cyfreithiol.

Mae'r Person Cofrestredig/Unigolyn Cyfrifol yn ystyried, mewn ymgynghoriad â'r achwynydd, ac unrhyw asiantaeth berthnasol arall, sut i ymdrin â'r gwŷn hon. Yn yr achos hwn gallai'r Person Cofrestredig/Unigolyn Cyfrifol benderfynu terfynu'r broses o ymchwilio i'r gwŷn yn ddarostyngedig i ystyriaeth gyfochrog os yr ymddengys y byddai parhau yn peryglu neu'n niweidio'r ymdriniaeth o'r ymchwiliad cyfan.

Mewn achos o'r fath, y mae'r Person Cofrestredig/Unigolyn Cyfrifol:

- Yn hysbysu'r achwynydd o'r penderfyniad i derfynu'r broses.
- Gall ailgydio yn y broses ar unrhyw adeg.
- Yn gweld sut y mae'r ystyriaeth gyfochrog yn dod yn ei blaen ac yn hysbysu'r achwynydd pan fydd wedi dod i ben.
- Yn ailgydio yn yr ystyriaeth o'r gwŷn lle terfynir, neu y doir i ben â'r ystyriaeth gydamserol, ac os yw'r achwynydd yn gofyn am ystyriaeth o'r gwŷn.

Ar bob adeg yn ystod unrhyw archwiliad i gwŷn, prif flaenorïaeth y Clwb fydd diogelu ac amddiffyn plant.