

St. Peter's Out of School Care Limited



Complaints Policy and Procedure (Regulation 32 and NMS 19.1)

This complaints policy has been drafted in accordance with the requirements of regulations 15 and 37 of the Child Minding and Day Care (Wales) Regulations 2010. It is in compliance with The National Minimum Standards for Regulated Childcare for children up to the age of 12 in Wales.

COMPLAINTS PROCEDURES

St. Peter's Out of School Care Limited is confident that most concerns regarding the minor problems and difficulties which can occur on a daily basis can usually be dealt with by the Manager or designated members of staff.

However, if at any time you have an issue, complaint or grievance relating to the running of the operational setting or the actions of a member of staff you feel hasn't been resolved to your satisfaction, please inform the Manager (or Deputy Manager in his absence). They will furnish you with a complaint form or record your complaint and ensure the complaint is dealt with by the company at the earliest opportunity. The Responsible individual will then attempt to resolve the issue, complaint or grievance in line with the policies and stages outlined below.

In the event that the issue, complaint or grievance relates to the Responsible individual contact the administrator without discussing the issue, complaint or grievance with the individual and the administrator will arrange for contact to be made with you following the stages set out below. The stages set out below will be followed in the hope that the complaint can be resolved. However, if your complaint cannot be resolved you have the option to withdraw from what is a commercial service. You can also contact Care Inspectorate Wales (CIW) office. Contact details are below.

Telephone: 03000628757

Postal address:

CIW

South East Region

Welsh Government

Government Buildings

Rhydycar Business Park

Merthyr Tydfil

CF48 1UZ

N.B. It must be understood that the CIW will not become directly involved in the management of a complaint. Parents and carers must note that the company operates at the school but is not connected to the school and it operates independently and is registered as a limited liability company. CIW is not a complaints agency and cannot deal with complaints linked to individual circumstances. As an organisation, it is not able to deal with your particular issue, complaint or grievance. CIW may direct you to an organisation best placed to help you. In the light of your contact CIW may also carry out an inspection in the light of any complaint received prior to the scheduled inspection schedule. However, it is not obliged to take such an action.

1. Introduction

1.1 St Peter's Out of School Care Limited is committed to dealing effectively with complaints. The Responsible Individual and the Person in Charge/Manager aim to clarify any issues about which you are not sure. If possible we will put right any mistakes we have made and we will apologise if any mistakes have had a negative impact upon any of our stakeholders. We aim to learn from mistakes and use that experience to improve what we do.

1.2 Our definition of a complaint is **'an expression of dissatisfaction in relation to the company's operation or a member of its staff that requires a response from the company.'**

1.3 This complaints procedure supports the commitment to resolving issues as quickly, effectively and efficiently as possible. It is the Registered Person's way of ensuring that anyone with an interest in the provision or setting can raise a concern, with confidence that it will be heard and, if well-founded, addressed in an appropriate and timely fashion.

1.4 The Responsible Individual recognises that although our children are aged 3 to 11 they also have the right to complain which is enshrined within **Article 13 of the United Nations Convention on the Rights of the Child** which states:

"1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; or (b) For the protection of national security or of public order (ordre public), or of public health or morals."

2. When to use this procedure

2.1 When you have a concern or make a complaint we will usually respond in the way we explain below. Sometimes you might be concerned about matters that are not decided by the company, in which case the Responsible Individual or the administrator at the club will tell you who to complain to. At other times you may be concerned about matters that are handled by other procedures, in which case they will explain to you how your concern will be dealt with.

2.2 If your concern or complaint is about another body as well as the company, we will, if appropriate, work with them to decide how to handle your concern.

3. Have you asked us yet?

3.1 If you are approaching us for the first time you should give the company a chance to respond. If you are not happy with the response, then you may make your complaint using the procedure we describe below. Most concerns can be settled quickly just by speaking to the relevant person in the operational setting, without the need to use a formal procedure.

4. What we expect from you

4.1 We believe that all complainants have a right to be heard, understood and respected, but we remind you that members staff at the company have the same

right. We expect you to be polite and courteous. We will not tolerate aggressive, abusive or unreasonable behaviour. We will also not tolerate unreasonable demands or unreasonable persistence or vexatious complaining. We have a separate policy to manage situations where we find that someone's actions are unacceptable.

The company serves families whose first language is not English we do not have the capacity to offer translation services in all cases. Although we will always help where we can, we encourage you, if you have a query or complaint to bring with you a friend, colleague or family member who is able to assist you in expressing your concern and can also make you aware of our responses.

5. Our approach to answering your concern or complaint

5.1 We will consider all your concerns and complaints in an open and fair way.

5.2 At all times the company will respect the rights and feelings of those involved and make every effort to protect confidential information, we respectfully ask you to afford the same respect and courtesy by mirroring our approach.

5.3 Timescales for dealing with your concerns or complaints may need to be extended following discussion with you.

5.4 The Responsible Individual may ask for advice from the CIW or other sources where appropriate.

5.5 Some types of concern or complaint may raise issues that have to be dealt with in another way (other than through this complaints policy), in which case we will explain why this is so, and will tell you what steps will be taken.

5.6 The company will keep the records of documents used to investigate your concern or complaint for seven years after it has been dealt with. Records will be kept securely and reviewed by the company after seven years to decide if they need to be kept for longer or can be destroyed.

5.7 Complaints that are made anonymously will be recorded but investigation will be at the discretion of the company depending on the nature of the complaint.

5.8 Where complaints are considered to have been made only to cause harm or offence to individuals or the company, the Responsible Individual will ensure that records are kept of the investigations that are made and what actions are taken, including the reasons for 'no action'.

6. Answering your concern or complaint

6.1 There are potentially up to three Stages: A, B and C to the process the company has established. Most complaints can be resolved at Stages A or B. An individual can bring a relative or companion to support them at any time during the process but they will usually be expected to speak for themselves, unless there is a language issue. However, we recognise that when the complainant is a pupil it is reasonable for the companion to speak on their behalf and/or to advise the pupil.

6.2 As far as possible, a concern or complaint will be dealt with on a confidential basis. However, there could be occasions when the person or persons dealing with the concern or complaint will need to consider whether anyone else within the company needs to know about the concern or complaint, so as to address it appropriately.

6.3 If a pupil or young person under 16 wishes to raise a concern or bring a complaint they will be asked for their permission before the company involves parent(s) or carer(s). If a pupil or young person under 16 and are involved in a complaint in any other way, the company may ask your parent(s) or carer(s) to

become involved and attend any discussion or interview with the pupil or young person.

Stage A

6.4 If you have a concern, you can often resolve it quickly by talking to a member of staff or the Responsible Individual. You should raise your concern as soon as you can; normally we would expect you to raise your issue within 10 club days of any incident. The longer you leave it the harder it might be for those involved to deal with it effectively.

6.5 If you are a pupil, you can raise your concerns with your parents, a member of your family or any other member of staff or adult working for the company. This will not stop you, at a later date, from raising a complaint if you feel that the issue(s) you have raised have not been dealt with properly.

6.6 The company will try to let you know what we have done or are doing about your concern normally within 10 club days of receiving and recording the complaint, but if this is not possible, we will talk to you and indicate a revised timescale with you.

6.7 The person overseeing your concern or complaint will keep you informed of the progress being made. This person will also keep a log of the progress of the concern or complaint for future reference.

Stage B

6.8 In most cases, we would expect that your concern is resolved informally. If you feel that your initial concern has not been dealt with appropriately you should put your complaint in writing or using the form provided to the Responsible Individual.

6.9 The Responsible Individual would expect you to aim to do this within five working days (*that is days during which the setting is operating) of receiving a response to your concern as it is in everyone's interest to resolve a complaint as soon as possible. There is a form available that you may wish to complete in order to make a formal complaint. Alternatively, you can also use this form as a template for any written complaint you wish to make. If you are a pupil a member of staff will be designated person available to explain the form to you, help you complete it and give you a copy. This process will not be completed or supported during sessions where company staff are engaged in care.

6.10 If your complaint is about the Responsible Individual, you should put your complaint in writing to the administrator, addressed to the club, to ask for your complaint to be investigated.

6.11 In all cases**, the Responsible Individual can help you to put your complaint in writing if necessary and appropriate. (** except in a situation where the complaint relates to him in which case the administrator or a designated member of staff, will fulfil this role.)

6.12 If you are involved in any way with a complaint, **the Responsible Individual will be available to explain what will happen and the sort of help that may be available to you. (** except in a situation where the complaint relates to him, in which case the administrator or a designated member of staff, will fulfil this role.)

6.13 The Responsible Individual will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. The Responsible Individual will aim to have a meeting with you and to explain what will happen, normally within 10 *working days of receiving your complaint in writing. The Responsible Individual will complete the investigation and will let you know the

outcome in writing within the same 10 *working days from receipt of the complaint in writing. In the event that the complaint is against the Responsible Individual a designated person will invite you to discuss your complaint at a meeting. Timescales for dealing with your complaint will be agreed with you. We will aim to have a meeting with you and to explain what will happen, normally within 10 *working days of receiving your complaint in writing. The Responsible Individual will complete the investigation and will let you know the outcome in writing within the same 10 *working days from receipt of the complaint in writing.

Stage C

6.14 It is rare that a complaint will progress any further. However, if you still feel that your complaint has not been dealt with fairly, you should write, to the company's address, setting out your reasons for asking the Responsible Individual and possibly nominated independent professionals, if they are involved, to consider your complaint further. You do not have to write down details of your whole complaint again.

6.15 If you prefer, instead of sending a letter or e-mail, you can talk to the Responsible Individual or the designated nominated independent professional if he/she has been involved, who will write down what is discussed and what, in your own words, would resolve the problem. We would normally expect you to do this within five *working days of receiving the company's response. You will be asked to read the notes or will have the notes read back to you and then be asked to sign them as a true record of what was said. The company will let you know how the complaint will be dealt with and will send a letter to confirm this. There will normally have a meeting with you within 15 *working days of receiving your written communication. The purpose of this meeting will be to listen to your views and points, present and review evidence and seek a resolution to the complaint.

6.16 The letter will also tell you when all the evidence and documentation to be considered must be received. Everyone involved will see the evidence and documentation before the meeting, while ensuring that people's rights to privacy of information are protected. The letter will also record what the company has agreed with you about when and where the meeting will take place and what will happen. The timescale may need to be changed, to allow for the availability of individuals, the gathering of evidence or seeking advice. In this case, the designated person dealing with the complaint will indicate this and seek to agree a new meeting date with you.

6.17 Normally, in order to deal with the complaint as quickly as possible, the meeting will not reschedule the meeting more than once, however independent professionals acting to resolve issues are fundamentally volunteers and work and family pressures are often unavoidable in terms of impact upon desired timescales. If you ask to reschedule the meeting more than once, the Responsible Individual or designated nominated independent professional if he/she is involved, may think it reasonable to make a decision on the complaint in your absence to avoid unnecessary delays.

6.18 The company will write to you within 10 *working days of the meeting explaining the outcome of the considerations.

6.19 The company will keep summary records of all conversations and discussions for the purpose of future reference. These records will be kept for a minimum of seven years.

6.20 In relation to all complaints the company directors are the final arbiters of all decisions relating to complaints. If the complaint is against the Responsible Individual, and the nominated independent professionals make a judgement that finds fault with the Responsible Individual he will accept the findings and act according to any recommendations the nominated independent professionals make. It must be noted that the St Peter's Out of School Care Limited is not a public body it is a private limited liability company. It does not offer a publicly funded service. It is not therefore bound by any of the rules and constraints of public bodies or publicly funded services. Equally, none of the individuals who chose to use the service are obliged to do so and they can at any time cease to use the service offered and/or use an alternative. The ultimate sanction for any service user to use against any service provider is to cease to use the service. This sanction is open to any company service user at any point with an immediate cessation and refund of advanced fees upon receipt written notice being received.

7. Special circumstances

7.1 Where a complaint is made about any of the following individual the complaints procedure will be applied as set out in the policy with the following input.

The Responsible Individual/Manager, the concern or complaint will be referred to the two nominated independent professionals appointed by the company. Stage B onwards of the complaints procedure will apply.

7.2 In all cases every effort will ensure that complaints are dealt with in an unbiased, open and fair way.

8. Our commitment to you

8.1 The company will take your concerns and complaints seriously and, where we have made mistakes, we will acknowledge them, apologise and we will strive to learn from them.

8.2 If you need help to make your concerns known we will try and assist you. If you are a young person and need extra assistance the Welsh Government has established MEIC which is a national advocacy and advice helpline for children and young people. Advice and support can also be accessed from the Children's Commissioner for Wales.

MEIC may be contacted by freephone: 0808 802 3456, or text: 84001. This service is operated 24 hours a day.

The Children's Commissioner for Wales can be contacted by freephone: 0808 801 1000 (Monday to Friday 9a.m. to 5p.m.), text: 80 800 (start your message with COM) or e-mail: advice@childcomwales.org.uk

8.3 The Responsible Individual has consulted with stakeholders on this policy and will consult further if appropriate in the future.

Signed:

Signed:

Printed:

Printed

Company Director

Responsible Individual (CIW)