



GWEITHDREFNAU DELIO GYDA CHWYNION YN YSGOL PENDALAR

Fframwaith Cyfreithiol

Mae'r gweithdrefnau hyn wedi eu datblygu mewn cydymffurfiaid â gofynion **Adran 29 o Ddeddf Addysg 2002** sy'n ei gwneud yn ofynnol i gyrff llywodraethu sefydlu gweithdrefnau i ddelio â chwynion sy'n ymwneud â'r ysgol neu i ddarparu cyfleusterau neu wasanaethau o dan Adran 27 o'r Ddeddf, ac eithrio cwynion y mae'n rhaid delio â hwy yn unol â darpariaethau statudol eraill. Mae'r Adran yn gwneud yn ofynnol i gyrff llywodraethu ystyried arweiniad a gyhoeddwyd gan Lywodraeth Cymru ac o ganlyniad wrth ddatblygu'r gweithdrefnau defnyddiwyd y canllawiau a gynhwysir yng **Nghylchlythyr Llywodraeth Cymru (LIC) Rhif 011/2012 (Gweithdrefnau Cwyno ar gyfer Cyrff Llywodraethu Ysgolion yng Nghymru)**.

<http://wales.gov.uk/docs/dcells/publications/121002complaintsschoolscy.pdf>

Mae'r ddogfen hon yn ogystal yn ymateb i lythyr gan Lywodraeth Cymru dyddiedig 30 Ebrill, 2008 'Ymdrin â Chwynion i Gyrff Llywodraethu Ysgolion'.

Mae Llythyr y Llywodraeth yn nodi enghreifftiau cyffredin o amryfusedd a chamgymeriadau a geir gan ysgolion trwy eu Cyrff Llywodraethol. Mae'r rhain yn cynnwys:-

- peidio â chael polisi cwyno o gwbl, fel sy'n ofynnol o dan adran 29 Deddf Addysg 2002;
- bod ganddo bolisi, ond nad yw'n rhoi cyhoeddusrwydd iddo sydd, unwaith eto, yn mynd yn groes i ofynion adran 29 Deddf Addysg 2002 a'r canllawiau statudol ym mharagraff 1.2 ac 3.27 Cylchlythyr LIC 011/2012;
- peidio â chael polisi cwyno sy'n bodloni'r canllawiau statudol yng Nghylchlythyr LIC 011/2012;
- tybio y gall cylchlythyr LIC 011/2012 weithredu fel polisi cwyno a'i fabwysiadu yn ei gyfanrwydd at y diben hwnnw;
- peidio â dilyn ei bolisi cymeradwy;
- mabwysiadu polisi cwyno a luniwyd gan yr Awdurdod Lleol (ALI) ond, wedi hynny, peidio â'i dderbyn pan fydd cwyn yn cael ei wneud;
- bod rhywun y cyfeirir ato mewn cwyn yn rhan o'r broses o ymdrin â'r gŵyn honno, sy'n arwain at ymdrin â'r gŵyn mewn ffordd nad yw'n ddiduedd a pheidio â thrin cwyn yn gyflym neu'n ddifrifol trwy ddilyn y broses briodol.

Llunnir y gweithdrefnau i sicrhau bod unrhyw un sydd â diddordeb yn yr ysgol boed hynny'n rhieni, disgyblion, aelodau staff, llywodraethwyr, aelodau o'r gymuned leol ac eraill yn gallu mynegi pryder gyda'r hyder y caiff ystyriaeth ddifrifol a diduedd ac, os yn gŵyn o sylwedd, y caiff sylw addas ac amserol.



Ni all gweithdrefnau'r ysgol gwmpasu bob posibilrwydd.

Awgrym yn y fan hyn fyddai datblygu dull cyffredinol o ddelio â chwynion gydag addasiadau ar gyfer y cwynion llai cyffredin e.e. cwynion am y pennaeth, cadeirydd y corff llywodraethu neu'r corff llywodraethu cyfan.

Dylid cyhoeddi crynodeb o'r drefn gwyno generig tri cham ym mhrosbectws yr ysgol; ac ar ôl ei mabwysiadu, dylai'r ddogfen lawn fod ar gael i'r holl rieni, disgyblion, llywodraethwyr, yr ALL, yr awdurdod esgobaethol (lle bo'n briodol) ac i bawb sy'n gofyn am gopi. Dylai pob aelod staff gael copi o'r weithdrefn gwyno a chael gwybod beth yw eu swyddogaeth mewn perthynas â'r weithdrefn. Wedyn dylai'r ddogfen lawn gael ei rhoi i rieni, disgyblion, staff a llywodraethwyr sy'n newydd i'r ysgol ac ar ôl cael cais gan unrhyw unigolyn. Dylai fod mewn fformat sy'n hwylus i'r rhai sy'n ei chael.

Dylai ysgolion roi ystyriaeth lawn i'r Cylchlythyr gwreiddiol cyn mabwysiadu gweithdrefnau.

CYNNWYS

- Diffiniad
- Mathau o Gwynion
- Dulliau Gweithredu Generig Tri Cham
- Gweithdrefnau penodol:-

	Math	Cefndir	Cymorth
1	Gweithdrefn Cwyn Gyffredinol	<i>Unigolion yn gwneud cwyn ar lafar neu'n ysgrifenedig</i>	Llif gynllun
2	Cwyn yn erbyn y Pennaeth	<i>Unigolion yn gwneud cwyn ysgrifenedig</i>	Llif gynllun
3	Cwyn yn erbyn Cadeirydd y Llywodraethwyr neu yn erbyn Cadeirydd y Llywodraethwyr a'r Pennaeth	<i>Unigolion yn gwneud cwyn ysgrifenedig</i>	Llif gynllun
4	Cwyn yn erbyn llywodraethwr neu grŵp o lywodraethwyr	<i>Unigolion yn gwneud cwyn ysgrifenedig</i>	Llif gynllun
5	Cwyn yn ymwneud â disgyblion	<i>Gweithdrefnau i ddelio â chwynion lle mae disgyblion yn gysylltiedig fel achwynyddion, tystion neu lle gwneir cwyn yn eu herbyn.</i>	Llif gynllun a Phapur Cryno i Lywodraethwyr
6	Trefn Achwyniad /Trefn gwyno unigol	<i>Cwynion neu achwyniad gan athrawon/staff am lywodraethwyr neu weinyddiaeth yr ysgol neu â'r Gwasanaeth Ysgolion</i>	Polisi Sirol a Llif gynllun
7	Trefn Diogelu Plant - Cwyn yn erbyn staff Ysgol sy'n ymwneud â materion amddiffyn plant	<i>Ymchwilio i honiadau yn erbyn staff yr ysgol sy'n ymwneud â materion Amddiffyn Plant (Papur 09/11/2006 a rheoliadau 2005 a 2006)</i>	Papur Cryno i Lywodraethwyr Llif Gynllun
8	Cwynion parthed y Cwricwlwm- Cwyn mewn perthynas â'r cwricwlwm / cwricwlwm Addysg Grefyddol	<i>Unigolion yn gwneud cwyn anffurfiol ar lafar, cwyn ffurfiol i'r Corff Llywodraethol, neu gwyn ffurfiol i'r Adran Addysg.</i>	Polisi Sirol
9	Cwyn parthed ADY - Cwynion gan blant sydd ganddynt anghenion addysgol arbennig a/neu anableddau a/neu drafferthion eraill	<i>Gweithdrefnau i ddelio â chwynion lle mae disgyblion ac y mae ganddynt ADY, a/neu anableddau, a/neu drafferthion eraill yn gysylltiedig fel achwynyddion, tystion neu lle gwneir cwyn yn eu herbyn.</i>	Arweiniad yr Adran Addysg
10	Cwyn am Wasanaeth - Cwynion am Wasanaethau Atodol ee Adeiladau, Arlwygo a Chludiant ayb	<i>Unigolion yn gwneud cwyn ffurfiol i sylw'r Adran Addysg</i>	Ffurflen PY42

Diffiniad:- ‘...Unrhyw fynegiad ysgrifenedig neu lafar o ddiffyg boddhad neu bryder am rywbeth sy’n digwydd i blentyn neu unigolyn lle maent eisiau neu angen ymateb.’

Mathau o gwynion:-

- Cyffredinol am yr ysgol;
- Yn erbyn y pennaeth;
- Yn erbyn cadeirydd y llywodraethwyr neu yn erbyn cadeirydd y llywodraethwyr a’r pennaeth;
- Yn erbyn llywodraethwr neu grŵp o lywodraethwyr;
- Yn ymwneud â disgyblion;
- Trefn gwyno unigol;
- Yn erbyn staff ysgol sy’n ymwneud â materion amddiffyn plant;
- Mewn perthynas â’r cwricwlwm/cwricwlwm addysg grefyddol;
- Gan blant sydd ganddynt anghenion addysgol ychwanegol a/neu anabledau a/neu drafferthion eraill;

Dulliau gweithredu generig tri cham:-

Mae Llywodraeth Cymru yn argymhell bod cyrff llywodraethu yn sefydlu dull gweithredu tri cham fel a ganlyn:

Cam A – gwneir cwyn i’r derbynnydd cyntaf o fewn yr ysgol (ac fe’i datrysir ganddo/i)

Cam B – cyfeirir y mater i’r pennaeth i ymchwilio iddo, penderfynu arno a’i ddatrys

Cam C – cyfeirir y mater i’r corff llywodraethu i ymchwilio iddo, penderfynu arno a’i ddatrys.

Cam A

Yn ystod y cam hwn mae’n bosib derbyn cwyn **ar lafar neu’n ysgrifenedig**. Mae’n bosib i aelod staff, pennaeth blwyddyn/cyfnod allweddol neu bennaeth derbyn cwyn. Gall gweithdrefn yr ysgol ddarparu i gwynion gael eu cyfeirio yn y cam hwn i swyddog cwynion dynodedig oddi fewn i’r Ysgol.

Mae disgwyl i’r sawl sy’n derbyn y gŵyn gyntaf a’r achwynydd gwneud pob ymdrech i ddatrys cwynion yn y cam hwn. Disgwylir penderfyniad yn dilyn ymchwiliad fel arfer o fewn 10 diwrnod ysgol, a’i gyfleu i’r achwynydd ynghyd a gwybodaeth ar lafar neu’n ysgrifenedig, fod ganddynt yr hawl i fynd â’r gŵyn at y pennaeth. Wrth ystyried cwynion yng nghanam A, argymhellir bod cofnod o’r canlynol yn cael ei gadw:

- *Enw’r achwynydd*
- *Y dyddiad y derbyniwyd cwyn*
- *Disgrifiad cryno o’r gŵyn*
- *Y camau gweithredu a gymerwyd i ddatrys y gŵyn a’r canlyniad*
- *Materion i’r ysgol ac aelod arweiniol o’r staff weithredu arnynt.*

Os y pennaeth yw’r cyntaf i dderbyn cwyn, gall ef neu hi benderfynu a ddylid dirprwyo’r gwaith o ystyried natur y gŵyn i aelod staff arall o dan Gam A neu fynd ymlaen at Gam B.

Cam B

Ni fydd y gŵyn yn symud i gam B fel rheol nes iddi gael ei hystyried gyntaf o dan gam A. Gallai’r mater symud ymlaen ar unwaith i gam B os yw’r pennaeth yn meddwl bod hynny’n briodol.



Yn y cam hwn mae'n arfer dda bod y gŵyn **yn ysgrifenedig** fel bod y sylwedd yn eglur. Ar ôl derbyn y gŵyn dylai'r pennaeth ei chydabod yn ysgrifenedig, gan amgáu copi o'r weithdrefn gwyno a chan roi dyddiad targed ar gyfer darparu sylwedd i'r gŵyn. Argymhellir bod hyn yn digwydd o fewn 10 diwrnod ysgol fel arfer. Os nad oes modd delio a'r mater o fewn y cyfnod hwn dylid rhoi gwybod i'r achwynydd a rhoi dyddiad iddo/iddi pryd y disgwylir y bydd y cyfnod ystyried yn dod i ben.

Byddai'n gymorth wrth ymchwilio i'r gŵyn a'i datrys pe bai'r achwynydd yn cael cyfle i gwrdd â'r pennaeth. Gall y pennaeth ddymuno cael person arall yn bresennol i fod yn dyst i'r drafodaeth. Dylid cadw nodyn ysgrifenedig o'r cyfweiliadau, sgysiau ffon ac unrhyw gamau gweithredu eraill ac mae'n arfer dda i'r pennaeth gyfleu ei b/phenderfyniad yn ysgrifenedig i'r achwynydd.

Wrth ystyried cwynion yng nghan B dylai cofnod gynnwys:

- *enw a chyfeiriad yr achwynydd;*
- *dyddiad a manylion y gŵyn;*
- *y camau gweithredu a gymerwyd i ddatrys y gŵyn a chofnod ysgrifenedig o drafodaethau, cyfweiliadau a thystiolaeth a gasglwyd;*
- *canlyniad;*
- *Y dyddiad yr hysbyswyd y canlyniad i'r achwynydd;*
- *Materion i'r ysgol weithredu arnynt.*

Cam C Pwyllgor Cwynion cyrff llywodraethu

Os nad yw achwynydd yn fodlon ar ganlyniad ystyriaeth y pennaeth gall y corff llywodraethu ystyried y mater. Bydd cyrff llywodraethu am fod yn fodlon bod camau A a B wedi cael eu disbyddu cyn ystyried y mater, neu fod rhesymau arbennig dros beidio â dilyn camau A a B.

Disgwylir bod y gŵyn yn cael ei gwrando gan Bwyllgor Cwynion yr Ysgol a dylai gydnabod derbyn cwyn, fel arfer o fewn 5 diwrnod ysgol.

Dylai'r llythyr cydnabod osod amserlen a gall egluro:

- *bod hawl gan bob parti sydd ynghlwm wrth y gŵyn i ddarparu tystiolaeth/dogfennaeth ysgrifenedig y maent yn dymuno i'r pwyllgor ei hystyried;*
- *y dyddiad olaf i'r ddau barti ddarparu tystiolaeth ysgrifenedig o'r fath;*
- *y dyddiad olaf ar gyfer danfon dogfennau ymlaen at y sawl y dygwyd y gŵyn yn ei erbyn;*
- *y dyddiad olaf i'r sawl y dygir cwyn yn ei erbyn anfon ei ateb yn ôl;*
- *y dyddiad y bydd yr ymateb hwnnw ar gael i'r achwynydd;*
- *dyddiad y gwrandawriad o leiaf pum diwrnod Ysgol cyn ei gynnal, gyda chopi i aelodau'r pwyllgor.*

Dylai'r clerc wneud trefniadau i bwyllgor/panel cwynion y corff llywodraethu gwrdd i wrando'r gŵyn, gan wneud yn siŵr bod pob parti yn gallu bod yn bresennol, fel arfer o fewn 15 diwrnod ysgol ar ôl derbyn y gŵyn.

Mae'n bwysig bod y sawl y dygwyd y gŵyn yn ei erbyn, yn cael digon o amser, 10 diwrnod ysgol fel arfer, i ystyried yr holl dystiolaeth cyn rhoi ymateb a

O leiaf pum diwrnod Ysgol cyn y gwrandawriad dylai'r clerc hysbysu'r partion o:

- *amser a lle gwrandawriad y pwyllgor*
- *y sail ar gyfer y gŵyn, gyda chopïau o'r holl ddogfennau perthnasol*
- *hawl pob parti i gael eu hebrwng neu eu cynrychioli gan berson o'u dewis*
- *manylion am y sawl a fydd yn bresennol a'u swyddogaeth*
- *hawl y pwyllgor i fynd ymlaen gyda gwrandawriad llafar yn absenoldeb un o'r partion neu'r ddau os na roddir rheswm digonol pam na ddylent wneud hynny*
- *hawl y partion i wneud cais i ohirio'r gwrandawriad os oes rheswm da pam na allant fod yn bresennol.*

Ar ddiwedd y gwrandawriad dylai'r holl bartion:

- *fod wedi deall natur y cyfarfod*
- *fod wedi cael pob cyfle i siarad, cyflwyno tystiolaeth ac ateb cwestiynau*
- *teimlo eu bod wedi dweud pob dim y dymunent ei ddweud*
- *teimlo bod y pwyllgor cwynion wedi bod yn gwrando ar y pwyntiau a wnaethpwyd ac wedi eu deall*
- *deall yn iawn bryd byddant yn cael gwybod am benderfyniad y pwyllgor*

Mae gweithdrefnau cytunedig ar gyfer cynnal gwrandawriad i'w gweld yng Nghylchlythyr 011/2012 Llywodraeth Cymru (Paragraffau 3.13-3.36).

Unwaith bydd yr holl dystiolaeth wedi cael ei chyflwyno dylai'r pwyllgor cwynion ystyried ei benderfyniad yn breifat. Rhaid i'r pwyllgor ystyried:

- *Y dystiolaeth*
- *A yw'r pennaeth neu eraill wedi cydymffurfio â gweithdrefn gwyno'r ysgol*
- *A oes sylwedd i'r gŵyn.*

Rhaid i benderfyniad y pwyllgor gynnwys:

- *a yw'r gŵyn yn cael ei chadarnhau ai peidio*
- *unrhyw gamau gweithredu i'w cymryd gan yr ysgol, y pennaeth a/neu aelodau staff yng ngoleuni'r penderfyniad*
- *unrhyw argymhellion ar gyfer newid i bolisïau neu weithdrefnau'r ysgol i sicrhau nad yw problemau tebyg yn codi yn y dyfodol.*

Dylid anfon copi ysgrifenedig o benderfyniad y pwyllgor i'r achwynydd fel arfer o fewn 5 diwrnod ysgol ar ôl y gwrandawriad, gan amlinellu'r rhesymau dros y penderfyniad a dros unrhyw weithredu adferol a gymerir gan yr ysgol. Dylai'r llythyr gynnwys hefyd:

- *yr hawl i apelio, ynghyd ag enw a chyfeiriad y sawl y dylid anfon unrhyw hysbysiad am apêl iddo (clerc y pwyllgor apêl fel rheol)*
- *y dyddiad olaf ar gyfer cyflwyno unrhyw hysbysiad o apêl (fel arfer 15*

diwrnod ysgol ar ôl y dyddiad pryd y rhoddwyd hysbysiad ysgrifenedig o benderfyniad y pwyllgor)

- *bod yn rhaid i unrhyw apêl amlinellu'r sail ar ei chyfer.*

Noder:- Os nad oes cam apelio gall y llythyr penderfynu egluro hefyd y gall yr ALI, ynghyd â'r Awdurdod Esgobaethol a Llywodraeth Cynulliad Cymru os yn berthnasol, adolygu'r gweithdrefnau a ddefnyddiwyd gan y corff llywodraethu **ond nid eu penderfyniad.**



Apeliadau ar ol Cam C

Ni argymhellir bod cyrff llywodraethu yn sefydlu pwyllgor apeliadau y gallai achwynydd droi ato os nad yw'n fodlon ar ol Cam C. Dylid datrys cwynion cyn Cam C neu yn ystod y cam hwnnw os yw gweithdrefn yr Ysgol yn un gadarn.

Gweler *Cylchlythyr 011/2012 Llywodraeth Cymru (Paragraff 3.36)*.

Cofnodion:

Yn achos cwynion y delir â hwy yng nghanam C dylai'r cofnod gynnwys:

- *adroddiad llawn am waith y pwyllgor cwynion, y dystiolaeth a gyflwynwyd a'r holl ddogfennau perthnasol eraill*
- *y penderfyniad a wnaed ac unrhyw gam gweithredu i'w gymryd gan yr ysgol, y pennaeth, y corff llywodraethu neu aelod o'r staff*
- *dyddiad y penderfyniad a'r dyddiad yr anfonwyd y llythyr penderfynu at yr achwynydd.*

Noder:

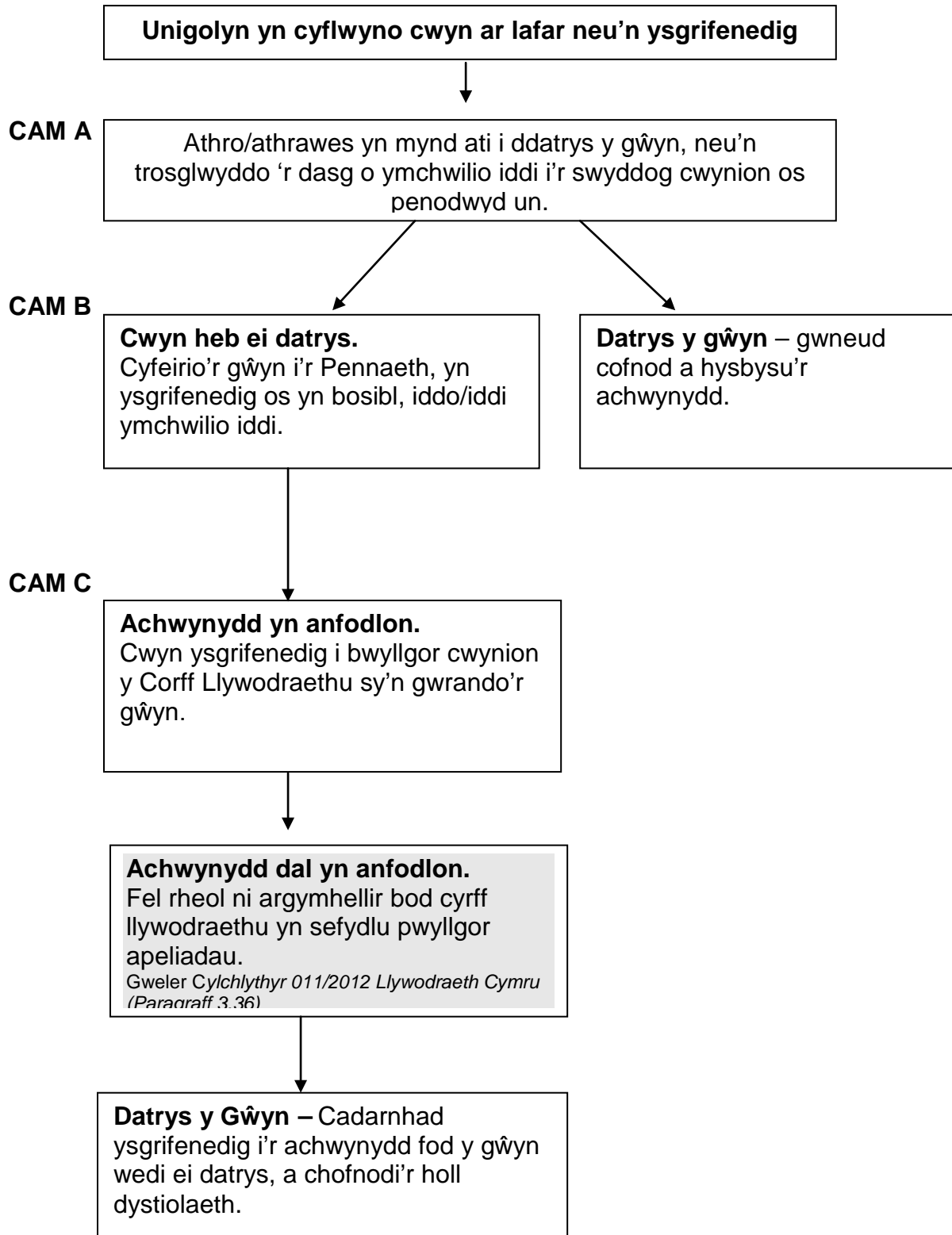
Os ar ddiwedd cam C ac ar ôl ystyriaeth gan y pwyllgor cwynion ni chadarnheir y gŵyn, dylid sicrhau fod yr achwynydd yn ymwybodol o'r ffeithiau isod:-

- *na fydd y corff llywodraethu a'r pennaeth yn ailagor y mater*
- *na fydd unrhyw faterion newydd yn arwain at ailagor cwyn a ddatryswyd yn barod*
- *os bydd materion eraill yn codi bydd y rheini'n cael eu trin fel cwyn newydd ond dim ond os gellir profi eu bod yn wahanol i faterion a godwyd o dan gŵyn flaenorol.*

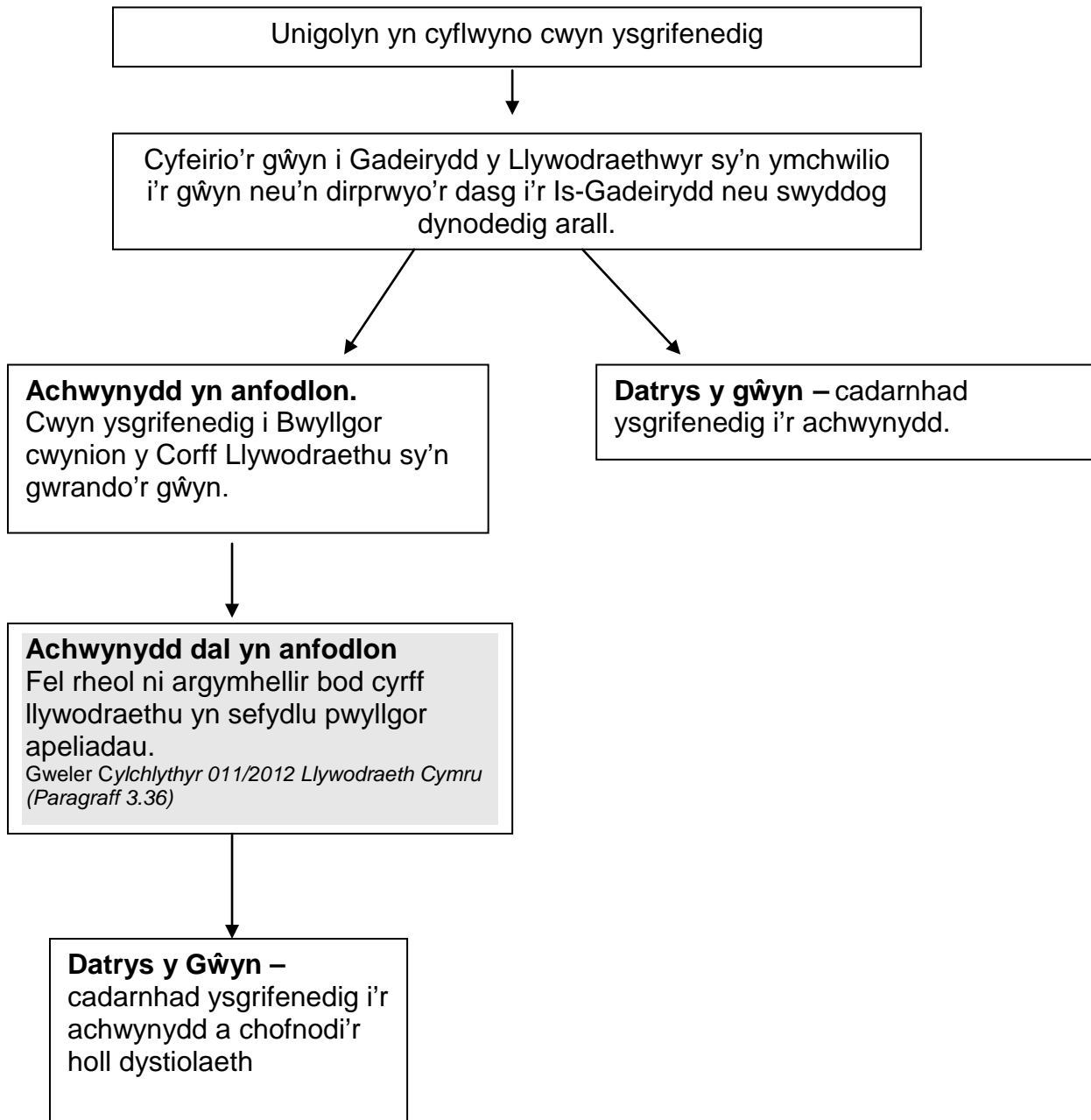


Gweithdrefnau Penodol

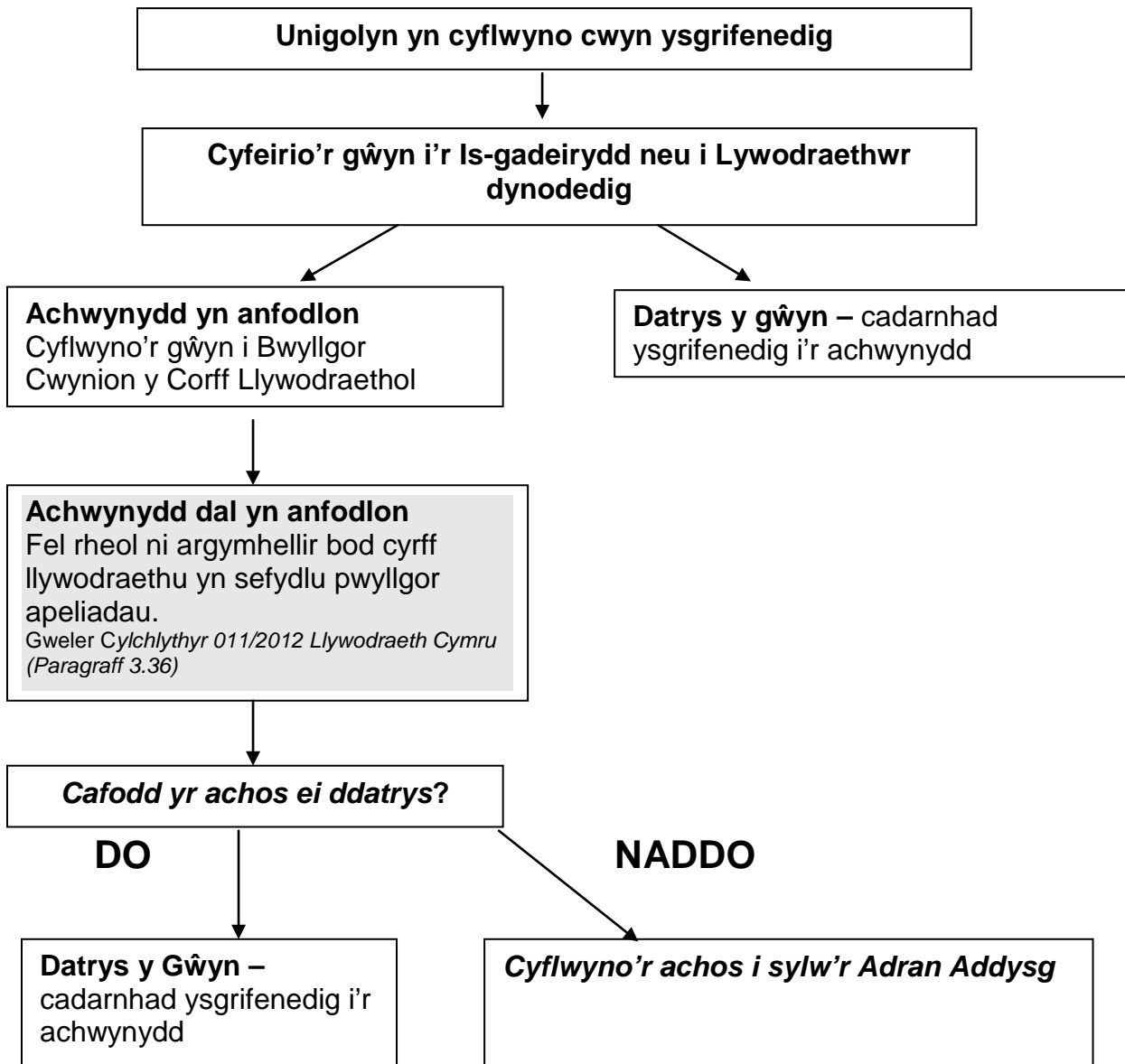
1. Gweithdrefn Cwyn Cyffredinol am yr Ysgol



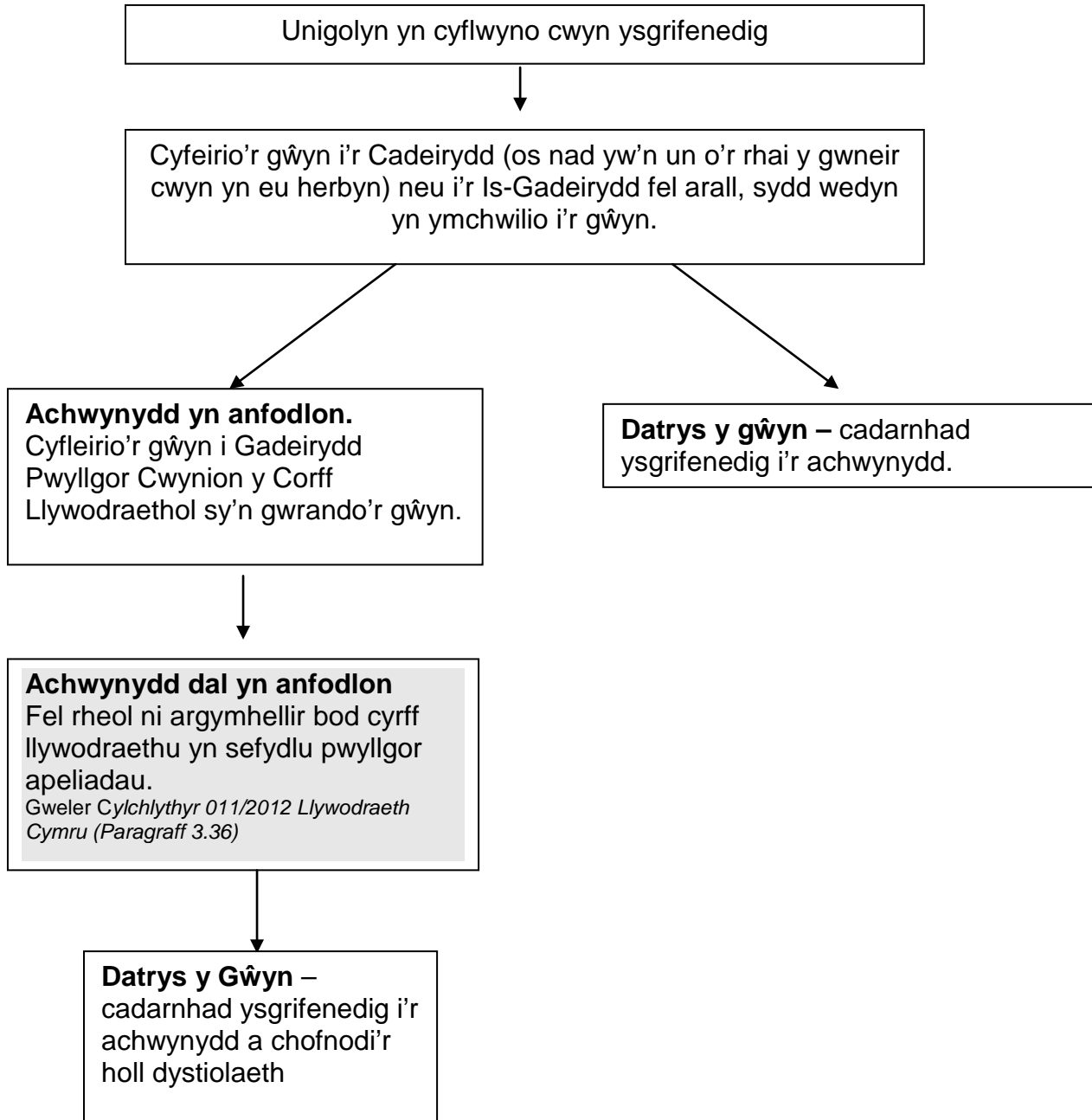
2. Gweithdrefn Cwyn yn Erbyn y Pennaeth



3. Gweithdrefn Cwyn yn Erbyn Cadeirydd y Llywodraethwyr a/neu yn erbyn y Cadeirydd a'r Pennaeth

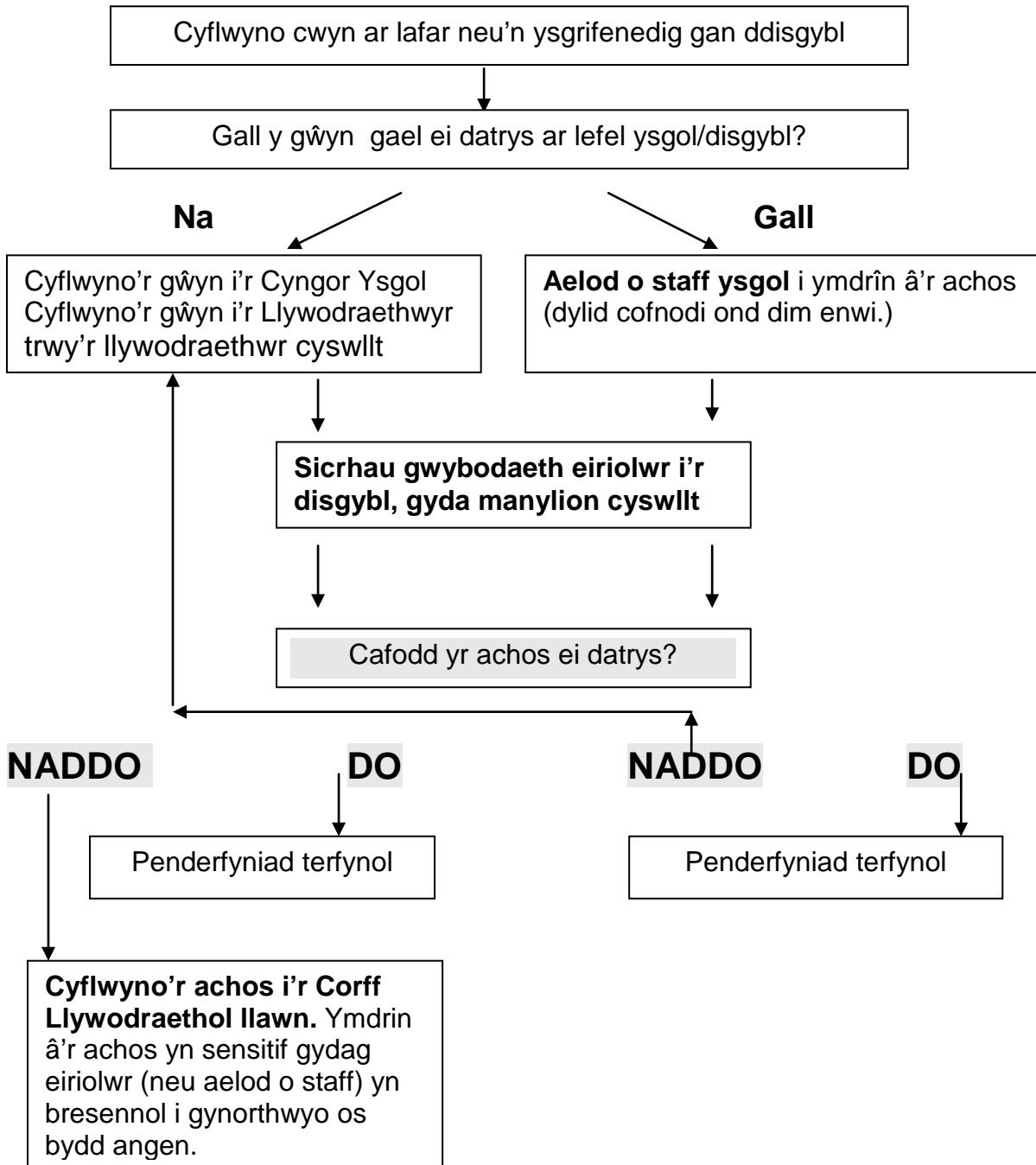


4. Gweithdrefn Cwyn yn Erbyn Llywodraethwr neu Grŵp o Llywodraethwyr



Noder:- Os yw Cadeirydd ac Is-Gadeirydd y Llywodraethwyr yn rhan o'r grŵp o Lywodraethwyr sy'n destun y gŵyn, dylid dilyn y broses o gyfeirio'r gŵyn i Glerc y Corff Llywodraethol a ddylai wedyn gyfeirio'r mater i sylw Cadeirydd y Pwyllgor Cwynion.

5. Gweithdrefn Cwyn yn ymwneud â Disgyblion



Noder:-

Mewn achosion '**disgyblaeth**' dylid delio â'r mater yn fewnol yn yr ysgol.
 Gydag achos o **gamdrin plant**, dylid delio â'r achos fel gweithdrefn arbennig h.y. trwy drefn arferol yr ysgol parthed amddiffyn plant

Penderfyniad Terfynol



Gweithdrefnau a thafenni enghreifftiol ar gyfer ymdrin â chwynion gan/yn ymwneud â disgyblion (o gylchlythyr Llywodraeth Cymru 011/2012)

Paratowyd y testun isod i'w ddefnyddio gan ysgolion i'w roi i ddisgyblion. Gellir addasu'r testun ar gyfer posteri, tafenni, llythyrau neu wefan neu fewnwyd yr ysgol. Ar ôl y testun cyffredinol hwn mae dwy daflen, y naill i'w defnyddio mewn ysgolion cynradd, a'r llall mewn ysgolion uwchradd.

Dweud eich dweud

Oes gennych chi awgrym neu fater sy'n achosi pryder i chi neu gwyn?

Trwy weithio gyda'n gilydd, gallwn wneud gwahaniaeth Rydym am i chi deimlo'n ddiogel ac yn hapus yn yr ysgol, ond weithiau efallai y byddwch yn poeni neu'n pryderu am rywbeth, neu am wneud awgrym. Rydym hefyd am glywed pa agweddau ar fywyd yr ysgol rydych chi'n eu mwynhau ac yn eu gwerthfawrogi.

Os ydych chi'n poeni am rywbeth, dywedwch wrth aelod o staff yn syth er mwyn i ni fedru ymchwilio i'r mater. Byddwn yn ystyried eich pryderon ac unrhyw faterion y byddwch yn eu codi o ddifrif.

Os nad ydych chi am fynegi'r pryder eich hun, gallwch ofyn i aelod o gyngor yr ysgol, aelod o staff neu rywun arall rydych chi'n ymddiried ynddo i godi'r mater ar eich rhan (efallai y bydd gan yr ysgol unigolyn dynodedig y gall disgyblion siarad ag ef/â hi [nodwch y manylion cyswllt]. **neu** Fel arfer yn yr ysgol hon, bydd [enw'r unigolyn dynodedig] yn gwneud hyn.

Pan fyddwch chi'n mynegi pryder neu gwyn neu'n gwneud awgrym:

- byddwn yn gwrandao ar bopeth rydych chi'n ei ddweud
- byddwn yn gofyn cwestiynau i chi i helpu i wneud pethau'n glir
- byddwn yn eich trin yn deg
- gall rhywun eich helpu, fel rhiant/gofalwr, ffrind, perthynas neu rywun arall
- bydd y sawl sy'n delio â'r mater sy'n achosi pryder i chi yn dweud wrthy ch beth sy'n digwydd.

Preifatrwydd

Fel arfer, ni fyddwn yn dweud wrth unrhyw un beth rydych chi'n ei ddweud oni bai bod yr unigolyn hwnnw'n gysylltiedig â'r gwaith o ddelio â'r mater sy'n achosi pryder i chi. Weithiau, byddwn yn dweud wrth bobl eraill, er enghraifft, os ydych chi neu rywun arall mewn perygl o gael niwed neu ofid. Os felly, byddwn yn esbonio'r sefyllfa i chi. Pan fydd mater yn achosi pryder i chi neu pan fydd gennych gwyn yn erbyn unigolyn arall, fel arfer bydd gan yr unigolyn hwnnw hawl i gael gwybod am y pryder neu'r gwyn a chyflwyno ei ochr ef/hi o'r stori.

Cyngor yr ysgol

Os yw'r mater sy'n achosi pryder i chi neu'ch awgrym yn effeithio ar yr ysgol gyfan neu ar grwp o ddisgyblion, efallai y byddwn yn awgrymu bod cyngor yr ysgol yn ei ystyried neu gallwch ofyn i gyngor yr ysgol ei ystyried eich hun.

Rydym ni i gyd am i'n hysgol fod yn ddiogel, yn ofalgar ac yn llwyddiannus – y gorau posibl. Gyda'ch help chi, gallwn wneud hynny.

**Mae posteri ar gael i ddisgyblion dilynwch y linc isod:
Tafenni Cwynion Disgyblion (tud 40 a 41)**

<http://wales.gov.uk/docs/dcells/publications/121002complaintsschoolscy.pdf>

Adran Addysg Gwynedd
Gwasanaeth Ysgolion
Gweithdrefnau Delio gyda Chwynion 2012



POLISI TREFN GWYNO UNIGOL

1. Gall cwynion athrawon ddeillio o sawl man, gan godi ymhlith yr athrawon eu hunain, neu gyda'r Pennaeth. Gallant fod yn gwynion cymharol syml eu natur, ond o bryd i'w gilydd gallant fod o bwys mawr a sylfaenol. Gallant ymwneud â Llywodraethwyr ysgol, neu â gweinyddiaeth yr ysgol, neu â'r Adran Addysg. O'r herwydd ymddengys y byddai'n fanteisiol sicrhau:
 - yn gyntaf, trefn anffurfiol o ateb cwynion a fyddai'n dileu'r angen i gario'r gwyn ymhellach. Dylid ceisio ateb cwynion yn anffurfiol ar bob achlysur,
 - yn ail, trefn gwbl ffurfiol pan fo'r drefn yn anaddas neu'n fethiant mewn achos arbennig.
2. Mae'r Drefn Gwyno yn hollol ar wahân i drefniadau eraill fel e.e. trefn disgyblu. Ni ddirymir hawliau athrawon o dan y drefn gwyno gan achosion trefniadau eraill. Dylid athro/athrawes nodi cwyn yn erbyn unrhyw benderfyniad o ran eu cyflogaeth trwy gyfeirio at bolisi cyflog yr Ysgol unigol.
3. *Cedwir cofnod o unrhyw gyfarfodydd o'r drefn ffurfiol ar ffeil yr athro, gyda chopiau o'r dystiolaeth ysgrifenedig a'r dogfennau perthnasol.*
4. *Ymdrinnir â threfn gyffelyb o ateb cwynion penaethiaid yn rhinwedd eu perthynas â rheolwyr neu Lywodraethwyr neu'r Adran Addysg yn Adran 4 y ddogfen hon.*
5. *Awgrymir y dylai pob Corff Llywodraethol sefydlu is-banel gydag o leiaf 3 Llywodraethwyr arno i weithredu fel is-bwyllgor, fel bod gan y corff aelodau, nad oedd wedi ymwneud â'r achos yn wreiddiol, i wrando apêl.*

Dull Anffurfiol

1.
 - i) *Pan fo gan athro(awes) gwyn yn erbyn yr Adran Addysg neu yn erbyn Llywodraethwyr yr ysgol, heb fod yn ymwneud ag unrhyw aelod arall o'r staff, dylid mynd yn uniongyrchol at y Pennaeth neu Lywodraethwyr yr ysgol.*
 - ii) *Pan fo gan athro(awes) gan gynnwys y Pennaeth, gwyn sy'n ymwneud ag aelodau eraill o'r staff, yn gyntaf oll dylai geisio datrys y broblem yn uniongyrchol gyda'r aelodau hynny, neu drafod y mater gyda Phennaeth yr Adran neu aelod uwch o'r staff, neu drafod y mater gyda'r Pennaeth os bydd angen.*
 - iii) *Pan fo aelod o'r staff yn gwneud cais am gyfweliad personol gyda'r Pennaeth Adran, neu gydag unrhyw aelod uwch o'r staff, neu gyda'r Pennaeth, dylid caniatáu'r cyfweliad o fewn pum niwrnod gwaith i dderbyn y cais.*

Gweithdrefnau Delio gyda Chwynion 2012

- iv) *Dylai'r Pennaeth Adran, neu unrhyw aelod uwch o'r staff neu'r Pennaeth (fel yn (iii) uchod) geisio datrys unrhyw broblem eu hunain neu drwy gytundeb rhwng y ddwy ochr, gan ymgynghori ag aelod/au eraill o'r staff.*

Gyda chytundeb y ddwy ochr, gall y Pennaeth hefyd ymgynghori â Chadeirydd y Llywodraethwyr, Swyddogion yr Adran Addysg neu gyda chynrychiolwyr cymdeithasau'r/cymdeithas yr athrawon fel y bo'n briodol.

- v) *Pe ddatrysir y broblem ni ddylid cadw cofnod ar ffeil yr athro(awes).*

Dull Ffurfiol

- 2
- i) *Pan nad yw'r mater wedi ei ddatrys gan y drefn uchod, dylai'r athro(awes) gyflwyno rhybudd ysgrifenedig ffurfiol o'r gŵyn i'r Pennaeth, ac i'r person dan sylw oni bai mai'r Pennaeth ydyw'r person, ac i Glerc y Llywodraethwyr. Yn ddi-oed dylai'r Pennaeth lunio adroddiad ysgrifenedig ffurfiol ar gyfer y Llywodraethwyr ac anfon copi at Pennaeth yr Adran Addysg.*
- ii) *Dylai'r adroddiad gynnwys yn fras (a) y camau anffurfiol a gymerwyd (b) bod y Pennaeth wedi gofyn i'r 'cydweithiwr' (sef yr aelod o'r ysgol y mae cwyn yn ei erbyn) gyflwyno cyn gynted ag sy'n bosibl, ateb ysgrifenedig i'r gŵyn yn ei erbyn, ynghyd â'r holl ddogfennau perthnasol i Glerc y Llywodraethwyr, yr athro(awes) sy'n cwyno, a'r Pennaeth.*
- iii) *Gelwir cyfarfod o'r is-bwyllgor perthnasol gan Glerc y Llywodraethwyr o fewn 10 diwrnod gwaith i dderbyn adroddiad y Pennaeth. Dylid cynnal y gwrandawriad ddim hwyrach nag 20 diwrnod ar ôl derbyn yr adroddiad, a chan roi rhybudd o 7 diwrnod gwaith i bersonau perthnasol. Gyda'r rhybudd dylid anfon datganiad ysgrifenedig o'r gwyn a'r ymateb (a'r holl dystiolaeth ysgrifenedig) a chopi o'r drefn gwyno.*
- iv) *Yn y cyfarfod dylid caniatáu i'r ddwy ochr hawlio presenoldeb cyfaill neu gynrychiolydd o'u hundeb neu gymdeithas broffesiynol. Dylai'r Cadeirydd ganiatáu i'r naill ochr a'r llall gyflwyno ceisiadau i'r cyfarfod a chaniatáu i groes holi ddigwydd. Bydd hawl terfynol, gan y Cadeirydd i dderbyn tystiolaeth ysgrifenedig ychwanegol, os yw'r Cadeirydd yn fodlon na ellir fod wedi cyflwyno'r dystiolaeth ysgrifenedig benodol yno yn y cyflwyniad gwreiddiol.*
- v) *Dylai fod hawl gan yr athro(awes) a'r cydweithiwr neu'r cyfaill neu'r cynrychiolydd wneud datganiad i gloi. Yna dylai'r athro(awes) neu'r cyfaill neu gynrychiolydd a'r cydweithiwr neu'r cyfaill neu'r cynrychiolydd ymneilltuo, a dylai'r is-bwyllgor gyrraedd penderfyniad.*
- vi) *Ar ôl cyrraedd eu penderfyniad dylai'r athro(awes) (neu'r cyfaill neu'r*

Gweithdrefnau Delio gyda Chwynion 2012

cynrychiolydd) a'r cydweithiwr (neu'r cyfaill neu'r cynrychiolydd) gael eu gwahodd yn ôl i'r cyfarfod ple darllenir y dyfarniad iddynt. Yna dylid hysbysu'r athro(awes) (neu'r cyfaill neu'r cynrychiolydd) a'r cydweithiwr (neu'r cyfaill neu'r cynrychiolydd) a'r Pennaeth a'r is-bwyllgor o'r Corff a wrandawodd yr achos, o'r penderfyniad mewn ysgrifen, a dylid nodi'r drefn apêl.

- vii) Ple ymdriniwyd â'r mater gan is-bwyllgor o'r Corff Llywodraethol, dylai fod hawl gan berson cysylltiedig â'r achos i apelio at y Corff Llywodraethol, ond heb yr aelodau a ffurfiodd yr is-bwyllgor gwreiddiol arno(i), gan ddilyn y drefn a nodi yn 2(i) i (vi) uchod.*

Cwyn yn erbyn y Corff Llywodraethol neu'r AALI

3. *i) Pan fo cwyn gan athro yn erbyn y Corff Llywodraethol dylai'r athro hysbysu'r Pennaeth o'r gwyn a chysylltu'n uniongyrchol â Chadeirydd a Chlerc y Corff. Dylid sefydlu trefn a amlinellwyd o A2 (iii) hyd at A2 (vi) i ymdrin â'r fath gwynion.*
- ii) Pan fo cwyn gan athro(awes) yn erbyn y AALI dylai'r athro(awes) hysbysu'r Pennaeth yn gyntaf ac yna cyflwyno rhybudd ysgrifenedig I Bennaeth yr Adran Addysg. Dylai Pennaeth yr Adran Addysg ddod a'r gwyn i sylw'r Llywodraethwyr neu'r pwyllgor neu'r is-bwyllgor perthnasol.*

Dylid cynnal gwrandawriad dim hwyrach nag 20 diwrnod o dderbyn yr adroddiad, a chan roi rhybudd o 7 diwrnod i'r personau perthnasol. Gyda'r rhybudd dylid cynnwys yr holl ddogfennau perthnasol a chopi o'r drefn gwyno.

Y Pennaeth

- 4.1 *i) Dylai Pennaeth geisio datrys cwyn drwy gysylltu â'r person dan sylw yn uniongyrchol. Onid yw hynny'n llwyddiant dylid trafod y mater yn bersonol gyda swyddog perthnasol yr Adran Addysg.*
- ii) Onid yw hynny'n datrys y mater dylai'r Pennaeth drafod gyda'r Pennaeth yr Adran Addysg neu ei gynrychiolydd, a all gyda chytundeb y ddwy ochr gwrdd â Chadeirydd y Llywodraethwyr neu gyda chynrychiolwyr cymdeithas(au) yr athrawon dan sylw.*
- 4.2 *i) Oni ellir datrys y mater dan 4.1 uchod dylai'r Pennaeth gyflwyno rhybudd ffurfiol mewn ysgrifen I Bennaeth yr Adran Addysg ac/neu Lywodraethwyr yr ysgol yn ôl gofynion yr achos.*
- ii) Pan fo cwyn yn erbyn Llywodraethwyr yr ysgol dylai'r Corff neu is-bwyllgor perthnasol drefnu cyfarfod o fewn 10 diwrnod neu cyn gynted ar ôl hynny ag y bo'n ymarferol. Dylai fod gan y Pennaeth, ac unrhyw athro cysylltiedig arall, yr hawl i bresenoldeb cyfaill neu gynrychiolydd cymdeithas briodol/cymdeithasau priodol yr athrawon.*
- iii) Pan fo cwyn yn erbyn yr Adran Addysg dylai Pennaeth yr Adran Addysg eu cyfeirio at bwyllgor neu is-bwyllgor perthnasol. Dylid trefnu cyfarfod o'r fath o fewn 10 diwrnod neu cyn*

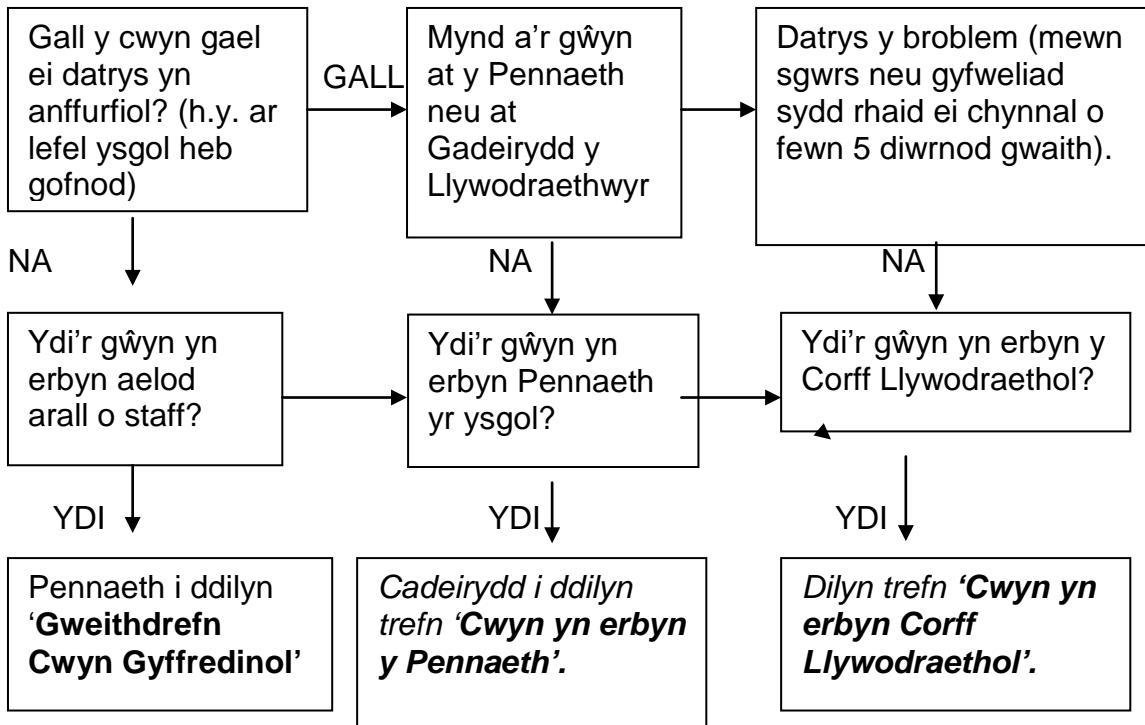
gynted ar ôl hynny ag y bo'n briodol. Dylid caniatáu i'r personau



cysylltiedig, yr hawl i bresenoldeb cyfaill neu gynrychiolydd undeb neu gymdeithas broffesiynol.

- iv) *Pan fo'r drefn a amlinellir yn 4.2 (ii) a 4.2 (iii) uchod wedi methu, erys hawl i apelio dan 2 (iii).*

Trefn Gwyno Unigol (Cwynion gan Athrawon)



Papur Briffio ar gyfer Llywodraethwyr a Phenathiaid Gwynedd Tachwedd 2007

YMCHWILIO I HONIADAU AMDDIFFYN PLANT YN ERBYN STAFF YSGOL

Yn unol â darpariaethau Deddf Safon a Fframwaith Ysgol 1998, mae cyrff llywodraethol yn gyfrifol am ddelio â materion disgyblu staff yn yr holl ysgolion a gynhelir. Yn unol â Rheoliadau Addysg (Llywodraethu Ysgol) (Cymru) 1999, mae'r Corff Llywodraethol hefyd yn gyfrifol am sefydlu Pwyllgorau Disgyblaeth ac Apeliadau Disgyblu Staff.

Rhydd Cylchlythyr **45/2004 'Gweithdrefnau Disgyblu Staff mewn Ysgolion'** ganllawiau er mwyn galluogi llywodraethwyr sefydlu eu gweithdrefnau eu hunain. Mae'n ofynnol bod y corff llywodraethol yn mabwysiadu gweithdrefnau o'r fath yn ffurfiol, y cânt eu hadolygu yng ngoleuni arweiniad neu real bellach a hysbysu holl aelodau'r staff ohonynt.

Rhaid i bob gweithdrefn fod ar wahân ac yn wahanol i'r gweithdrefnau cwyno a gweithdrefnau gallu.

Nid yw'r canllaw yn 45/2004 yn statudol a dylid ei ddarllen ar y cyd gyda 'Canllaw ar y Cyd NEOST/Undeb Athrawon ar Staff Addysg ac Amddiffyn Plant: Canllawiau ar Arfer a Gweithdrefn ar gyfer Staff sy'n wynebu Honiad o Gam-drin (Medi 2002)' sydd hefyd wedi eu hymgorffori yng ngweithdrefnau amddiffyn plant Gwynedd. Mae hwn yn datgan yn eglur os yw pennaeth ac/neu gadeirydd y llywodraethwyr yn derbyn honiad o amddiffyn plant, dylid cysylltu â swyddogion cyswllt yr Adran Addysg, sef y Swyddogion Addysg, er mwyn penderfynu pa gamau sydd eu hangen. Mae'n ofynnol i'r pennaeth, neu gadeirydd y llywodraethwyr os gwneir yr honiad yn erbyn y pennaeth, lunio asesiad cychwynnol - ond nid ymchwilio - natur ac amgylchiadau'r honiad.

Dylai'r asesiad hwn; -

- *sefydlu y gwnaed honiad,*
- *natur gyffredinol yr honiad,*
- *pryd a ble yr honnir i hyn ddigwydd, pwy oedd a wnelo a'r digwyddiad ac unrhyw unigolyn arall oedd yn bresennol.*

Felly, pan wneir honiadau o'r fath, gall pedwar canlyniad posibl deillio o'r asesiad cychwynnol:

- (i) Mewn achos ble mae'r disgybl wedi dioddef, yn dioddef, neu'n debygol o ddiodeff niwed sylweddol, dylid cyfeirio'n syth o dan weithdrefnau lleol ar gyfer amddiffyn plant.
- (ii) Mewn achos ble mae'r plentyn wedi honni bod trosedd wedi ei chyflawni, eto caiff hyn ei gyfeirio o dan weithdrefnau lleol ar gyfer amddiffyn plant a gall y bydd yr heddlu yn cynnal ymchwiliad troseddol.
- (iii) Gall bod yr honiad yn ymwneud ag ymddygiad amhriodol neu arfer gwael gan aelod o staff (nad ydyw'n dod o dan y categorïau uchod) mae angen ei ystyried o dan weithdrefnau disgyblu lleol.
- (iv) Ymddengys nad oes sail i'r honiad.

Os oes unrhyw amheuaeth ynghylch y materion hyn, yna gellir cael cyfarwyddyd/eglwurhad gan swyddogion cyswllt yr Adran Addysg.



Bydd achosion ble **nad oes** angen cyfeirio honiadau o dan weithdrefnau lleol amddiffyn plant y rhoddir manylion yn eu cylch uchod. Mae'r enghreifftiau hynny fel a ganlyn:

- (a) Ble mae'r honiad yn ymwneud â defnyddio grym rhesymol er mwyn atal disgybl, yn unol ag a.550A Deddf Addysg 1996 a Chylchlythyr DfEE 10/98 a Chylchlythyr y Swyddfa Gymreig 37/98, bydd yn briodol i'r pennaeth ddelio â'r achos yn yr ysgol. Fodd bynnag, byddai angen delio â honiad o ymosodiad tu hwnt i rym rhesymol yn unol â'r gweithdrefnau lleol amddiffyn plant yn unol â'r manylion uchod.
- (b) Pan, yn dilyn ystyriaeth gychwynnol, ei bod yn hollol eglur i'r pennaeth (neu ble roedd yr honiad yn ymwneud â'r pennaeth, cadeirydd y llywodraethwyr) a swyddog arweiniol yr Adran Addysg nad oes sail i'r honiad oherwydd bod yr amgylchiadau yr honnir y digwyddodd yr achos yn dangos na allai'r honiad fod yn wir, yna eto gall yr ysgol ddelio â'r achos.
- (c) Gall fod yn honiad o ymddygiad amhriodol neu arfer gwael gan aelod o'r staff mae angen ei ystyried o dan weithdrefnau disgyblu lleol.

Cyfeirio a Gweithdrefnau

Cymer unrhyw weithred a gyflawnir gan yr awdurdodau statudol flaenoriaeth dros unrhyw bwyllgorau corff llywodraethol disgyblu/diswyddo staff. Fodd bynnag, mae'n ofynnol bod y corff llywodraethol yn gweithredu ei weithdrefnau disgyblu staff os digwydd y daw ymddygiad yr aelod o'r staff o fewn y disgrifiad yn (iii) drosodd, neu ble, ar ôl i asiantaethau statudol ystyried yr achos, y penderfynir nad oes angen i'r heddlu gymryd camau pellach ac y caiff y mater ei gyfeirio'n ôl i'r ysgol.

Mae Rheol 8(3)(b) o Reoliadau 2006 yn cyflwyno darpariaethau newydd i Reol 55 Rheoliadau 2005 gyda Rheoliadau 55(3) a (4) bellach yn ei gwneud yn ofynnol i'r corff llywodraethol benodi **rhywun annibynnol nad yw'n llywodraethwr gyda hawl i bleidleisio**, i fod yn aelod o'r pwyllgorau staff disgyblu/diswyddo pan fo'r pwyllgorau hynny yn ystyried honiadau yn erbyn staff ysgol ble ceir materion yn ymwneud ag amddiffyn plant. Ni all yr unigolyn hwnnw gadeirio'r cyfarfodydd hynny.

Rhoddir arweiniad pellach ynghylch penodi pobl o'r fath yn y man ond fel yn flaenorol, gyda'r Ymchwilydd Annibynnol, ni all yr Aelod Annibynnol nad yw'n llywodraethwr fod yn llywodraethwr, rhiant, cyn disgybl nag aelod o'r staff yn yr ysgol honno neu'n rhywun a gyflogir gan yr AALL sy'n cynnal yr ysgol. Yn y byr dymor, gallai'r cyrff llywodraethol ystyried rhywun o'r ALL cyfagos gyda phrofiad o adnoddau dynol neu leoliad gwirfoddol megis Swyddfa C.A.

Gall y sawl nad yw'n llywodraethwr gymryd lle un o'r tri llywodraethwr a benodwyd i fod yn aelod o'r pwyllgor disgyblu/diswyddo staff a'r pwyllgor apêl, neu gall fod yn ychwanegol i'r tri llywodraethwr. Disgwylir i'r sawl a benodir meddu ar sgiliau dadansoddol, a gorau oll wybodaeth ynghylch materion amddiffyn plant.

Fodd bynnag, dylai bod **o leiaf ddau** llywodraethwr ysgol, ar bob pwyllgor wrth ystyried honiadau amddiffyn plant a wneir yn erbyn staff yr ysgol gyda'r cadeirydd a phleidlais fwrw os bydd y bleidlais yn gyfartal ar unrhyw benderfyniadau a wneir.

Nid yw'r aelod nad yw'n llywodraethwr ar y pwyllgor yn disodli swyddog yr AALL. Mae gan Bennaeth yr Adran Addysg hawliau i'w gynrychiolydd ef/hi fod yn bresennol mewn pob achos disgyblu/diswyddo i gynghori'r corff llywodraethol yn unol ag Arweiniad y cyd-gytunwyd arno gan NEOST / Undeb Athrawon ar Addysg Staff ac Amddiffyn Plant.

Gweithdrefnau Delio gyda Chwynion 2012

Dylid enwi llywodraethwr cyswllt ar y pwyllgor disgyblu er mwyn monitro cynnydd yr ymchwiliad statudol.

Fel arfer, ni ddylai cadeirydd y llywodraethwyr eistedd ar naill ai'r pwyllgor disgyblu neu'r pwyllgor apeliadau disgyblu fel y gall ef/hi gynghori'r pennaeth mewn achosion sy'n ymwneud â staff eraill ac y gall weithredu mewn achosion sy'n ymwneud â'r pennaeth. Ni all y pennaeth fod yn aelod o'r naill na'r llall o'r pwyllgorau.

Mae'r camau a gymerir gan yr awdurdodau statudol yn sgîl cyfeirio yn cynnwys yr angen i gynnal cyfarfod strategol rhwng y pleidiau sydd a wnelo â'r achos. Bydd prun ai i gynnal ymchwiliad swyddogol ai peidio yn cael ei benderfynu yn y cyfarfod hwn, a'r casgliad y deuir iddo fydd naill ai:-

- (i) bod y meini prawf ar gyfer 'prawf trothwy troseddol' wedi eu cwrdd ac y cynhelir ymchwiliad naill ai fel menter 47 ar y cyd gan y Gwasanaethau Cymdeithasol a'r Heddlu neu ymchwiliad 'unigol' gan y naill asiantaeth neu'r llall neu;
- (ii) nad yw'r dystiolaeth yn unol â'r 'meini prawf trothwy troseddol' a grybwyllir uchod ond bod dal angen ystyried yr honiad yn yr ysgol neu;
- (iii) nad oes cyhuddiad i'w ateb.

Rhaid nodi yma y byddai'n amhriodol i'r corff llywodraethol ddod i'r casgliad oherwydd nad oes unrhyw un yn cael ei erlyn neu nad oes neb yn cael ei erlyn yn dilyn ymchwiliad statudol, nad oes angen ystyried cymryd camau disgyblu. Mae angen i gyrrff Llywodraethol adnabod bod angen:

- Safon uwch o brawf ar gyfer achosion troseddol nag ar gyfer achosion disgyblu;
- Mae'n bur bosibl y bydd achosion disgyblu yn ymwneud â materion ehangach na'r rheini a gaiff eu hystyried gan yr awdurdodau statudol;
- Y ddyletswydd gofal cyffredinol sydd gan y corff llywodraethol tuag at ddisgyblion ac eraill.

Os penderfynir y dylid cynnal gweithdrefnau disgyblu staff yn dilyn honiad amddiffyn plant, dylai cadeirydd y pwyllgor disgyblu sicrhau bod ymchwilydd annibynnol yn cynnal ac yn cwblhau ymchwiliad cyn dechrau gwrandawriad disgyblu'r corff llywodraethol.

Mae'n ofynnol penodi ymchwilydd annibynnol ym mhob achos ble ceir honiadau sy'n cynnwys materion **amddiffyn plant** yn erbyn staff yr ysgol ac a all arwain at fesurau disgyblu o dan Reoliadau 2006.

Yr unig eithriad i'r gofyn hwn yw pan fo'r pennaeth/cadeirydd y llywodraethwyr yn dod i'r casgliad bod yr honiad yn ddi-sail oherwydd bod yr amgylchiadau tu ôl i'r honiad yn dangos tu hwnt i amheuaeth na all fod yn wir.

Er mwyn cynorthwyo cyrrff llywodraethol i gwrdd ag anghenion i benodi ymchwilydd annibynnol fel yn Rheol 7(3) o Reoliadau 2006 (Staffio ysgolion a gynhelir (Cymru) Rheoliadau 2006), mae Llywodraeth y Cynulliad wedi sefydlu Gwasanaeth Ymchwiliol Annibynnol dwyieithog (I.I.S.) y gall cyrrff llywodraethol eu defnyddio'n ddi-dâl. Neu gall y corff llywodraethol benodi eu ymchwilydd eu hunain, a byddai cyllideb ddatganoledig y corff llywodraethol yn talu amdano. Fodd bynnag, ni all ymchwilydd fod yn llywodraethwr, rhiant, cyn disgybl, neu'n aelod o staff yn yr ysgol neilltuol neu rywun a gyflogir gan yr AALL sy'n cynnal yr ysgol.

Bydd yr heddlu yn sicrhau cytundeb tystion y gellir defnyddio unrhyw dystiolaeth a geir ganddynt i erlyn wrth ystyried camau disgyblu a bydd ar yr ymchwilydd angen adolygu, ac fel bo angen, ychwanegu at y dystiolaeth gan yr awdurdodau statudol yng ngoleuni gofynion disgyblu a osodir gan y corff llywodraethol.



Os yw'r sawl sy'n gwneud yr honiad amddiffyn plant yn tynnu'r honiad yn ôl am ba reswm bynnag, ac ar unrhyw adeg yn y broses, nid oes angen penodi ymchwilydd annibynnol. Dylid nodi yma os mai disgybl sy'n gwneud yr honiad, y disgybl hwnnw neu honno a ddylai dynnu'r honiad yn ôl. Ni ddylai'r corff llywodraethol dderbyn honiad a wneir gan unigolyn arall a'r honiad hwnnw'n cael ei dynnu'n ôl hy rhiant ar ran y disgybl, oni cheir cytundeb ysgrifenedig neu ar lafar gan y plentyn

Rôl yr IIS felly, yw:

- Ystyried yr holl dystiolaeth, yn cynnwys tystiolaeth yr awdurdodau statudol, ac ymchwilio i'r ffeithiau sy'n ymwneud â'r honiad. Gall y bydd hynny yn golygu cyfweid tystion.
- Paratoi adroddiad gyda chanfyddiadau a chasgliadau ar gyfer cadeirydd y pwyllgor disgyblu/diswyddo.
- Cyflwyno'r adroddiad yn ddiudedd yn y gwrandawriad disgyblu ac mewn unrhyw wrandawriad apêl er mwyn galluogi aelodau ddod i benderfyniad a chymryd i ystyriaeth a chydymffurfio ag anghenion Deddf Diogelu Data 1998.

Rhaid i'r cylch gorchwyl a ddarperir gan y panel disgyblu ar gyfer yr IIS ymwneud yn benodol ag unrhyw honiad a wnaed a bod yn hollol eglur.

Unwaith y derbyniwyd yr adroddiad annibynnol, dylai'r pwyllgor disgyblu / diswyddo staff, yn cynnwys yr aelod nad yw'n llywodraethwr isod, ystyried y canfyddiadau a phenderfynu prun:

- A oes tystiolaeth i gefnogi'r honiad amddiffyn plant sydd â sail iddo ac yn gamymddygiad difrifol a ble mae angen cynnal gwrandawriad ffurfiol disgyblu/diswyddo staff;
- Mae'r dystiolaeth yn cefnogi penderfyniad ceir honiad o gamymddwyn llai difrifol y gall y pennaeth ddelio ag ef; neu
- Na cheir tystiolaeth i gefnogi'r honiad o amddiffyn plant ac nad oes angen cymryd camau pellach yn erbyn aelod o'r staff.

Dylai Cyrff Llywodraethol gadw mewn cof nad yw cael adroddiad ymchwilio ynddo'i hun yn golygu'n syth bod angen cynnal gwrandawriad disgyblu.

Os dengys y dystiolaeth bod sail i'r honiad, mae'n ofynnol i'r cadeirydd hysbysu'r aelod o'r staff o leiaf ddeg diwrnod cynt y bwriedir cynnal gwrandawriad disgyblu ac y dylid cadw at y gweithdrefnau disgwylidig o ran graddfa amser, cynrychiolaeth a strwythur y cyfarfod a gynhelir.

Honiadau Di-sail

Mewn achos pan mae'r honiad yn amlwg yn ddi-sail, yna dylai'r pennaeth (neu, ble mae'r honiad yn ymwneud â'r pennaeth, cadeirydd y llywodraethwyr) mewn ymgynghoriad â swyddog cyswllt yr AALL:-

(a) Hysbysu'r aelod o'r staff ar lafar ac yn ysgrifenedig o'r honiad ac na fydd unrhyw gamau pellach yn cael eu cymryd o dan weithdrefnau disgyblu neu amddiffyn plant. Gall cynrychiolydd undeb neu gyfaill fynd gyda'r aelod o'r staff i'r gwrandawriad;

(b) Ystyried a yw cwnsela ac/neu roi cyngor proffesiynol anffurfiol i'r aelod o'r staff yn briodol a pha ffurf y gallai'r naill neu'r llall ei gymryd;

(c) Hysbysu rhieni'r plentyn neu'r plant o'r honiad a'r canlyniad yn ysgrifenedig;

(ch) Ystyried cwnsela a chefnogaeth briodol ar gyfer y plentyn neu'r plant a wnaeth yr honiad(au) a, ble bo'n briodol, eu rhieni; yn arbennig, ystyried pa gamau dilynol (yn cynnwys camau disgyblu) y dylid eu cymryd o ran unigolyn neu blentyn sydd wedi gwneud honiad a ddangosir i fod yn gelwyddog neu'n ddi-sail, yn enwedig os dangosir iddo gael ei wneud yn faleisus;



(d) Ble gwnaed yr honiad gan unigolyn heblaw'r plentyn sy'n honni iddo/iddi fod yn ddiodefwr; dylid ystyried hysbysu'r rhieni a'r plentyn bod yr honiad yn ddi-sail a rhoi cefnogaeth fel bo angen.

Atal

Dylid atal aelod o'r staff wrth aros mesurau disgyblu yn unol â gweithdrefnau a dderbyniwyd ac ni ddylid ei ystyried ond ble:

- Yr ymddengys yn ofynnol gwahardd aelod o'r staff o'r ysgol er diogelwch disgyblion, staff eraill neu eiddo neu redeg yr ysgol yn drefnus;
- Byddai presenoldeb yr aelod o'r staff yn yr ysgol yn atal gallu cynnal ymchwiliad priodol o'r honiadau a wnaed yn erbyn yr aelod hwnnw o'r staff; a
- Nad oes dewis addas arall ar gael, ee cyfyngu dyletswyddau'r aelod o'r staff.

Dylid ystyried atal fel gweithred ddiuedd yn hytrach nac fel cosb disgyblu ac felly dylai'r ysgol sicrhau y ceir gweithdrefnau sy'n cynnal yr unigolyn yn ystod y profiad trawmatig hwn.

Pan fo atal o waith yn cael ei ystyried, dylid trefnu cyfweiliad. Fel arfer, dylid cynnal y cyfweiliad tu allan i gyfnod cyswllt â disgyblion. Dylai'r pennaeth (neu, mewn achosion ble gwneir yr honiad yn erbyn y pennaeth, cadeirydd y llywodraethwyr) ymgynghori gyda a cheisio cyngor gan swyddog cyswllt yr AALL.

Pan fo'r heddlu yn cynnal ymchwiliad troseddol, ni ddylid cynnal unrhyw gyfweiliad a drefnwyd, mewn achos ble'r ystyrir atal o'r gwaith, heb ymgynghoriad blaenorol â'r swyddog sy'n arwain yr achos. Ble nad oes a wnelo'r heddlu a'r achos, dylid trefnu cyfweiliad yn unol â'r gweithdrefnau canlynol:

- Pan gaiff ei alw i gyfweiliad ble mae atal yn ganlyniad posibl, dylid cynghori'r aelod o'r staff i geisio cyngor a chymorth ei undeb ef neu hi. Gall unigolyn nad yw'n aelod o undeb gael ei gynorthwyo gan gydweithiwr. Dylai ef/hi, pan fo rhywun gydag ef/hi, gael y cyfle i gael cyfarfod byr gyda'r cynrychiolydd neu'r cydweithiwr cyn y cyfweiliad.
- Dylid hysbysu'r aelod o'r staff ar ddechrau'r cyfweiliad bod honiad wedi ei wneud ac ar ddiwedd y cyfweiliad, gellid atal o'r gwaith. Dylid egluro, fodd bynnag, nad yw'r cyfweiliad yn wrandawriad disgyblu ffurfiol ond ei fod at ddiben delio â mater difrifol a all arwain at atal a chynnal ymchwiliad pellach.
- Dylai'r aelod o'r staff gael cymaint o wybodaeth a bo modd, yn cynnwys rhesymau dros unrhyw atal arfaethedig, ag sy'n gyson a pheidio ag ymyrryd gydag ymchwiliad ynghylch yr honiad. Nid oes a wnelo'r cyfarfod hwn ag ymchwilio i'r dystiolaeth ond rhydd gyfle i aelod o'r staff gyflwyno achos gerbron ynghylch unrhyw atal posibl o'r gwaith. Dylai'r aelod o'r staff gael cyfle i gyflwyno achos o'r fath wedi i'r wybodaeth gael ei chyflwyno a chael rhesymau dros unrhyw atal arfaethedig. Dylid cynnig seibiad byr i'r aelod o'r staff cyn ymateb.
- Os, yn dilyn y cyfweiliad, bod y pennaeth/cadeirydd y llywodraethwyr yn ystyried bod angen atal o'r gwaith yn ogystal ag ymchwilio'r honiad yn llawn, dylid hysbysu'r unigolyn ei fod ef neu hi wedi ei atal o'i waith. Dylid anfon cadarnhad ysgrifenedig bod yr aelod o'r staff wedi ei atal o fewn un diwrnod gwaith, gan roi rhesymau dros yr atal.

Dream Group Ltd.

Person Cyswllt:- Mr. Tony Hester, Dream Solutions, The Rear Wing, The Barn,
Micheldever Station, Ger. Winchester. Hampshire. SO21 3AR
Rhif ffôn:- 01962 795040
e-bost:- tony.hester@dream-group.com
Gwefan:- www.dream-group.com



*Mae'r uchod yn grynodedb o Reoliadau Llywodraeth Cynulliad Cymru
2005 & 2006.*

Dylai cyrff llywodraethu Ysgol ystyried y Rheoliadau hyn yn llawn cyn sefydlu gweithdrefnau.

YMCHWILIO I HONIADAU AMDDIFFYN PLANT YN ERBYN STAFF YSGOL

Daethpwyd a'r papur hwn i sylw corff llywodraethol yr ysgol a chafodd yr holl faterion cysylltiedig eu cynnwys yn y cofnodion.

Ysgol:-

Dyddiad y Cyfarfod:-

Cadeirydd y Llywodraethwyr:-

Dylai'r Clerc i'r Corff Llywodraethol anfon y datganiad hwn at sylw'r Swyddog Addysg perthnasol yn eu Swyddfa Addysg Leol -

Swyddfa Addysg Ardal Arfon, Cyngor Gwynedd, Lon Y Castell, Caernarfon LL55 1SH
Swyddfa Addysg Ardal Dwyfor, Cyngor Gwynedd, Ffordd Y Cob, Pwllheli LL53 5AA
Swyddfa Addysg Ardal Meirion, Cyngor Gwynedd, Cae Penarlwg, Dolgellau LL40 1HY

Honiadau Amddiffyn Plant yn erbyn staff Ysgol. Canllawiau gweithdrefnau ar gyfer penaethiaid.

Pennaeth neu Gadeirydd y Llywodraethwyr i egluro'n syml unrhyw honiad ond nid ymchwilio

Ble ceir amheuaeth rhesymol y digwyddodd yr hyn a honnir, mae'n ofynnol i'r Pennaeth neu Gadeirydd y Llywodraethwyr ymgynghori â'r Swyddog Lles Addysg gyda chyfrifoldeb am amddiffyn plant sydd wedi ei ddynodi ar gyfer yr ysgol

Ble nad yw'n honiad ynghylch amddiffyn plant neu bod yr honiad yn ddi-sail tu hwnt i unrhyw amheuaeth rhesymol, yn dilyn ymgynghoriad o'r fath ni bydd angen cynnal ymchwiliad annibynnol a gellir dirprwyo cyfrifoldeb i'r pennaeth

Os, yn dilyn yr ymgynghoriad hwn, mae'r pennaeth neu'r cadeirydd o'r farn bod a wnelo'r honiad â gweithred droseddol bosibl neu'n dangos bod plentyn wedi dioddef neu debygol o ddioddef niwed sylweddol, mae'n rhaid cyfeirio'n **syth** at Dim Plant y Gwasanaethau Cymdeithasol trwy ddilyn y gweithdrefnau cytunedig a weithredir.
Caiff unrhyw ymchwiliad gan y tim plant ar y cam hwn flaenoriaeth dros unrhyw weithdrefnau disgyblu gan yr Ysgol.

Mae'n ofynnol i'r Corff Llywodraethol, trwy'r Cadeirydd, gadarnhau a galluogi'r Pwyllgor Disgyblu i weithredu, yn cynnwys penodi Aelod nad yw'n Lywodraethwr.

.Rhaid i Gadeirydd y Pwyllgor Disgyblu drefnu bod Ymchwilydd Annibynnol yn cael ei benodi er mwyn dechrau gweithdrefnau ac mae'n ofynnol i'r Pwyllgor enwebu llywodraethwr ysgol cyswllt I fonitro cynnydd unrhyw gam statudol a ymgymerir gan y Tim Plant.

Mae'n ofynnol bod yr Ymchwilydd Annibynnol yn hysbysu ynghylch ei ganfyddiadau yn ddi-duedd i'r pwyllgor. Os canfyddir nad oes sail i'r honiad amddiffyn plant tu hwnt i unrhyw amheuaeth rhesymol, gellir dirprwyo cyfrifoldeb i'r pennaeth

TREFNIADAU LLEOL AR GYFER YSTYRIED CWYNIION A WNEIR DAN ADRAN 23 Y DDEDDF DIWYGIO ADDYSG 1988

TREFN GWYNO

1. Rhagymadrodd

- 1.1 Mae'r ddogfen hon yn amlinellu'r trefniadau a wnaed gan Gyngor Gwynedd mewn perthynas â delio â chwynion ynglŷn â'r cwricwlwm, addysg grefyddol ac addoli fel y'u diffinnir yn Adran 23 o Ddeddf Diwygio Addysg 1988. Cyngor Gwynedd yw'r Awdurdod Addysg Lleol y cyfeirir ato yn y ddogfen (A.A.LI.)
- 1.2 Mae'r trefniadau'n ymwneud â'r mathau o gwynion y cyfeirir atynt ym *mharagraff* 1.8. (Gwnaed y trefniadau yn dilyn ymgynghori gyda phrifathrawon a chyrrff llywodraethu'r ysgolion a nodir ym mharagraff 1.7 ynghyd â chyrrff proffesiynol yr athrawon. Derbyniwyd y trefniadau gan yr Ysgrifennydd Gwladol dros Gymru).
- 1.3 Pwrpas y ddogfen yw diffinio sut yr ymdrinnir â chwynion. Mae'n disgrifio sut gall achwynydd gyflwyno'i gŵyn, y modd yr ymdrinnir â'r gwyn a'r modd yr adroddir ar benderfyniadau ynglŷn ar gŵyn.
- 1.4 Mae'r trefniadau yn ymwneud â chwynion a wneir gan rieni ac eraill ynglŷn ar modd y mae'r A.A.LI., neu gyrrff llywodraethu ysgolion a gynhelir gan yr A.A.LI., yn ysgwyddo eu cyfrifoldebau a chyflawni eu dyletswyddau.
- 1.5 Mae'r trefniadau'n berthnasol i gwynion a wneir ar, neu ar ôl, 1 Medi 2007.
- 1.6 Gwneir trefniadau i gopïau o'r ddogfen hon, yn y Gymraeg a'r Saesneg fod ar gael yn holl ysgolion yr A.A.LI., swyddfeydd addysg a llyfrgelloedd cyhoeddus y sir. Darperir copi'n rhad ac am ddim, yn ôl y gofyn, i unrhyw berson sy'n dymuno gwneud cynw dan y trefniadau hyn, a gall yr A.A.LI. ddarparu copi mewn iaith heblaw'r Gymraeg a'r Saesneg os bydd hynny'n angenrheidiol. Nodir hefyd yn y Llawlyfr Gwybodaeth i Rieni sut y gall rhieni ac eraill dderbyn copi o'r ddogfen.

Cwmpas y Trefniadau

- 1.7 Cynhwysir yn y trethiadau hyn bob ysgol a gynhelir gan yr A.A.LI. ac eithrio ysgolion babanod a dosbarthiadau babanod mewn ysgolion cynradd.
- 1.8 Mae'r dyletswyddau sydd i'w cynnwys gan y drefn gwyno hon (dyletswyddau sy'n gyffredin i awdurdodau addysg lleol a chyrrff llywodraethu, ac eithrio lle nodir hynny), yn cael eu diffinio yn y Ddeddf Diwygio Addysg, sef:
 - i) darparu cwricwlwm, gan gynnwys addysg grefyddol ac addoli, sy'n bodloni gofynion cyffredinol Adran 1 y Ddeddf;
 - iii) gweithredu'r Cwricwlwm Cenedlaethol a chydymffurfio â Gorchmynion a Rheoliadau a wneir ynghylch ei ofynion ac eithriadau i'w ddarpariaeth (Adrannau 4,10 a 17);



- iii) darparu i ddisgyblion o oedran ysgol orfodol gyrsiau sy'n arwain at gymhwyster allanol, yn unig os cymeradwywyd y cymhwyster hwnnw a'r maes llafur cysylltiedig neu feini prawf y maes llafar (Adran 5).
- iv) darparu addysg grefyddol ac addoli fel y mae'r Ddeddf a deddfiadau eraill yn ei gwneud yn ofynno1 (Adrannau 6-10 a 12);
- v) yn achos yr A.A.LI., sefydlu Cyngor Ymgynghorol Sefydlog ar Addysg Grefyddol ac adolygu'r maes llafur cytûn ar gyfer yr ardal os yw'r Pwyllgor Ymgynghorol yn gwneud hynny'n orfodol (Adran 11).
- vi) yr angen i weithredu'n rhesymol wrth benderfynu a ddylid bod yn gysylltiedig neu beidio â chais ar gyfer eithrio o'r cyfan neu o ran o'r Cwricwlwm Cenedlaethol er mwyn gwneud gwaith datblygu (Adran 16).
- vii) yn achos Corff Llywodraethu, ystyried apeliadau gan rieni ynghylch tynnu disgyblion dros dro o ran neu'r cyfan o ddarpariaethau'r Cwricwlwm Cenedlaethol (Adran 19);
- viii) gweithredu polisiau codi tal mewn perthynas â'r cwricwlwm (Adran 109);
- ix) cydymffurfio â rheoliadau ynghylch darparu gwybodaeth (Adran 22)
- x) cydymffurfio ag unrhyw ddeddfiadau eraill sy'n ymwneud â'r cwricwlwm;

Mae unrhyw fater nas cyfeirir ato yn y diffiniad uchod (e.e. disgyblaeth, mynediad i ysgolion) y tu allan i gwmpas y trefniadau hyn.

- 1.9 Mae'r cwynion a ddaw o dan y trefniadau hyn yn ymwneud yn unig a'r modd y mae cyrff llywodraethu ar A.A.LI. yn cyflawni eu dyletswyddau. Ystyrir cwynion ynglŷn ar addysg a ddarperir i ddisgyblion fel cwynion am fodd y mae'r corff llywodraethu yn ysgwyddo'i gyfrifoldeb mewn perthynas â chwricwlwm yr ysgol.

Nid yw'r trefniadau hyn yn berthnasol i gwynion am ddulliau gweithredu athrawon neu brifathrawon unigol. Ond os bydd yr A.A.LI. neu'r corff llywodraethu wrth ymdrin â chwyn yn dod i'r casgliad y dylid cychwyn ar y drefn ddisgyblu cymerir y camau priodol dan y drefn arbennig honno sydd tu allan i gwmpas y drefn hon.

- 1.10 Lle mae darpariaeth statudol ar gyfer tref apêl mewn perthynas â chwyn o natur arbennig, rhaid i'r drefn honno gael ei dihysbyddu'n llwyr cyn yr ystyrir y gwyn o dan y drefn a amlinellir yn y ddogfen hon. Os yw'r drefn statudol a apelir dani yn caniatáu apêl terfynol i'r Ysgrifennydd Gwladol (e.e. apeliadau mewn perthynas â datganiad o anghenion arbennig ar ddisgybl dan Ddeddf Addysg 1981) yna ni ellir ystyried y gwyn dan y drefn hon. Os yw'r drefn statudol yn terfynu gydag apêl i'r corff llywodraethu (megis apeliadau ynglŷn ag eithrio disgyblion dros-dro o ran neu'r cyfan o'r Cwricwlwm Cenedlaethol) gellir apelio ymhellach i'r A.A.LL. dan y trefniadau hyn.

- 1.11 Bydd y trefniadau hyn yn ymestyn yn ddiweddarach i ddyletswyddau eraill a ddaw i rym wrth i weithredu'r Cwricwlwm Cenedlaethol fynd rhagddi ac a gynhwysir mewn diwygiadau pellach i Ddeddf Addysg 1988 neu unrhyw ddeddfwriaeth newydd. Bydd yn ddyletswydd ar yr A.A.LI. i ymgynghori'n gyntaf, ac yna i hysbysu, cyrff llywodraethu a phrifathrawon pan ddigwydd hynny.
- 1.12 Bydd yr A.A.LI yn trosglwyddo cwynion sy'n ymwneud ag addysg grefyddol ac addoli i'r cyrff llywodraethu, ar ôl ymgynghori â hwy, yn achos ysgolion a gynhelir drwy gymorth, gan gydnabod eu cyfrifoldebau statudol arbennig hwy yn y materion hyn. Os na fydd yr achwynydd yn fodlon ar benderfyniad y corff llywodraethu fe'i cyfarwyddir i gyfeirio ei gŵyn at yr Ysgrifennydd Gwladol.

2. Egwyddorion Cyffredinol

- 2.1 Bwriedir delio â chwynion mor gyflym ac effeithiol â phosibl o fewn yr adnoddau sydd ar gael, ac ym mhob achos o fewn cyfnod rhesymol dan yr amgylchiadau. Bydd y cyfnod hwnnw'n dibynnu ar ddifrifoldeb a chymhlethdod y gŵyn.
- 2.2 Rhoddir blaenoriaeth i gwynion sy'n achosion o frys.
- 2.3 Archwilir pob cwyn yn drwyadl, gofalus, a theg a cheisir hysbysu'r achwynydd o'r cynnydd a wneir yn ystod y broses yn ogystal â'r canlyniad y deur iddo ar ddiwedd pob cam.
- 2.4 Y prif nod ymhob cam fydd ceisio datrys y sefyllfa neu ddod i benderfyniad ynglŷn â'r achos fel y gall yr achwynydd, os' yw'n dymuno, fynd â'r gŵyn ymlaen i'w hystyried yn y cam nesaf. Rhoddir gwybodaeth fanwl i'r achwynydd ynglŷn â'r camau dilynol sydd i'w cymryd.

3. Y Camau yn y Drefn

- 3.1 O dan y drefn a amlinellir yn y ddogfen hon y mae tri cham i ystyried cwynion, sef, yr ystyriaeth anffurfiol, ystyriaeth ffurfiol gan gorff llywodraethu'r ysgol yn dilyn cwyn ffurfiol, ac ystyriaeth ffurfiol gan yr A.A.LL., yn dilyn cwyn ffurfiol.

3.2 Yr Ystyriaeth Anffurfiol.

Gellir ymdrin â llawer o gwynion yn gyflym ac effeithiol drwy ystyriaeth anffurfiol yn seiliedig at drafodaethau gyda phrifathro/awes neu staff eraill yr ysgol. Hwn yw'r cam rhesymol cyntaf ac oni fo'r amgylchiadau'n rhai eithriadol bydd yr A.A.LI. a'r cyrff llywodraethu'n disgwyl fod y cam yma wedi ei gyflawni cyn cyflwyno'r gŵyn yn ffurfiol. Bydd achwynyddion, felly'n cael eu hannog a'u cynghori i drafod yn anffurfiol yn y lle cyntaf.

Yr un modd gyda chwynion sy'n ymwneud gweithredu'r A.A.LI. disgwylir i'r achwynyddion drafod y sefyllfa'n anffurfiol yn gyntaf gyda'r swyddogion priodol yn yr A.A.LI.

3.3 Cwyn Ffurfiol i'r Corff Llywodraethu

Os na lwyddwyd i ddatrys y gŵyn yn anffurfiol dilynir y camau canlynol:

- i) Bydd y prifathro/awes yn cyflwyno'r achwynwr gydag enw a chyfeiriad Pennaeth y Gwasanaeth Ysgolion yn yr A.A.LI., Clerc y Llywodraethwyr, ynghyd â chopi o'r ddogfen Trefn Gwyno.
- ii) Disgwylir i'r achwynydd gyflwyno'i gŵyn yn ysgrifenedig i Glerc y Corff Llywodraethu neu i Bennaeth yr Adran Addysg yn yr A.A.LI. Dylai'r datganiad ysgrifenedig nodi'n glir natur y gŵyn ynghyd â chais yr achwynydd iddi gael ei hystyried yn ffurfiol dan y drefn gwyno.
- iii) Os cyflwynir y gŵyn i Bennaeth yr Adran Addysg bydd ef/hi yn cydnabod, yn ysgrifenedig ei dderbyn ac os mai'r cam priodol fyddai ei ystyried gan y Corff Llywodraethu yn ei anfon ymlaen at Glerc y Corff Llywodraethu gan hysbysu'r achwynydd o hynny.
- iv) Os cyflwynir y gŵyn i Glerc y Corff Llywodraethu bydd ef/hi yn cydnabod yn ysgrifenedig, dderbyn y gŵyn gan hysbysu Pennaeth yr Adran Addysg fod cwyn ffurfiol wedi ei dderbyn. Cyfrifoldeb Clerc y Llywodraethwyr fydd trefnu i'r corff llywodraethu ystyried y gŵyn a phenderfynu ynglŷn ag achosion o frys sydd angen blaenoriaeth mewn ymgynghoriad â chadeirydd y corff.
- v) Bydd hawl gan yr achwynydd gyflwyno datganiad at lafar i atgyfnerthu'r gŵyn ysgrifenedig os dymunir ac i'r pwrpas hwn, neu unrhyw gyfweiliad a drethir fel rhan o'r broses o wrando cwyn, gall drefnu i gyfaill, cynrychiolydd neu gyfieithydd fod yn bresennol gydag ef/hi yn y cyfarfod.
- vi) Wedi i'r gŵyn gael ei harchwilio'n drylwyr a'i hystyried gan y Corff Llywodraethu bydd y Clerc yn hysbysu'r achwynydd a Phennaeth yr Adran Addysg o:
 - y penderfyniad
 - y rheswm dros y penderfyniad
 - y camau a gymerwyd neu y bwriedir eu cymryd yn dilyn y penderfyniad (yn cynnwys manylion am geisiadau neu gyfarwyddiadau rhai y cwynwyd yn eu herbyn ynglŷn â gweithredu pellach).
- vii) Yn dilyn (i) (vi) uchod terfynir y cam ffurfiol hwn ac os nad yw'r achwynydd wedi ei fodloni, gall gyflwyno'r gwyn yn ffurfiol i'r A.A.LI. (ac eithrio'r achos cwynion sy'n ymwneud ag addysg grefyddol ac addoli mewn ysgolion a gynhelir drwy gymorth).

3.4 Cwyn Ffurfiol i'r A.A.LL.

Defnyddir y cam hwn i ddelio â chwynion wedi iddynt gyrraedd 3.3 (vii) uchod ynghyd â chwynion sy'n ymwneud â'r agweddau hynny sy'n gyfrifoldeb i'r A.A.LI yn unig ac felly'n amhriodol i'w trafod ar lefel corff llywodraethu. (e.e. y ddyletswydd i sefydlu Cynghor Ymgynghorol Sefydlog ar Addysg Grefyddol).

Pan dderbynnir cwyn ffurfiol gan yr A.A.LI. dilynir y camau canlynol:



- i) Disgwylir i'r achwynydd gyflwyno'r gŵyn yn ysgrifenedig a'i anfon at Bennaeth yr Adran Addysg. Dylai'r datganiad ysgrifenedig nodi'n glir beth yw natur y gŵyn ynghyd â chais iddi gael ystyriaeth dan y drefn hon. Bydd Pennaeth yr Adran Addysg yn cydnabod, yn ysgrifenedig, dderbyn y gŵyn.
- ii) Bydd Pennaeth yr Adran Addysg yn penderfynu pa gwynion sydd i'w hystyried yn achosion o frys ac yn trefnu iddynt gael eu trin fel mater o flaenoriaeth.
- iii) Bydd Pennaeth yr Adran Addysg yn trefnu i swyddog o'r A.A.LI. archwilio'r gŵyn gan dynnu oddi ar y wybodaeth neu'r cyngor y tybia ef/hi yn briodol.
- iv) Yn dilyn archwiliad manwl bydd y gŵyn yn cael ei hystyried gan Banel Apeliadau'r A.A.LI.
- v) Bydd hawl gan yr achwynydd i wneud datganiad llafar gerbron y Panel os yw'n dymuno, i atgyfnerthu'r gŵyn ysgrifenedig, ac i'r pwrpas hwn, neu unrhyw gyfweiliad a drethir fel rhan o'r broses o wrando'r gŵyn gall drefnu i gyfaill, gynrychiolydd neu gyfieithydd fod yn bresennol gydag ef/hi yn y cyfarfod. Os gwneir apêl yn erbyn penderfyniad y corff llywodraethu mewn perthynas â'r gŵyn sydd dan sylw gall cynrychiolydd o'r corff hefyd fod yn bresennol i wneud datganiad llafar fyddai'n atgyfnerthu sylwadau ysgrifenedig y corff llywodraethu.
- vi) Wedi i'r gŵyn gad ei harchwilio'n drylwyr, a'i hystyried gan y Panel Apeliadau, bydd Pennaeth yr Adran Addysg yn hysbysu'r achwynydd o:
 - y penderfyniad
 - y rheswm dros y penderfyniad
 - y camau a gymerwyd yn dilyn y penderfyniad (yn cynnwys manylion am geisiadau gyfarwyddiadau i'r rhai y cwynwyd yn eu herbyn ynglyn â gweithredu pellach)
- vii) Yn dilyn (i) i (vi) uchod terfynir y cam ffurfiol hwn, ac os nad yw'r achwynydd wedi ei fodloni gall gyflwyno'r gŵyn yn ffurfiol i'r Ysgrifennydd Gwladol.

3.5 Cwyn Ffurfiol i'r Ysgrifennydd Gwladol

Mae Deddf Diwygio Addysg 1988 yn datgan nad yw'r Ysgrifennydd Gwladol yn gallu ymdrin ag unrhyw gwyn o fewn cwmpas y trefniadau yn y ddogfen hon onid yw wedi ei hystyried dan y camau a amlinellwyd uchod yn gyntaf. Bwriad y ddarpariaeth hon yw sicrhau fod cwynion, os yn bosibl, yn cael eu trin a'u datrys yn lleol rhwng yr achwynydd a'r rhai sy'n gyfrifol am y ddarpariaeth, sef yr A.A.LI. a/neu'r cyrff llywodraethu.

Bydd achwynydd sy'n dal i fod yn anfodlon, ar ôl i'w gŵyn gael ei hystyried yn llawn o dan y trefniadau a ddisgrifir yn y ddogfen hon, yn gallu gwneud cwyn i'r Ysgrifennydd Gwladol o dan Adran 68 neu 99 Deddf Addysg 1944.



4. Cyfrifoldebau Gweinyddol

- 4.1 Cyfrifoldeb Pennaeth yr Adran Addysg yw sicrhau gweinyddiad effeithiol y drefn hon gan gynnwys, yn arbennig, sicrhau fod cwynion yn cael eu cyfeirio at y lefel briodol.
- 4.2 Bydd Pennaeth yr Adran Addysg yn cynnig cyngor, i rai sy'n dymuno cwyno, ynglyn â'r drefn gan gynnwys pa gamau y gallent eu cymryd mewn perthynas â chwynion sy du hwnt i gwmpas y ddogfen hon.
- 4.3 Os yw'r gŵyn yn ymwneud mater a archwiliwyd yn ddiweddar, ac y cafwyd penderfyniad clir ynglyn ag ef, bydd Pennaeth yr Adran Addysg yn hysbysu'r achwynydd o hynny'n ysgrifenedig gan nodi y gall barhau i gyflwyno'r gwyn yn ffurfiol os nad yw'n fodlon â'r ateb.
- 4.4 Bydd Pennaeth yr Adran Addysg neu Glerc y Llywodraethwyr, fel bo'n briodol, yn penderfynu
 - i) a yw'r gŵyn yn un addas i'w hystyried o fewn cwmpas trefniadau'r ddogfen hon.
 - ii) yn unol â natur y gwyn pa faint o amser a gymer i ddelio â hi gan hysbysu'r achwynydd o hynny.

5. Trefn Adrodd ar Gwynion

- 5.1 Bydd yr A.A.LI. dan ei drefn fonitro yn cofnodi nifer a natur y cwynion a dderbynnir dan y drefn hon mewn perthynas â'r cwynion ffurfiol.
- 5.2 Ni chedwir cofnod o'r cwynion anffurfiol gan fod, yn nhrefn naturiol bywyd ysgol, nifer sylweddol o drafodaethau rhwng rhieni a phrifathrawon, athrawon a swyddogion addysg at amryw o faterion yn cynnwys y rhai yr ymwneir â hwy yn y ddogfen hon.
- 5.3 Disgwylir i'r ysgolion baratoi ystadegau yn flynyddol i'r A.A.LI. ar nifer a natur y cwynion ffurfiol a dderbyniwyd, yr amser a gymerwyd i ddelio â hwy, a'r penderfyniadau a wnaed.
- 5.4 Disgwylir i'r Cyrff Llywodraethu ystyried yn flynyddol adroddiad ar nifer y cwynion ffurfiol yr ymdriniwyd â hwy yn ogystal ag adrodd i'r rhieni yn y Cyfarfod Blynyddol at y drefn a weinyddir.
- 5.5 Bydd yr A.A.LI. yn paratoi adroddiad blynyddol i'r Pwyllgor Addysg ar nifer y cwynion ffurfiol yr ymdriniwyd â hwy yn ogystal â chyflwyno manylion i'r Ysgrifennydd Gwladol yn flynyddol fel bo'r gofyn.
- 5.6 Ni fydd unrhyw adroddiad a wneir gan yr A.A.LI. neu'r Cyrff Llywodraethu yn cyfeirio at unigolyn wrth ei enw.



Canllawiau 'Cwynion gan Blant Sydd ganddynt AAA, a/neu Anabledau, a/neu Trafferthion eraill'.

Cefndir

Mae'n ofynnol i ysgolion sefydlu trefn i rymuso llais pob plentyn ifanc ar draws holl wasanaeth addysg.

Bydd angen felly i ysgolion unigol sicrhau gweithdrefnau sy'n rhoi cyfleon i blant fynegi barn, pryderon a theimladau, ac i ddatblygu galluoedd staff cyfan i wrando ar farn plant, a thrwy hynny datblygu diwylliant o wrando ar eraill.

Cyfrwng Iaith

Gan fod pob ysgol bolisi dwyieithog, bydd angen sicrhau'r ymrwymiad i alluogi disgyblion sy'n cwyno cyfleu eu sylwadau yn eu dewis iaith. I'r disgyblion rheini nad yw Cymraeg na Saesneg yn famiaith iddynt, dylid sicrhau'r cant ddefnyddio dulliau cyfathrebu eraill. Dylid sicrhau hefyd fod y dull cyfathrebu yn addas ar gyfer oedran, gallu a lefel iaith y plentyn.

Gweithdrefnau Cwynion

Yn sgil y ffaith fod gan y disgyblion hyn yr un hawliau sifil ag unrhyw blentyn arall dylid ystyried y gwyn yn y lle cyntaf ar lefel ysgol. Dylid gwneud pob ymdrech i ddatrys pob cwyn yn fuan ac yn foddhaol felly ar lefel ysgol. Fel arall dylid ymdrin â phob cwyn gan y disgyblion hyn trwy ddilyn trefn 'Cwynion Yn Ymwneud â Disgyblion'. Mewn achosion 'amddiffyn plant' dylid dilyn trefn gwyno 'Ymchwilio i Honiadau yn Erbyn Staff Ysgol Sy'n Ymwneud â Materion Amddiffyn Plant'. Yn yr un modd, gall cwyn gan ddisgyblion AAA fod yn dilyn y cyfan neu ran o weithdrefn arall sydd gan yr ysgol. Dylid felly sicrhau cysylltiadau synhwyrol ac effeithiol gyda gweithdrefnau cwyno eraill o fewn yr ysgol.

Asiantaethau eraill

Gall cwynion hefyd weithiau groesi ffiniau rhwng y gwasanaeth Ysgolion ag asiantaethau eraill megis Gwasanaethau Cymdeithasol neu GIG. Rhaid penderfynu mewn achosion o'r fath pwy yw'r corff 'arweiniol'. (Cyfrifoldeb yr arweinwyr gwasanaeth yw penderfynu pwy sy'n arwain)

Ni fydd cyswllt gydag asiantaethau eraill fodd bynnag, lle mae cwynion 'am faterion y mae corff llywodraethol yr ysgol yn gyfrifol amdanynt'.

Lleisio cwyn

Gall ddisgyblion leisio eu cwyn ar lafar, yn ysgrifenedig neu mewn dull arall megis - e-bost, tâp sain, fideo, etc. Yn ogystal dylid sicrhau fod yr achwynydd yn gwybod pwy sy'n gwneud beth gyda'r achos, a pha bryd y gallant ddisgwyl ateb. Mae angen sicrhau proses deg, a lefel o gefnogaeth ddigonol ar gyfer y rhai sy'n cwyno, gan sicrhau hefyd fod eiriolwr ar gael pe bai'r angen.

Disgyblion y gellid eu cynnwys –

- Plant ifanc iawn (dan 8 oed)
- Plant AAA, a'r rhai sy'n cyfathrebu gyda dulliau eraill megis TGCh neu Braille.
- Plant gyda thrafferthion iechyd meddwl a/neu gorfforol.



- Merched beichiog/rhieni yn eu harddegau.
- Plant/Disgyblion sydd wedi eu harddel o'r Ysgol.
- Plant Mewn Gofal
- Disgyblion o grwpiau lleiafrifoedd ethnig a chrefyddol.
- Plant Teithwyr/Sipsiwn.
- Ffoaduriaid a cheiswyr lloches.
- Disgyblion sy'n agored i niwed.

Bydd angen **monitro** datblygiad a chofnodi pob achos yn effeithiol.



FFURFLEN GWYNIION

PY42

COMPLAINT FORM

At/To: UNED GWASANAETHAU ATODOL, CYFADRAN DATBLYGU,
ADRAN ADDYSG
ANCILLARY SERVICES UNIT, DEVELOPMENT DIRECTORATE, EDUCATION DEPARTMENT

I Sylw/For: SWYDDOG ADEILADAU A GWASANAETHAU ATODOL
BUILDING AND ANCILLARY SERVICES OFFICER

ODDI WRTH / FROM:

SEFYDLIAD/ ESTABLISHMENT _____ **RHIF Y SEFYDLIAD/ ESTABLISHMENT NUMBER** _____

DYDDIAD/ DATE _____ **LLOFNOD (PENNAETH SEFYDLIAD)/ SIGNATURE (HEAD OF ESTABLISHMENT)** _____

PARTHED CONTRACT:
ARLWYAETH / CLUDIANT / GLANHAU A GOFALU / TIROEDD *
REGARDING THE CONTRACT FOR:
CATERING / TRANSPORT / CLEANING AND CARETAKING / GROUNDS MAINTENANCE *

(* DILEIR Y CONTRACTAU AMHERTHNASOL / * DELETE AS NECESSARY)

DISGRIFIAD O'R GWYN / DESCRIPTION OF THE COMPLAINT:

AT DDIBENION Y SWYDDOG ADEILADAU A GWASANAETHAU ATODOL/FOR USE BY THE BUILDING AND ANCILLARY SERVICES OFFICER

DYLID CADW COPI YN Y SEFYDLIAD O UNRHYW FFURFLEN A ANFONIR I'R SWYDDOG ADEILADAU A GWASANAETHAU ATODOL
THE ESTABLISHMENT SHOULD RETAIN A COPY OF EACH FORM SENT TO THE BUILDING AND ANCILLARY SERVICES OFFICER

Adran Addysg Gwynedd
Gwasanaeth Ysgolion
Gweithdrefnau Delio gyda Chwynion 2012



Adran Addysg Gwynedd
Gwasanaeth Ysgolion
Gweithdrefnau Delio gyda Chwynion 2012



PROCEDURES FOR DEALING WITH COMPLAINTS

Legal Framework

The following procedures have been developed in compliance with the requirements stipulated in **Section 29 of the 2002 Education Act** whereby governing bodies are required to establish procedures to deal with complaints involving the school or providing facilities or services under Section 27 of the Act, with the exception of complaints which have to be handled in accordance with other statutory provisions. In compliance with this Section, governing bodies are required to take guidance issued by the Welsh National Assembly Government into consideration and consequently the guidelines included in the **Welsh Ly Government Circular No 011/2012 (School Governing Body Complaints Procedures)** were used when developing the procedures.

<http://wales.gov.uk/docs/dcells/publications/121002complaintsschoolsen.pdf>

The procedures have been drawn up so as to enable anybody who has an interest in the school be they parents, pupils, staff members, governors, members of the local community and others to express their concerns in the knowledge that they will be addressed seriously and in an unbiased manner and, if there is substance to the complaint, that it will receive due and timely attention.

The school's procedures cannot cover all possibilities. It is suggested that a general method of dealing with complaints be developed with adjustments being made for the less common complaints lodged e.g. complaints about the headteacher, chair of the governing body or the entire governing body.

A summary of the three stage generic complaints procedure should be published in the school's prospectus; and following its adoption, the entire document should be made available for all parents, pupils, governors, the LEA, the diocesan authority (where appropriate) and to everybody who requests a copy. Every staff member should receive a copy of the complaints procedure and be notified of their responsibilities as regards the procedure. New parents, pupils, staff and governors and any individual who submits a request should then receive a copy of the complete document. It should be presented in a convenient format.

Before adopting procedures, schools should fully consider the original Circular.

CONTENTS

- Definition
- Types of Complaints
- Three Stage Generic Implementation Methods
- Specific procedures:-

	Type	Background	Support
1	General Complaint Procedure	<i>Individuals lodge a verbal or written complaint</i>	Flow plan
2	Complaint lodged against the Headteacher	<i>Individuals lodge a written complaint</i>	Flow plan
3	Complaint lodged against Chair of Governors or against Chair of Governors and the Headteacher	<i>Individuals lodge a written complaint</i>	Flow plan
4	Complaint lodged against a governor or a group of governors	<i>Individuals lodge a written complaint</i>	Flow plan
5	Complaint involving pupils	<i>Procedures to deal with complaints where pupils are complainants, witnesses or a complaint is lodged against them.</i>	Flow plan and Summary Paper for Governors
6	Greviance Procedure / Individual complaints procedure	<i>Greviance and Complaints lodged by teachers/staff about the school's governors or Administration or with the Education Department</i>	County Policy and Flow plan
7	Child Protection Procedure - Complaint lodged against School staff relating to child protection issues	<i>Investigate allegations lodged against school staff relating to Child Protection issues (Paper 09/11/2006 and 2005 and 2006) regulations</i>	Summary Paper for Governors Flow Plan
8	Complaint regarding the curriculum/Religious Education curriculum	<i>Individuals lodge a verbal informal complaint, a formal complaint to the Governing Body, or a formal complaint to the Education Department.</i>	County Policy
9	SEN Complaints Procedure - Complaints lodged by children who have SEN and/or disabilities and/or other difficulties	<i>Procedures to handle complaints involving ALN pupils, and/or who have disabilities, and/or other associated difficulties as complainants, witnesses or against whom a complaint is lodged.</i>	Guidance from the Education Department
10	Complaints about Ancillary Services eg Buildings, Catering and Transport etc	<i>Individuals lodge a formal complaint for the attention of the Education Department</i>	Form PY42

Definition:- ‘...Any written or verbal expression of lack of satisfaction or concern about an incident involving a child or individual where they need or require a response.’

Types of complaints:-

- General complaint about the School;
- Against the headteacher;
- Against the chair of Governors or against the chair of governors and the headteacher;
- Against a governor or a group of governors;
- Involving pupils;
- Individual complaints procedure;
- Against School staff where child protection issues are involved;
- In relation to the curriculum/religious education curriculum;
- By children who have special educational needs and/or disabilities and/or other difficulties;

Three step generic implementation methods

The Welsh Assembly Government recommends that governing bodies establish a three step implementation approach as follows:

Step A – a complaint is lodged with the first recipient within the school (and he/she finds a solution).

Step B – the matter is referred to the headteacher to investigate, decide upon and resolve

Step C – the matter is referred to the governing body to investigate, decide and resolve.

Step A

During this step, a complaint may be received either **verbally or in writing**. A complaint may be lodged to a staff member, head of year/key stage or headteacher. The school procedure can make provision for complaints to be referred at this stage to an officer who has been designated to handle complaints within the School.

The individual who receives the initial complaint and the complainant are expected to make every effort to solve the complaints at this stage. Following an investigation, a decision is usually expected within 10 school days, and the complainant notified and provided with verbal or written information, that they are entitled to take the complaint to the headteacher. It is recommended that a record of the following be kept when considering complaints at stage 1,:

- *Name of the complainant*
- *The date on which a complaint was received*
- *Brief description of the complaint*
- *The implementation measures taken to resolve the complaint and the outcome*
- *Matters for the school and leading member of staff to address.*

If the headteacher initially receives the complaint, he or she can decide whether the task of considering the nature of the complaint should be delegated to another staff member under Step 1 or proceed to Step 2.

Step B

As a rule, the complaint will not be dealt with at step 2 until it has firstly been considered under step 1. The matter could immediately proceed to step 2 should the headteacher deem that course of action to be appropriate.

At this stage, it is good practice so as to ensure that the substance of the complaint is explicit that the complaint is lodged in **writing**. Having received the complaint, the headteacher should provide written acknowledgement, enclosing a copy of the complaints procedure and set a target date for substantiating the complaint. It is recommended that as a rule this be done within 10 school days.

If the matter cannot be dealt with within this period, the complainant should be notified and provide him/her with the expected date on which the deliberation period will end.

It would assist when investigating the complaint and finding a solution, if the complainant had an opportunity to meet the headteacher. The headteacher may wish to have another individual present as a witness to the discussion. A written note should be kept of the interviews, and telephone conversations and any other implementation measures and for the headteacher to notify the complainant in writing of his/her decision, represents good practice.

When deliberating over complaints at step 2, a record should include:

- *the name and address of the complainant;*
- *date and details of the complaint;*
- *the measures taken to resolve the complaint and a written record of discussions, interviews and evidence gathered;*
- *outcome;*
- *The date on which the complainant was notified of the outcome;*
- *Matters requiring action by the school.*

Step C Hold a Hearing

If a complainant is dissatisfied with the outcome of the headteacher's deliberations, the governing body can hold deliberations. Prior to their deliberations, governing bodies will need to be satisfied that steps 1 and 2 have been fully exhausted, or that there are particular reasons for not following steps 1 and 2.

It is expected that the complaint be heard by the School's Complaints Committee which should acknowledge receipt of such a complaint, usually within 5 school days.

The letter of acknowledgement should set out a time-table and explain:

- *that every party involved in the complaint are entitled to provide any written evidence/documentation that they wish the committee to consider;*
- *the deadline for both parties to provide such written evidence;*
- *the deadline for sending documents to the individual against whom the complaint is lodged;*
- *the deadline for the individual against whom the complaint is lodged to send a reply;*



- *the date on which this response will be available for the complainant to scrutinize;*

- *provide the date of the hearing at least five School days prior to it being held, and provide committee members with a copy.*

The clerk should make arrangements for the governing body's complaints committee/panel to meet to hear the complaint, ensuring that all parties are able to attend, usually within 15 school days of receiving the complaint.

It is important that the individual against whom the complaint is lodged, has adequate time, namely usually 10 school days to consider all the evidence before responding and prior to any hearing being held.

At least five School days prior to the hearing, the clerk should notify the parties of:

- *time and venue of the committee hearing*
- *the grounds for the complaint, with copies provided of all the relevant documents*
- *every party's entitlement to be escorted by or represented by a person of their choice*
- *details of those in attendance and their duties*
- *the committee's entitlement to proceed with a verbal hearing in the absence of one or both parties unless an adequate reason is given why they should not do so*
- *the parties entitlement to request that the hearing be deferred if there is a good reason why they are unable to attend.*

At the end of the hearing, all the parties should:

- *have understood the nature of the meeting*
- *have had every opportunity to talk, present evidence and answer questions*
- *feel that they have said everything that they wish to say*
- *feel that the complaints committee has listened to and understood the points made*
- *fully understand that they will be notified of the committee's decision*

Agreed procedures for holding a hearing are contained in the Welsh Government Circular 011/2012 (Paragraphs 3.13-3.36).

After all the evidence has been presented, the complaints committee should deliberate over its decision in private. It is imperative that the committee considers:

- *The evidence*
- *Has the headteacher or others complied with the school's complaints procedure*
- *Is there any substance to the complaint.*

It is imperative that when reaching a decision that the committee deliberates over:

- *whether or not the complaint is confirmed*
- *any implementation measures to be taken by the school, the headteacher and/or staff members in light of the decision*
- *any recommendations for amending the school's policies or procedures so as to ensure that similar problems do not arise in future.*

As a rule, a written copy of the committee's decision should be sent to the complainant within 5 school days of the hearing, outlining the reasons for the decision and for any restorative action taken by the school. The letter should also include:



- *right of appeal, as well as the name and address of the individual to whom any notification of appeal should be sent (as a rule the appeals committee clerk)*
- *the deadline for submitting notification of appeal (usually 15 school days after a written notification of the committee's decision has been given)*
- *that any appeal should outline the grounds for it.*

Note:- Unless there is an appeals stage, the letter notifying of the decision can also explain that the LEA, as well as the Diocesan Authority and the Welsh Assembly Government if relevant, may review the procedures used by the governing body **but not their decision.**

Appeal Hearing – following Step C

It is not recommended that governing bodies have an appeals committee that a complainant could go to if not satisfied at Stage C. Complaints should be resolved before or at Stage C if the school procedure is robust and the persons handling the complaint act objectively. Note the *Welsh Government Circular 011/2012 (Paragraph 3.36)*.

Minutes:

In the case of complaints dealt with at step 3, the minute should include:

- *a complete report on the work of the complaints committee and any appeals committee, the evidence presented and all other relevant documents*
- *the decision taken and any actions to be taken by the school, the headteacher, the governing body or a staff member*
- *date on which the decision was taken and the date on which the letter giving the decision was sent to the complainant.*

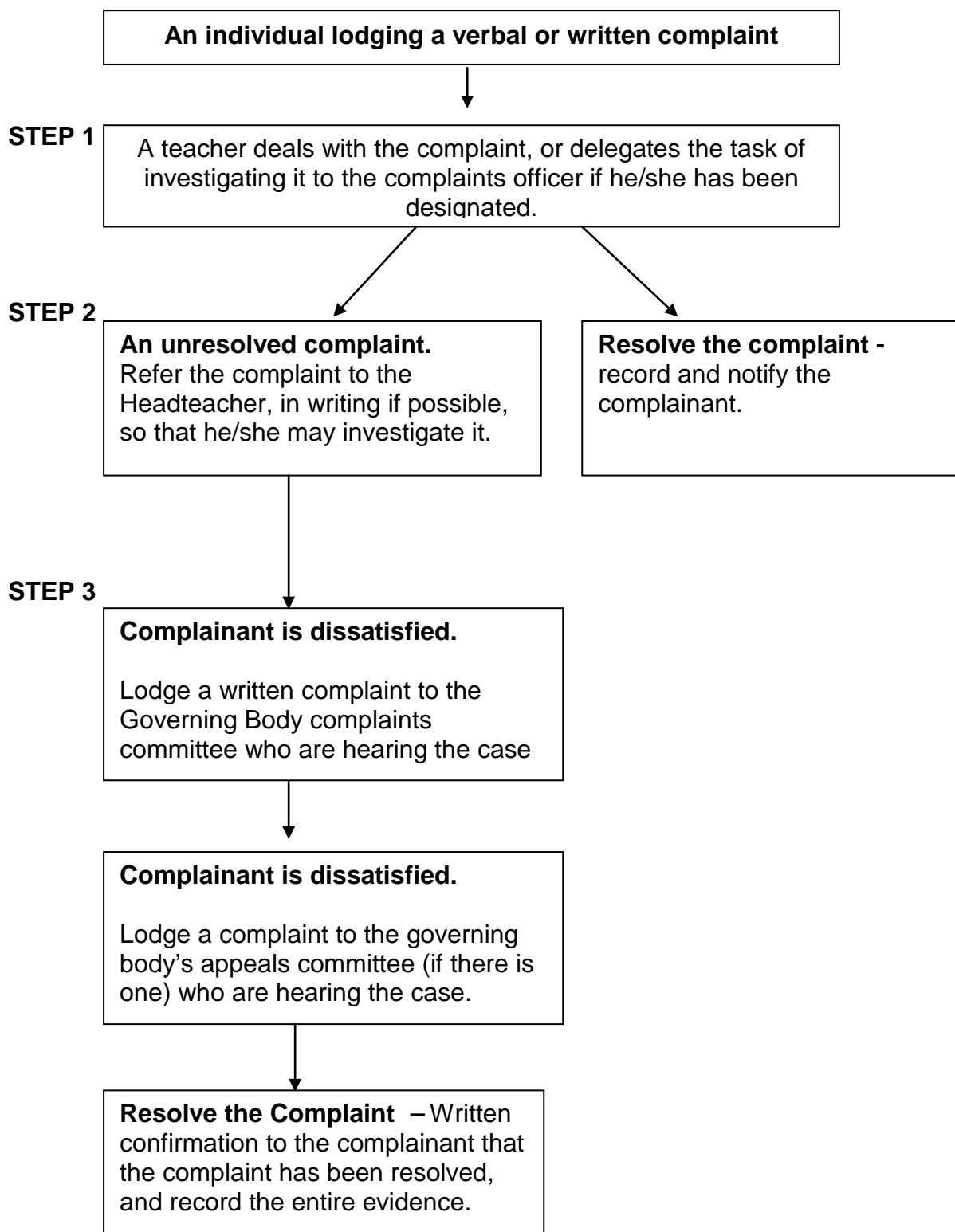
Note- If at the end of step 3 and following consideration by the complaints committee, the complaint is not upheld, it should be ensured that the complainant is aware of the following facts:-

- *that the governing body and the headteacher will not hold further investigations*
- *that no new matters will lead to re-investigation of a complaint already dealt with*
- *should any other matters arise, those will be dealt with as a new complaint but only if it can be proven that they differ from matters raised through a previous complaint.*

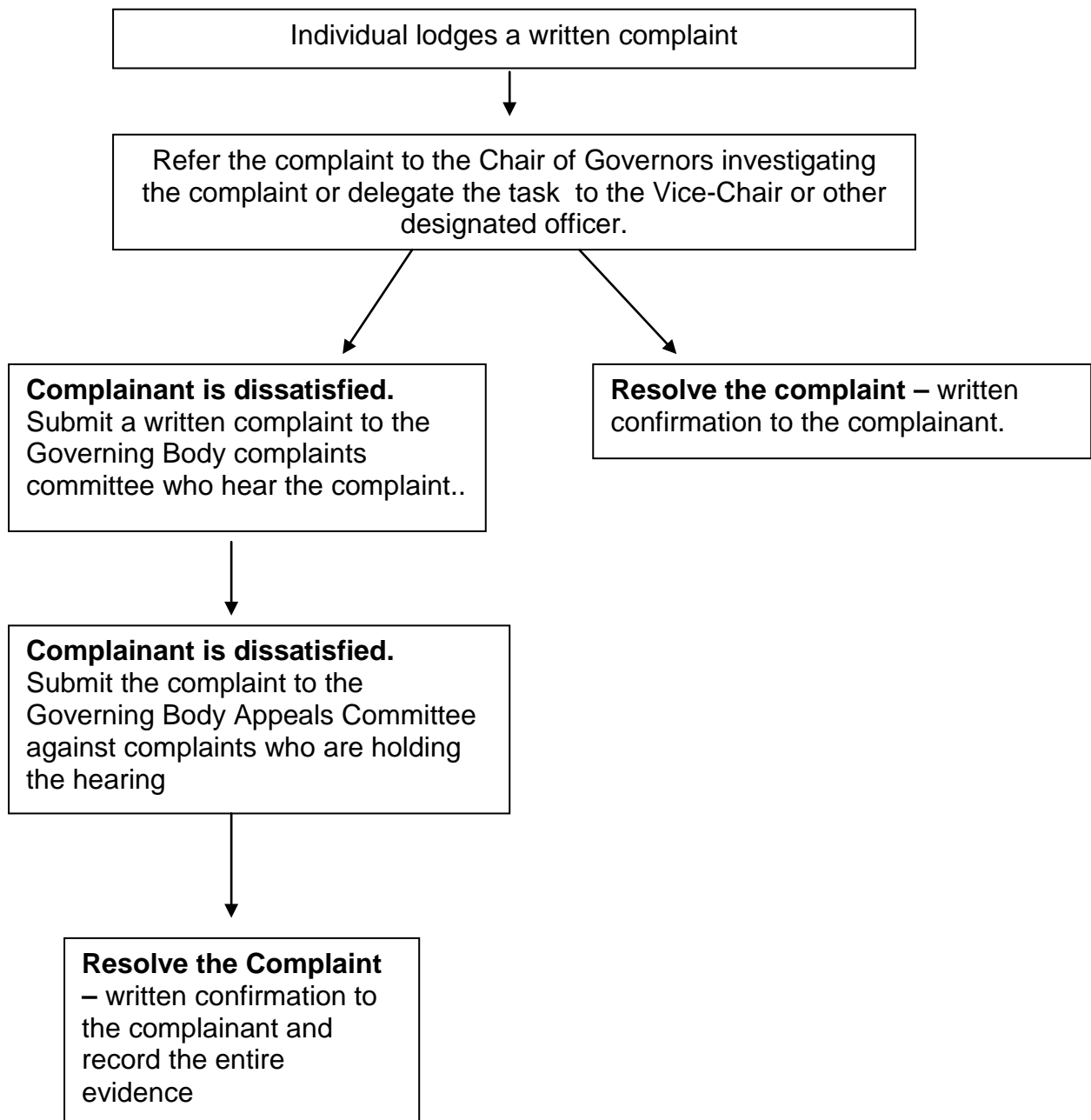


Specific Procedures

General Complaints Procedure about the School



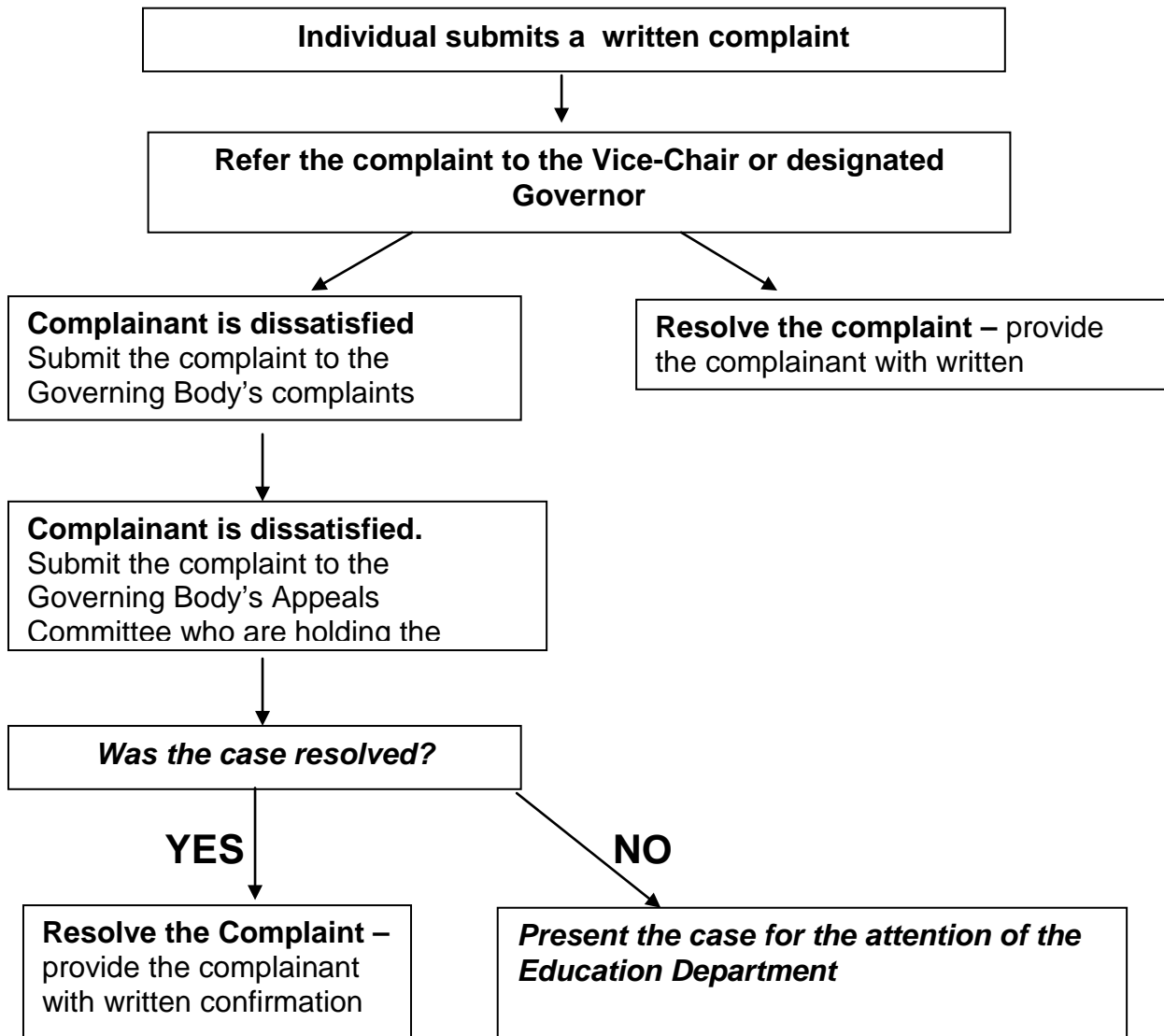
Complaints Procedure Against the Headteacher



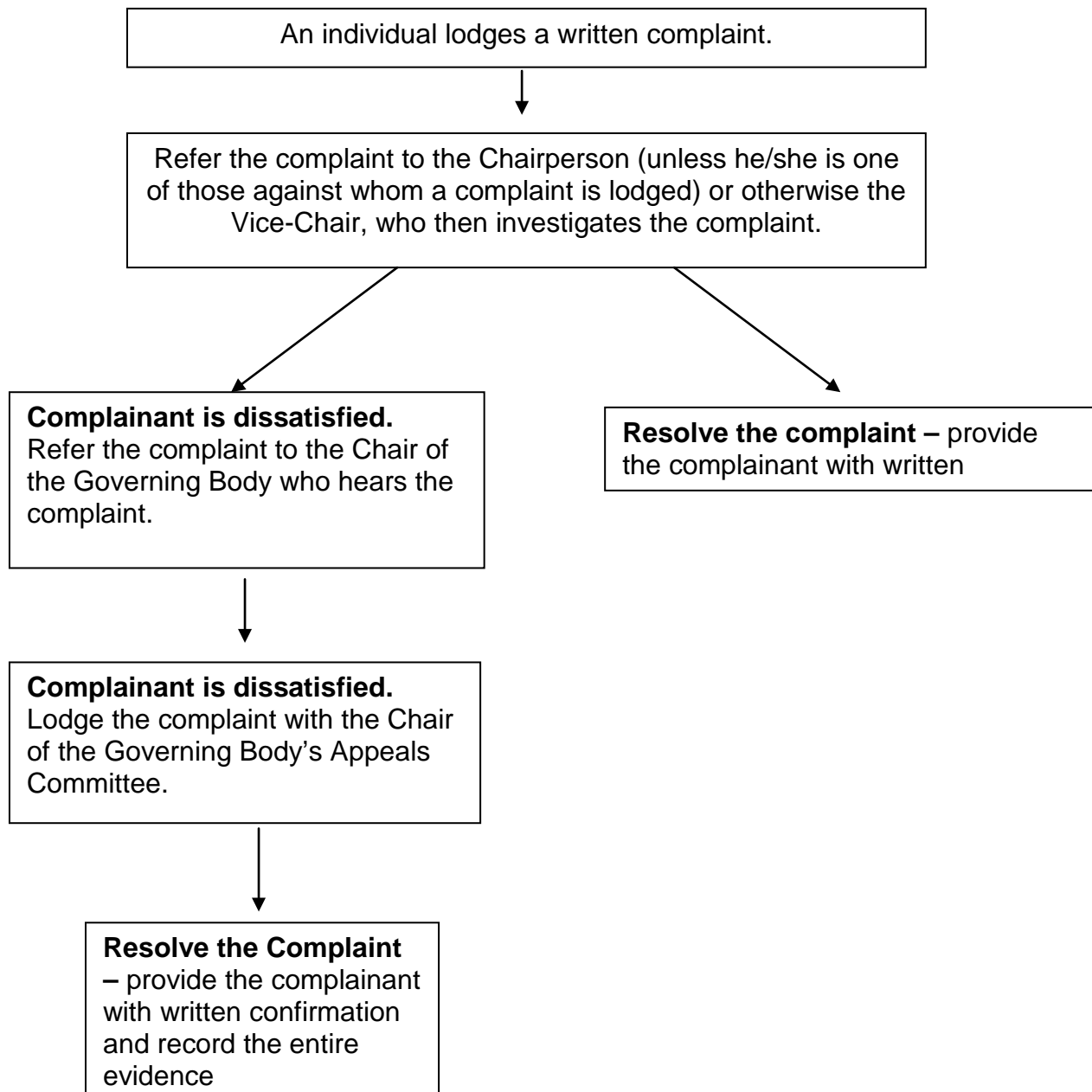
Adran Addysg Gwynedd
Gwasanaeth Ysgolion
Gweithdrefnau Delio gyda Chwynion 2012



Complaints Procedure Against the Chair of Governors and/or against the Chair and Headteacher



Complaints Procedure Against a Governor or Group of Governors



Note:- If the Chair and Vice-Chair of Governors are members of the group of Governors against whom the complaint is lodged, the process should be followed whereby the complaint should be referred to the Clerk of the Governing Body who should then refer the matter for the attention of the Chair of the Complaints Committee (or Appeals against complaints Committee).

So as to avoid difficulties, an individual who is not either Chair or Vice-Chair of the Governing Body should be nominated as chair of the Complaints Committee (or Appeals against complaints Committee).

SUMMARY PAPER FOR GWYNEDD GOVERNORS

JUNE 2007

COMPLAINTS PROCEDURES INVOLVING PUPILS (Summary of National Assembly for Wales Circular No 39/2006)

Background - It is a statutory requirement under the 2002 Education Act that governing bodies establish procedures to handle complaints involving the school. Following consultations held with children and young people in May 2004, ancillary guidelines were received requesting that schools also deal with complaints specifically related to children. Assembly circular 39/2006, sets out guidelines regarding these complaints procedures.

General Arrangements

Pupils can be involved with a complaint as: a complainant; witness; somebody about whom a complaint is lodged, or a governor/School Council member providing support for a pupil.

A **pupil** may complain about: an incident; an aspect of school life; school policy; school services; behaviour of an individual/body; attitude of the whole school, a particular incident or complaint.

Governing Bodies need to be aware of pupils' complaints procedure, as well pupils' role and entitlements in the process. Governing Bodies should also adapt the school's current complaints procedure to include pupil related complaints. Of course, schools should, when handling complaints involving pupils, respect equal rights and confidentiality, and ensure that any evidence presented is scrutinized fairly.

Arrangements for Handling Complaints

A complaint can be resolved in several ways -

- At a 'pupil' level i.e. by a member of school staff (this should be recorded, but without naming).
- Be considered by the school Council - issues may include homework, school meals, state of toilets, school behaviour policy, etc). A report on the Council's views and decision should be prepared. At secondary schools, this can be implemented through the links pupil-governor. Certain matters, especially those related to school policies (e.g. health and safety, bullying) may be resolved in accordance with that policy.
- By the Governing Body - it is imperative that the governing body handles the case in a sensitive manner and that there is a fair and full hearing. Disabled children should also receive information that is intelligible to them, and that they fully comprehend the process.

Schools should also ensure that school staff receive appropriate training, and that it is regularly updated. Special processes/procedures are also required when handling complaints related to staff behaviour and child protection. Schools should realise that the police may become involved in certain cases.

When a complaint is lodged about an establishment or individual beyond the school premises, the establishment perhaps will have already established a procedure, or that a staff member will be required to assist so as to secure access to such a procedure. A staff member can assist with matters such as school transport. With child protection issues, the relevant agency should be contacted, or, in relation to 'behaviour' cases, the school itself can be contacted.

An appeal can be lodged when taking the case to the school's Governing Body, (see para. 73-92 of the Assembly Government Circular 03/2004 for further details). There will be special arrangements, namely, establish a complaints committee on the body, careful evidence gathering, and show effective appearance arrangements. Advocates should also be used (one to assist the pupil), e.g. children's agency representative, another professional worker, a friend or a family member.

Further information on any of the above listed guidelines may be obtained from members of the Governors Support Team.

The above is a summary of the National Assembly for Wales circular No: 39/2006. Before establishing procedures, schools should fully consider the original circular.



Summary Paper for Governors .

COMPLAINTS PROCEDURES INVOLVING PUPILS

The school's governing body has focused on the above paper and relevant matters have been recorded in the school governing body's minutes.

School -

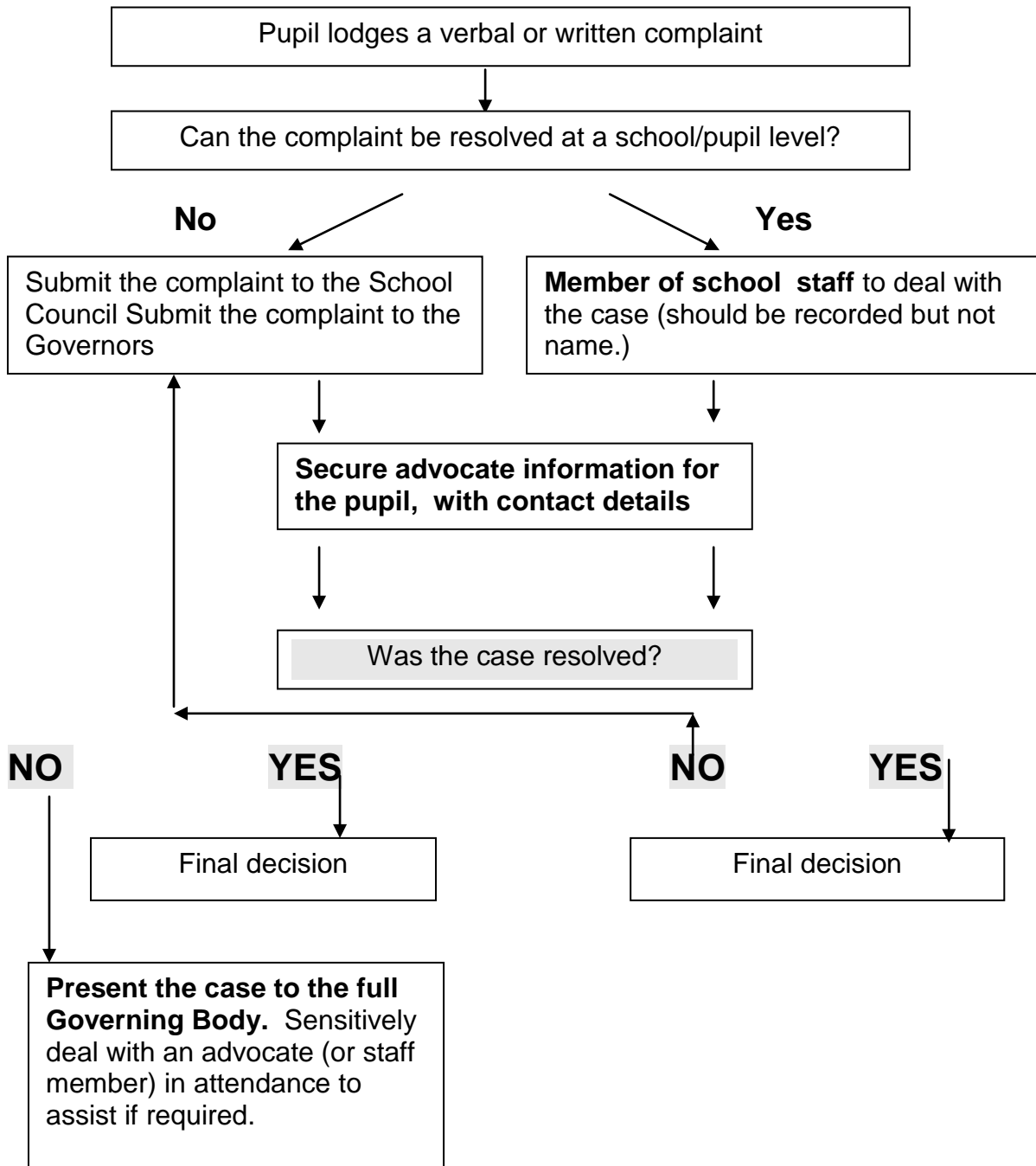
Discussed at meeting(date)

Chair of Governors(signed)

To be returned to the Area Education Office –

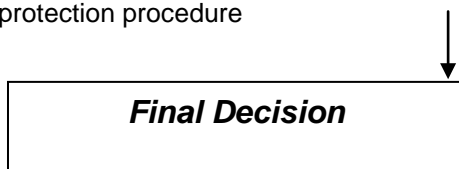
**Meirion Area Education Office, Cae Penarlag, Gwynedd Council, Dolgellau, LL40 1HY
Dwyfor Area Education Office, Ffordd Y Cob Gwynedd Council, Pwllheli, LL53 5AA
Arfon Area Education Office, Castle Street, Gwynedd Council, Caernarfon, LL55 1SH**

Complaints Procedure Involving Pupils



Note:-

In 'disciplinary' cases the matter should be dealt with internally at the school.
 In a case of **child abuse**, the case should be dealt with as a special procedure i.e. through the school's routine child protection procedure





INDIVIDUAL COMPLAINTS PROCEDURE

1. Teachers' grievances can arise from a variety of sources. They can arise among members of the teaching staff or with the head teacher. They can be of a relatively simple nature or of fundamental importance. They can involve the manager or governors of the school or the administration of the school and the education Department. To meet this situation it seems desirable to set out:
 - First, a procedure which may enable a grievance to be resolved informally and without recourse to any subsequent stage. Grievance should, where possible, be resolved by informal procedures:
 - Secondly, a complete formal procedure where the first kind of procedure is inappropriate or has failed.
2. The Grievance Procedure is completely separate from other procedures e.g. discipline procedure. The teachers' rights under the Grievance procedure is not over ridden by cases arising from proceedings under other procedures.
3. The note of any meeting under the formal procedure will be kept on the teachers' files, together with copies of written evidence and relevant documents.
4. Advice on a similar procedure for Headteachers in their relations with Governing Bodies and the Local Authority is given in section 4 of this document.
5. It is recommended that each Governing Body sets up a panel consisting of at least 3 Governors to form a Sub-Committee, so that members who have not been involved in the initial hearing are available to listen to any appeal.

Informal procedure

1.
 - (i) Where a member of the teaching staff has a grievance with the Education Department or with the governors which does not involve any other member of the staff, a direct approach should be made to the Headteacher or the governors, as may be appropriate.
 - (ii) Where a teacher including the Headteacher has a grievance which involves other members of the staff he should first of all endeavour to resolve the matter by direct approach to the member of staff involved or in discussion the head of department, or other appropriate senior member of staff or, if necessary, in discussion with the head teacher.
 - (iii) Where a member of staff requests a personal interview with the head of department or other appropriate senior member of staff or head teacher it should be granted within five working days of the request being made.
 - (iv) The head of department or other appropriate senior member of staff or the head teacher (as in (iii) above) should seek to resolve the problem personally or by mutual agreement, in consultation with other member(s) of the staff.



The teacher may also, by mutual agreement, seek consultation with the chairman of the managers or governors, officers of the Education Department, or with representatives of the teachers' organisation(s), as may be thought appropriate.

(v) If the matter is resolved no formal notes should be kept in the teacher's file.

Formal Procedure

2. (i) Where the matter has not been resolved under any of the procedures referred to above, the member of staff concerned should submit a formal written notice of the grievance to the headteacher, and to the person concerned, if other than the head teacher, and to the clerk to the Governing Body. The headteacher should then forthwith make a formal written report to the governors and send a copy to the Head of the Education Department.

(ii) The Report should generally note (a) the informal steps taken (b) that the Headteacher has asked the 'colleague' (that is the member of staff being complained about) to submit, as soon as possible a written response to the complaint about him/her, together with all the relevant document to the Clerk to the Governors, the complainant, and the Headteacher.

(iii) The clerk to the Governors will call a meeting of the relevant Sub-Committee within 10 working days of receiving the Headteacher's report. The hearing should be held no later than 20 days after receiving the report, with the relevant person being given 7 working days notice of the hearing. The notice must state the complaint in writing and include the response (together with written evidence) and a copy of the grievance procedure.

(iv) During the meeting, both sides should be given the opportunity of being accompanied by a representative of a professional association. The chairman should allow both sides to present their case and allow cross-examination. The Chairman will have the final decision in respect of admitting any additional written evidence, if he is satisfied that this specific written evidence could not have been submitted with the initial submission.

(v) The teacher and the respondent or their respective friend or representative will have the right to sum up their case if they so wish. The teacher and his friend /representative and the respondent and his friend/representative shall withdraw, and the sub-Committee should come to a decision.

(vi) After the decision has been reached, the teacher (or his friend/representative) and the respondent (or his friend/representative) should be called back to the meeting when the decision will be read to them. All parties, the Headteacher and members of the Sub-Committee should be informed of the decision in writing together with the appeal procedure.

(vii) When the matter has been heard by the sub-Committee of the Governing Body, any teacher involved in the grievance should have the right to appeal to the Governing Body, not including the members who formed the initial Sub-Committee, following the procedures set out in 2(i) to (vi) above.

A Grievance Against the Governing Body or the LEA

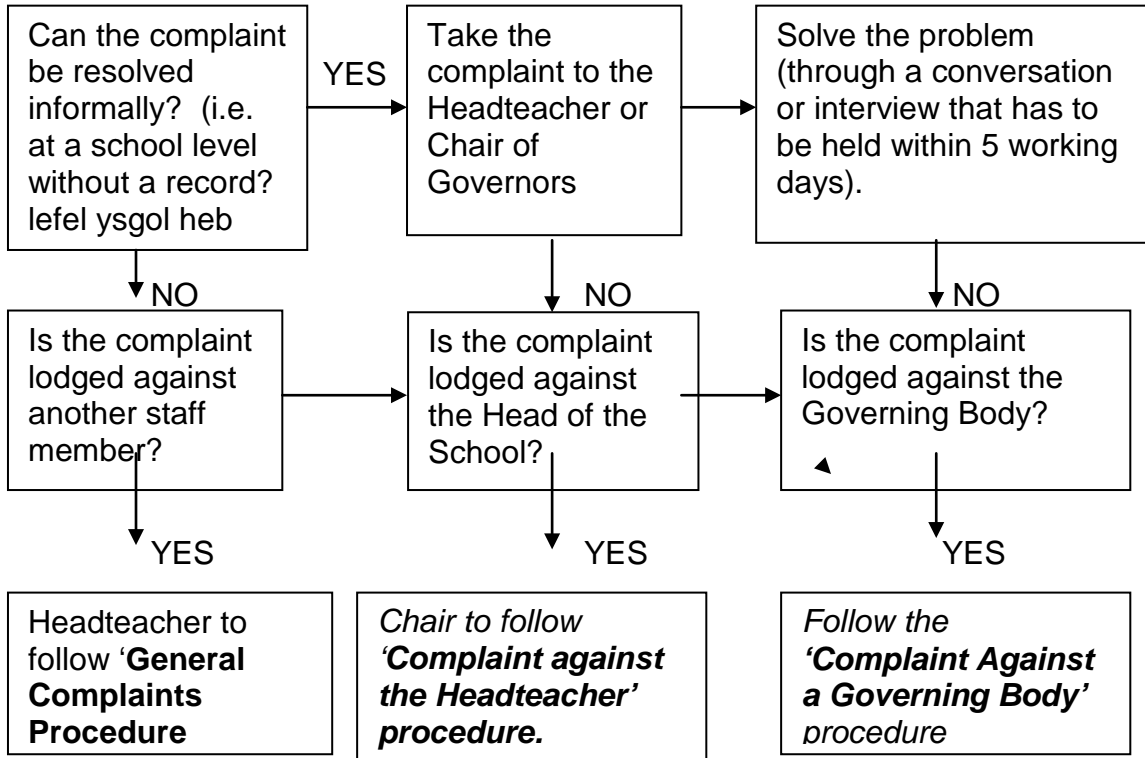
3. (i) If a teacher has a complaint about the Governing Body he/she must inform the Headteacher and inform the Chairman and the clerk to the Governing Body. The procedure outlined in 2 (iii) and 2(vi) should be used to deal with grievance of this nature
- (ii) When the complaint is about the Schools' Service, the teacher must first inform the Headteacher and then give written notice to the Head of the Education Department. The Head of the Education Department should bring the complaint to the notice of the Governing Body or its relevant committee or sub-committee.

A hearing should be held not later than 20 days after receiving the report, giving 7 days notice to the person concerned. With the notice all relevant document should be submitted together with a copy of the grievance procedure.

Head teacher

- 4.1 (i) Where a headteacher has a grievance he should first of all endeavour to find a resolution by discussing the matter with the person concerned. If this is not successful he should discuss the matter personally with the appropriate officer of the Education Department.
 - (ii) Where the matter remains unresolved the headteacher should discuss it with the Head of the Education Department or his representative, who may, also **by mutual agreement**, seek consultation with the chairman of the governors or with representatives of the teacher organisation(s) concerned, as may be thought appropriate.
- 4.2 (i) Where the matter is not resolved under 4.1 above the head teacher should submit a formal written notice of the grievance to the Head of the Education Department and/or to the governors of the school, as appropriate.
 - (ii) Where the grievance lies with the governors a meeting should be arranged by them within ten days, or as soon as is practicable thereafter. The head and any other teacher who may be involved should be entitled to be accompanied by a friend or by a representative of the teachers' organisation(s) concerned.
 - (iii) Where the grievance lies with the education Department the Head of the Education Department should refer it to the relevant committee or sub-committee. Such a meeting should be arranged within 110 days or as soon as is practically possible. The named person is entitled to be accompanied by a friend or by a representative of the teacher organisation concerned.
 - (iv) Where the procedures outlined in 4.2(ii) above have been followed, and the problem is still unresolved, there shall remain a right of appeal as under 2(iii) to (vii) above.

Individual Complaints Procedure (Complaints by Teachers)



Briefing Paper for Gwynedd Governors and Headteachers November 2007

INVESTIGATION OF CHILD PROTECTION ALLEGATIONS AGAINST SCHOOL STAFF

In accordance with the provisions of the School Standard and Framework Act 1998, governing bodies are responsible for dealing with staff disciplinary matters in all maintained schools. In accordance with the Education (School Government) (Wales) Regulations 1999, the governing body is also responsible for establishing Staff Disciplinary and Disciplinary Appeals Committees.

Circular **45/2004 'Staff Disciplinary Procedures in Schools'** offers guidance in order for governors to establish their own procedures. Such procedures must be formally adopted by the governing body, reviewed in the light of further guidance or regulation and made known to all staff.

Such procedures must be separate and distinct from grievance and capability procedures.

The guidance in 45/2004 is not statutory and should be read in conjunction with Joint NEOST/Teacher Union Guidance on Education Staff and Child Protection: Staff Facing an Allegation of Abuse Guidelines on Practice and Procedure (September 2002) which has also been incorporated into Gwynedd's child protection procedures. Circular 45/2004 clearly states that if a head teacher and/or the chair of governors receives a child protection allegation, the Education Department's link officers, namely the Education Officers, should be consulted to decide what action needs to be taken. The head teacher, or the chair of governors if the allegation is against the head teacher, is required to make an initial assessment - but not investigate - the nature and circumstances of the allegation.

This assessment should simply;-

- *establish that an allegation has been made,*
- *the general nature of the allegation,*
- *when and where the episode(s) is alleged to have occurred, who was involved and any other persons present.*

Therefore, when such allegations are made, there are four possible outcomes of the initial assessment:

- (i) Where the pupil has suffered, is suffering, or is likely to suffer significant harm, there should be an immediate referral under local child protection procedures.
- (ii) Where the child has alleged that a criminal offence has been committed, then again this will be referred under local child protection procedures and the police may carry out a criminal investigation.
- (iii) The allegation may represent inappropriate behaviour or poor practice by a member of staff (which does not fall within the above categories) that needs to be considered under local disciplinary procedures.
- (iv) That the allegation is apparently without foundation.

If there is any doubt of these matters, then guidance/clarification can be sought from the Education Department's link officers.



Instances which do not require referral

There will be instances where allegations made do not require referral under local child protection procedures detailed above. Those instances are as follows:

- (a) Where the allegation relates to the use of reasonable force to restrain a pupil, in accordance with s.550A of the Education Act 1996 and DfEE Circular 10/98 and Welsh Office Circular 37/98, it will be appropriate for the head teacher to deal with the matter at school level. An allegation of assault beyond the use of reasonable force would however need to be dealt with in accordance with the local child protection procedures as detailed above.
- (b) Where, following initial consideration, it is absolutely clear to the head teacher (or where the allegation involved the head teacher, the chair of governors) and the Education Department's link officer that the allegation is demonstrably false by virtue of the fact that the immediate circumstances of the allegation show that it would not be possible for the allegation to be true, then again the matter can be dealt with at school level.
- (c) The allegation may represent inappropriate behaviour or poor practice by a member of staff which needs to be considered under local disciplinary procedures.

Referral and procedures

Any action undertaken by the statutory authorities following a referral takes precedence over any governing body staff disciplinary / dismissal committees. However, the governing body is required to implement its staff disciplinary procedures in the event that the member of staff's conduct falls within the description in (iii) above, or where, following consideration of the case by statutory agencies, it is decided that no further action is to be taken by the agencies and the matter is referred back to the school.

Regulation 8(3)(b) of the 2006 Regulations introduces new provisions into Regulation 55 of the 2005 Regulations with Regulations 55(3) and (4) now requiring the governing body to appoint an **independent, non governor with voting rights** to be a member of the staff disciplinary/dismissal committees when these committees consider allegations against school staff involving child protection issues. Such a person cannot chair the meetings concerned.

Further guidance on the appointment of such persons will be issued in due course but as previously, with the Independent Investigator, the Independent Non-Governor Member cannot be a governor, parent, former pupil or member of staff at the school in question or a person employed by the LEA that maintains the school. In the short-term governing bodies might consider a person from a neighbouring LEA with human resource experience or voluntary setting such as C.A. Bureau

The non-governor may take the place of one of the three governors assigned to sit on the staff disciplinary/dismissal committee and the appeal committee, or may be additional to the three governors. The person appointed is expected to have analytical skills, and preferably a knowledge of child protection matters.

There must be **at least two** school governors, however, on each committee when considering child protection issues made against school staff with the chair having a casting vote in the event of a tie over any decisions made.

The non governor member on the committee does not take the place of the officer from the LEA. The Head of the Education Department has explicit rights for his/her representative to be present in all disciplinary/dismissal proceedings to give advice to the governing body in accordance with agreed joint NEOST / Teacher Union Guidance on Education Staff and Child Protection.

A link governor on the disciplinary committee should be named in order to monitor the progress of the statutory investigation.



The Chair of the Governors should not normally sit on either the disciplinary committee or the disciplinary appeals committee in order that he/she is able to advise the head teacher in cases involving other staff and is able to act in cases involving the head teacher. The head teacher cannot be a member of either committee.

The action undertaken by the statutory authorities following a referral include the need for a strategic meeting to be held between the parties concerned. A decision whether to undertake an official investigation is made at this meeting, the conclusion of which will be either;-

- (i) that the criteria for a 'criminal threshold test' are met and an investigation will be undertaken either as a 'joint' venture by both Social Services and the Police or a 'single' investigation by either agency or;
- (ii) that the evidence does not adhere to the aforementioned 'criminal threshold criteria' but that the allegation remains to be considered at school level or;
- (iii) that there is no case to answer.

It must be noted here that it would not be appropriate for the panel of the governing body to conclude that because there is no prosecution or that a prosecution fails following a statutory investigation ie (i) and (ii) above, consideration of disciplinary action is unnecessary. Governing bodies need to recognise that:

- A higher standard of proof is required for criminal proceedings than for disciplinary proceedings;
- Disciplinary proceedings may well involve wider issues than those considered by the statutory authorities;
- The general duty of care the governing body has to pupils and others.

If it is decided that staff disciplinary procedures should take place following a child protection allegation, the chair of the disciplinary committee should immediately engage an independent investigator to undertake and complete an investigation prior to the start of the governing body disciplinary hearing.

An independent investigator must be appointed in all cases where allegations involving issues of **child protection** are made against school staff and which may lead to disciplinary proceedings under the 2006 Regulations.

The only exception to this requirement is when the head teacher/ chair of governors concludes that the allegation is demonstrably false because the circumstances of the allegation show beyond any doubt that it is not possible to be true.

To help governing bodies meet the requirements to appoint an independent investigator as in Regulation 7(3) of the 2006 Regulations (The Staffing of Maintained schools (Wales) Regulations 2006), the Assembly Government has established a bilingual Independent Investigation Service (I.I.S.) which governing bodies can use free of charge. Alternatively the governing body may appoint their own investigator, the cost of which would fall to be met from the governing body's delegated budget. However, an investigator cannot be a governor, parent, former pupil or member of staff at the school in question or a person employed by the LEA that maintains the school.

The police will secure the agreement of witnesses that any evidence obtained for the purposes of prosecution can be used in any consideration of disciplinary action and the investigator will need to review, and as necessary supplement, the evidence from the statutory authorities in the light of the governing body disciplinary requirement.



If the person making the child protection allegation withdraws it for any reason, and at any time in the process, there is no need to appoint an independent investigator. It should be noted here that if it is a pupil who makes an allegation it is the pupil who should withdraw it. The governing body should not accept a withdrawal of an allegation being made by another person ie a parent on behalf of the pupil, unless the written or verbal agreement of the child concerned is obtained.

The role of the IIS is, therefore, to:

- Consider all the evidence, including that supplied by the statutory authorities, and explore the facts relating to an allegation. This may mean interviewing witnesses.
- Produce a report with findings and conclusions for the chair of the staff disciplinary/dismissal committee.
- Impartially present the report at the disciplinary hearing and any appeal hearing to enable members to take a collective decision and have regard for and comply with the requirements of the Data Protection Act 1998.

The terms of reference provided by the disciplinary panel to the IIS must be specific to any allegation made and unambiguous in nature.

Once the independent report has been received the staff disciplinary/ dismissal committee, including the non-governor member, need to consider the findings and decide whether:

- There is evidence to believe that the child protection allegation which is well founded and constitutes gross misconduct which requires a formal staff disciplinary/dismissal hearing;
- The evidence supports a decision that the allegation constitutes lesser misconduct which can be dealt with by the head teacher; or
- There is no evidence to support the child protection allegation and no further action needs to be taken against a member of staff.

Governing bodies need to bear in mind that having an investigation report does not in itself automatically mean that a disciplinary hearing must be held.

Should the evidence support the fact that the allegation was well founded the chair is required to give the member of staff concerned at least ten days notice of the intent to hold a disciplinary hearing and expected procedures should be adhered to with regard to timescale, representation and the structure of the meeting to be held.

Allegations Without Foundation

Where the allegation is demonstrably false, then the head teacher (or, where the allegation involves the head teacher, the chair of governors) should, in consultation with the LEA link officer:-

- (a) Inform the member of staff orally and in writing of the allegation and the fact that no further action is to be taken under disciplinary or child protection procedures. The member of staff may be accompanied by a trade union representative or friend;
- (b) Consider whether counselling and/or informal professional advice to the member of staff is appropriate and the form either might take;
- (c) Inform the parents of the child or children of the allegation and the outcome in writing;
- (d) Consider appropriate counselling and support for the child or children who made the allegation(s) and, where appropriate, their parents; in particular, consider what follow up action (including disciplinary action) should be taken in regard to a person or child who has made an allegation that is shown to be false or unfounded, especially if it is shown to have been made maliciously;



(e) Where the allegation has been made by a person other than the alleged child victim themselves, consideration should be given to informing the parents and child of the fact of the unfounded allegation and providing support as necessary.

Suspension

Suspension of a member of staff pending disciplinary proceedings should follow accepted procedures and only be considered where:

- It appears to be necessary to exclude the member of staff from the school for the protection of pupils, other staff or property or the orderly conduct of the school; or
- The continued presence at work of the member of staff would be an obstacle to proper investigation of the allegations made against that member of staff; and
- There is no other suitable option available, eg restricting the duties of the member of staff.

Suspension should be seen as a neutral act and not as a disciplinary penalty and as such the school should ensure that procedures are enabled to support the individual during this traumatic experience.

Where suspension is being considered, an interview should be arranged. Normally, the interview should be undertaken outside pupil contact time. The head teacher (or, in cases where the allegation is against the head teacher, the chair of governors) should consult with and seek advice from the LEA link officer.

Where the police are involved in a criminal investigation, any interview arranged, where suspension is considered, should not be conducted without prior consultation with the officer in charge of the case. Where there is no police involvement, an interview should be arranged in accordance with the following procedures:

- When called to an interview where suspension is a possible outcome the member of staff should be advised to seek the advice and assistance of his or her trade union. A person who is not a member of a trade union may be assisted by a work colleague. He/she, where accompanied, should be offered the opportunity of a brief meeting with the representative or colleague before the interview.
- The member of staff should be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. It should be made clear, however, that the interview is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.
- The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation about the allegation. This meeting is not concerned with examination of the evidence but is an opportunity for the member of staff to make representations concerning any possible suspension. The member of staff should be given an opportunity to make such representations after the information has been given and the reasons for any proposed suspension made out. A brief adjournment should be offered to the member of staff prior to response.
- If, as a result of the interview, it is considered by the head teacher/chair of governors that suspension is necessary along with a full investigation of the allegation, the individual should be advised that he or she is suspended from duty. Written confirmation of the suspension should be dispatched within one working day, giving reasons for the suspension.



Dream Group Ltd.

Contact person:- Mr. Tony Hester, Dream Solutions, The Rear Wing, The Barn, Micheldever Station, Nr. Winchester. Hampshire. SO21 3AR
Telephone:- 01962 795040
e-mail:- tony.hester@dream-group.com
Website:- www.dream-group.com

***The above is a summary of the Welsh Assembly Government Regulations 2005 & 2006.
School governing bodies should give full consideration to these Regulations before establishing procedures.***

INVESTIGATION OF CHILD PROTECTION ALLEGATIONS AGAINST SCHOOL STAFF

This paper has been brought to the attention of the school's governing body and all relating matters have been included in the minutes.

School:-

Meeting Date:-

Chair of Governors:-

The Clerk to the Governing Body should forward this statement for the attention of the Education Officer

Child Protection allegations against school staff
-Procedural guidelines for headteachers.

Headteacher or Chair of Governors in cases involving the headteacher to make an initial assessment of the circumstances of any allegation *but not investigate*.



If the allegation is not demonstrably false the Headteacher (or Chair of Governors in cases involving the headteacher) is required to consult with the Link Educational Officer



If the allegation is not demonstrably false the Headteacher (or Chair of Governors in cases involving the headteacher) is required to consult with the Link Educational Officer



If, following this consultation the headteacher or chairperson, in cases involving the headteacher, is of the opinion that the allegation relates to a potential criminal act or indicates that a child has suffered or is likely to suffer significant harm, **immediate** referral must be made to the Children's Team of the Social Services by following the agreed procedures in operation.

Any investigation by the Children's team at this stage takes precedence over any school-based disciplinary procedures.



The Governing Body, through the Chair, need to confirm and action the Disciplinary Committee, including the appointment of a Non-Governor Member and a link school governor member to monitor the progress of any statutory action undertaken



Following receipt of the recommendations relating to the referral from the statutory agencies, and unless the decision confirms that there is no case to answer, the chair of the Disciplinary Committee, where allegations involving issues of child protection have been made, must arrange for an Independent Investigator to be appointed. The terms of reference must relate directly to any allegation and be unambiguous in nature.



The Independent Investigator must forward a copy of his/her report to the chair of the disciplinary committee. The committee to decide what action should be initiated by direct reference to the agreed criteria.



LOCAL ARRANGEMENTS FOR CONSIDERING COMPLAINTS LODGED UNDER SECTION 23 OF THE 1988 EDUCATION REFORM ACT

COMPLAINTS PROCEDURE

1. Introduction

- 1.1 This document outlines the arrangements made by Gwynedd Council regarding handling complaints lodged about the curriculum, religious education and worship as defined in Section 23 of the 1988 Education Reform Act. The Local Education Authority mentioned in the document is Gwynedd Council (L.E.A.)
- 1.2 The arrangements deal with the kinds of complaints mentioned in *paragraph* 1.8. (The arrangements were made following consultations held with headteachers and school governing bodies mentioned in paragraph 1.7 as well as teachers' professional bodies. The arrangements were approved by the Secretary of State for Wales).
- 1.3 The document's purpose is to define how complaints are handled. It describes how a complainant can lodge his/her complaint, how the complaint is handled and how decisions taken regarding the complaint are reported.
- 1.4 Arrangements involving complaints lodged by parents and others as to how the LEA, or an LEA maintained schools governing body, fulfil their responsibilities and duties.
- 1.5 The arrangements are applicable to complaints lodged on, or after, 1 September 2007.
- 1.6 Arrangements are made for copies of Welsh and English versions of this document, to be made available in all the LEA's schools, education offices and the county's public libraries. A copy is provided free of charge, when requested, to any individual wishing to lodge a complaint under these arrangements, and the LEA can provide a copy in a language other than Welsh and English if required. The Information for Parents Handbook also notes how parents and others can obtain a copy of the document.

Remit of the Arrangements

- 1.7 These arrangements include every LEA maintained school with the exception of infants schools and infants classes in primary schools.
- 1.8 Those duties to be encompassed by this complaints procedure (duties that are common to LEA's and governing bodies, except where that is stipulated) are defined in the Education Reform Act, namely:
 - i) curriculum provision, including religious education and worship, which comply with the general requirements of Section 1 of the Act;
 - ii) implement the National Curriculum and comply with Orders and Regulations made on its requirements and exceptions to its provision (Sections 4,10 and 17);



- iii) make provision for pupils of compulsory school age, courses which lead to an external qualification, subject to that qualification and the associated syllabus or syllabus criteria having been approved (Section 5).
- iv) provide religious education and worship as required by the Act and other legislation (Sections 6-10 and 12);
- v) as regards an L.E.A., establish a Standing Advisory Council on Religious Education and review the agreed syllabus for the area if that is made a mandatory requirement by the Advisory Committee (Section 11).
- vi) the need to act in a reasonable manner when deciding whether or not to be associated with an application for exemption from all or part of the National Curriculum in order to fulfil development work (Section 16).
- vii) as regards a Governing Body, consider appeals from parents regarding withdrawing pupils temporarily from some or all National Curriculum provisions (Section 19);
- viii) implement charging policies in relation to the curriculum (Section 109);
- ix) comply with regulations governing information provision (Section 22)
- x) comply with any other legislation relating to the curriculum;

Any matter not mentioned in the above definition (e.g. discipline, school admissions) is outside the remit of these arrangements.

- 1.9 The complaints which fall under these arrangements only deal with how governing bodies and the LEA fulfil their responsibilities. Complaints regarding the education pupils receive are deemed as complaints as to how the governing body shoulders its responsibility as regards the school curriculum.

These arrangements do not apply to complaints about implementation methods used by individual teachers or headteachers. But if the LEA or governing body, when handling a complaint, conclude that the disciplinary system should commence, the appropriate steps are taken following that particular procedure, that lie beyond the remit of this procedure.

- 1.10 Where there is statutory provision for an appeals procedure as regards a complaint of a particular nature, it is imperative that this procedure be fully exhausted before considering the complaint under the procedure that is outlined in this document. If the statutory procedure under which an appeal is lodged allows a final appeal to the Secretary of State (e.g. appeals regarding a statement of special needs on a pupil under the 1981 Education Act), then the complaint cannot be considered under that procedure. If the statutory arrangements conclude with an appeal to the governing body (such as appeals regarding the exemption of temporary pupils from part of or the entire National Curriculum), under these arrangements, a further appeal can be lodged to the L.E.A.

1.11 Later on, these arrangements will extend to other responsibilities which will be enforced as the National Curriculum is implemented and which are



included in further reforms to the 1988 Education Act or any new legislation. When this occurs, the L.E.A. has an obligation to initially consult, and then notify governing bodies and headteachers.

1.12 The L.E.A. will delegate complaints regarding religious education and worship to the governing bodies, following consultation with them, as regards aided schools, recognizing their special statutory responsibilities in these matters. If the complainant is dissatisfied with the governing body's decision, he/she will be advised to refer his/her complaint to the Secretary of State.

2. General Principles

- 2.1 The aim is to deal with complaints as rapidly and effectively as possible within the available resources, and in each case within a reasonable period under the circumstances. The time taken to resolve the complaint will depend on the seriousness and complexity of the complaint.
- 2.2 Complaints requiring urgent action will be prioritized.
- 2.3 All complaints will be dealt with thoroughly, carefully, and fairly and efforts will be made to notify the complainant of progress made during the process as well as the outcome at the end of each stage.
- 2.4 The principal objective at each stage will be to try and resolve the situation or reach a decision regarding the case to enable the complainant, if he/she so wishes, to take the complaint further for consideration at the next stage. The complainant will receive detailed information on the following steps to take.

3. The Steps in the Procedure

- 3.1 Under the procedure outlined in this document, complaints are considered in three steps, namely, the informal consideration, formal consideration by the school's governing body following a formal complaint, and formal consideration by the LEA following a formal complaint.

3.2 The Informal Deliberation.

Many complaints can be rapidly and effectively handled through informal deliberation based on discussions held with a headteacher or other school staff. This is the first reasonable step and unless there are exceptional circumstances, the LEA and the governing bodies will expect this step to have been implemented prior to the complaint being formally lodged. Complainants therefore will be encouraged and advised to informally discuss in the first instance.

Likewise, with complaints involving LEA implementation, in the first instance the complainants are expected to informally discuss the situation with designated LEA officers.



3.3 A Formal Complaint to the Governing Body

If the complaint is not resolved using informal methods, the following steps will be taken:

- i) The headteacher will supply the complainant with the name and address of the Head of the Education Department at the LEA, Clerk of Governors, as well as a copy of the Complaints Procedure document.
- ii) The complainant is expected to lodge his/her complaint in writing to the Clerk of Governors or Head of the Education Department at the LEA. The written statement should clearly state the nature of the complaint and the complainant's request that the complaint be formally considered under the complaints procedure.
- iii) If the complaint is lodged with the Head of the Education Department, he/she will give written acknowledgement that it has been received and if the appropriate action to take is that it be considered by the Governing Body, he/she will forward it to the Clerk of Governors and notify the complainant of that.
- iv) If the complaint is lodged with the Clerk of Governors, he/she will give written acknowledgement that the complaint has been received, notifying the Head of the Education Department that a formal complaint has been received. It will be the responsibility of the Clerk to the Governors to make arrangements for the governing body to consider the complaint and decide on urgent cases to be prioritised in consultation with the chair of governors.
- v) If he/she so wishes and for that purpose, the complainant will be entitled to submit a verbal statement in support of the written complaint, or any interview that is part of the complaints hearing process, and can make arrangements for a friend, representative or interpreter to attend the meeting with him/her.
- vi) After the Governing Body has thoroughly investigated and deliberated over the complaint, the Clerk will notify the complainant and Head of the Education Department of:
 - the decision;
 - the reason for the decision;
 - the measures taken or it is intended to take following the decision (including details of applications or instructions of those against a complaint was lodged regarding further action).
- vii) Following (i) (vi) above, this formal step will terminate and if the complainant is dissatisfied, he/she can formally submit the complaint to the LEA (with the exception of complaints involving religious education and worship in aided schools).

3.4 Lodging a Formal Complaint to the LEA.

This step is implemented to deal with complaints once they have reached 3.3 (vii) above as well as complaints involving those aspects for which the LEA is solely responsible and which are therefore inappropriate to discuss at a governing body level. (e.g. the duty to establish a Standing Advisory Council on Religious Education).

On receiving a formal complaint from the LEA, the following measures are taken:

- i) The complainant is expected to lodge a written complaint and send it to the Head of the Education Department. The written statement should clearly note the nature of the complaint and a request that it be considered under this arrangement. The Head of the education Department will give written acknowledgement of having received the complaint.
- ii) The Head of the Education Department will decide which complaints are to be considered as urgent cases and will make arrangements for them to be dealt with as a priority.
- iii) The Head of the Education Department will make arrangements for an officer from the LEA to investigate the complaint, drawing on the information or advice that he/she deems appropriate.
- iv) Following a detailed investigation, the LEA Appeals Panel will consider the complaint.
- v) The complainant will be entitled to present an oral statement to the Panel if he/she so wishes, in support of the written complaint, and for that purpose, or any interview held as part of the complaint hearing process, he/she can make arrangements for a friend, representative or interpreter to attend the meeting with him/her. If an appeal is lodged against the governing body's decision regarding the particular complaint, a governing body representative can also attend to make a verbal statement that would reinforce the governing body's written comments.
- vi) Once the Appeals Panel has thoroughly investigated and deliberated over the complaint, the Head of the Education Department will notify the complainant of:
 - the decision
 - the reason for the decision
 - the measures taken following the decision (including details of requests of guidance given to those against whom a complaint has been lodged regarding further action)
- vii) Following (i) to (vi) above, this formal step will be terminated, and if the complainant is dissatisfied, he/she can formally lodge the complaint with the Secretary of State.



3.5 Lodging a Formal Complaint to the Secretary of State

The 1988 Education Reform Act states that the Secretary of State cannot deal with any complaint made within the remit of the arrangements in this document unless it has in the first instance been considered under the steps outlined above. The aim of this provision is to ensure that complaints, if at all possible, are dealt with and resolved locally between the complainant and those responsible for the provision, namely the LEA and/or the governing body.

A complainant who is still dissatisfied, after the complaint has been fully considered under the arrangements described in this document, can lodge a complaint with the Secretary of State under Section 68 or 69 of the 1944 Education Act.

4. Administrative Duties

- 4.1 It is the responsibility of the Head of the Education Department to ensure that this procedure is effectively administered including, in particular, ensuring that complaints are referred at the appropriate level.
- 4.2 The Head of the Education Department will provide advice, for those lodging a complaint, on the procedure to follow including which measures which they can take regarding complaints that are beyond the remit of this document.
- 4.3 If the complaint involves a recently investigated matter, and a clear decision has been reached regarding it, the Head of the Education Department will notify the complainant of this in writing, noting that he/she can continue to formally lodge the complaint if he/she is dissatisfied with the response.
- 4.4 The Head of the Education Department or Clerk to the Governors, as appropriate, will decide
 - i) whether the complaint is deemed appropriate to be deliberated upon within the remit of this document's arrangements.
 - ii) in accordance with the nature of the complaint, how much time it will take to deal with it and notify the complainant of that.

5. Arrangements for Reporting on Complaints

- 5.1 Under its monitoring procedure, the LEA will record the number and nature of the complaints received under this system with regard to the formal complaints.
- 5.2 The informal complaints are not recorded, as in the natural running of school life, a significant number of discussions are held between parents and headteachers, teachers and education officers on various matters including those dealt with in this document.



- 5.3 The schools are expected to prepare statistics on an annual basis for the LEA on the number and nature of the formal complaints received, the time taken to deal with them, and the decisions taken.
- 5.4 The Governing Body is expected to annually consider a report on the number of formal complaints dealt with as well as report to the parents at the Annual Meeting on the system that is administered.
- 5.5 The LEA will prepare an annual report to the Education Committee on the number of formal complaints dealt with as well as annually present details to the Secretary of State as and when required.
- 5.6 No report prepared by the LEA or the Governing Body will mention an individual by name.



Guidelines on 'Complaints from Children who have SEN, and/or Disabilities, and/or other Difficulties'.

Background

Schools are required to establish a procedure whereby every young child is given a stronger voice across all education services.

Individual schools will therefore need to ensure procedures that provide opportunities for children to express a view, concerns and feelings, and develop the abilities of the entire staff to listen to children's views, and thus develop a culture of listening to others.

Language Medium

As every school has a bilingual policy, a commitment will need to be ensured so as to enable pupils who lodge a complaint to express their comments in their chosen language. As regards those pupils for whom neither Welsh or English is their mother tongue, it should be ensured that they can use other communication methods. It should also be ensured that the method of communication is appropriate for the child's age-group, ability and language level.

Complaints Procedures

As these pupils have the same civil rights as any other child, in the first instance, the complaint should be considered at a school level. Every effort should be made to resolve every complaint at an early stage and satisfactorily at a school level. Otherwise, every complaint lodged by these pupils should be dealt with by following procedures for 'Complaints Involving Pupils'. In 'child protection' cases, the 'Investigating Allegations Against School Staff Involving Child Protection Matters' complaints procedure should be followed. Likewise, a complaint lodged by SEN pupils may follow the entire or part of another school procedure. Sensible and effective links should therefore be established with other complaints procedures within the school.

Other agencies

Complaints may also occasionally cross boundaries between the Education Department and other agencies such as Social Services or NHS. In such instances, who the 'lead' body is should be decided. (Service leaders are responsible for deciding who takes the lead) However, there will be no links with other agencies as regards complaints 'on matters which are the school governing body's responsibility'.

Lodging a complaint

Pupils may lodge their complaint verbally, in writing or through another method such as - e-mail, audio tape, video, etc. It should also be ensured that the complainant is aware who is responsible for each particular aspect of the case, and when they can expect a reply. It should be ensured that it is a fair process, and that there is a level of adequate support available for the complainants, also ensuring that there is an advocate available if required.



Pupils who could be included –

- Very Young children (under 8)
- SEN children, and those who communicate through other methods such as ITC or Braille.
- Children who have mental health and/or physical difficulties.
- Pregnant girls/teenage parents.
- Children/Pupils who have been excluded from the School.
- Looked after Children
- Pupils from ethnic and religious minority groups.
- Children of Travellers/Gypsies.
- Refugees and asylum seekers.
- Vulnerable pupils.

How each case develops will need to be effectively **monitored** and recorded.



FFURFLEN GWYNIION

PY42

COMPLAINT FORM

At/To: UNED GWASANAETHAU ATODOL, CYFADRAN DATBLYGU,
ADRAN ADDYSG
ANCILLARY SERVICES UNIT, DEVELOPMENT DIRECTORATE, EDUCATION DEPARTMENT

I Sylw/For: SWYDDOG ADEILADAU A GWASANAETHAU ATODOL
BUILDING AND ANCILLARY SERVICES OFFICER

ODDI WRTH / FROM:

SEFYDLIAD/ ESTABLISHMENT _____ **RHIF Y SEFYDLIAD/ ESTABLISHMENT NUMBER** _____

DYDDIAD/ DATE _____ **LLOFNOD (PENNAETH SEFYDLIAD)/ SIGNATURE (HEAD OF ESTABLISHMENT)** _____

PARTHED CONTRACT:
ARLWYAETH / CLUDIANT / GLANHAU A GOFALU / TIROEDD *
REGARDING THE CONTRACT FOR:
CATERING / TRANSPORT / CLEANING AND CARETAKING / GROUNDS MAINTENANCE *

(* DILEIR Y CONTRACTAU AMHERTHNASOL / * DELETE AS NECESSARY)

DISGRIFIAD O'R GWYN / DESCRIPTION OF THE COMPLAINT:

AT DDIBENION Y SWYDDOG ADEILADAU A GWASANAETHAU ATODOL/FOR USE BY THE BUILDING AND ANCILLARY SERVICES OFFICER

DYLID CADW COPI YN Y SEFYDLIAD O UNRHYW FFURFLEN A ANFONIR I'R SWYDDOG ADEILADAU A GWASANAETHAU ATODOL
THE ESTABLISHMENT SHOULD RETAIN A COPY OF EACH FORM SENT TO THE BUILDING AND ANCILLARY SERVICES OFFICER

Adran Addysg Gwynedd
Gwasanaeth Ysgolion
Gweithdrefnau Delio gyda Chwynion 2012

