

HIGHFIELD COMMUNITY PRIMARY SCHOOL



Complaints Policy and Procedures

Overview

1. Since 1 September 2003 Governing Bodies (GBs) of all maintained schools and maintained nursery schools in England were required, under Section 29 of the [Education Act 2002](#), summarised in Annex A, to have in place a procedure to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised.
2. The most up to date Statutory Guidance on school complaints should always be considered when drafting or amending a school complaints policy.
3. This document is intended to help schools draw up a complaints procedure or to review their existing procedure. In addition, there are certain complaints which fall outside the remit of the GB's complaints procedure, for example, staff grievances or disciplinary procedures. It is recommended that the governing body ensures that any third-party providers offering community facilities or services through the school premises, or using school facilities have their own complaints procedure publicised should any user wish to use it.
4. When schools draw up their procedure it is recommended that local teacher associations and LAs be involved. An example of a procedure, which schools might find helpful, is at Annex B.

This note does not represent Statutory Guidance issued by the Secretary of State.

Part 1: General Principles of complaints

Who can make a complaint?

School complaints policies should make it clear that any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions). Schools must not limit complaints to parents or carers of children that are registered at the school.

Dealing with Complaints – Initial concerns

5. Schools need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.
6. These key messages deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for

formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher or the individual delivering the service in the case of extended school provision, will receive the first approach. It would be helpful if staff were able to resolve issues on the spot, including apologising where necessary.

Dealing with Complaints – Formal procedures

7. The formal procedures will need to be invoked when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

8. Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In smaller schools this may often be the head teacher.

Framework of Principles

9. An effective Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- advise that all complaints shall be considered whether made for example in writing, by email or, in person or by telephone
- be **simple** to understand and use;
- be **impartial**;
- be **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;
- ensure a full and **fair** investigation by an independent person where necessary;
- respect people's desire for **confidentiality**;
- address all the points at issue and provide an **effective** response and **appropriate** redress, where necessary;
- provide **information** to the school's senior management team so that services can be improved.

Investigating Complaints

10. It is suggested that at each stage, the person investigating the complaint (the complaints co-ordinator), makes sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them (if unsure or further information is necessary);
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Resolving Complaints

11. At each stage in the procedure schools will want to keep in mind ways in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following, an:

- apology;
- explanation;
- admission that the situation could have been handled differently or better;
- assurance that the event complained of will not recur;
- explanation of the steps that have been taken to ensure that it will not happen again;
- undertaking to review school policies in light of the complaint.

12. It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that the school could have handled the situation better is not the same as an admission of negligence.

13. An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

Serial and Persistent Complaints

14. If properly followed, a good complaints procedure will limit the number of complaints that become protracted. However, there will be occasions when, despite all stages of the procedures having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of the GB is able to inform them in writing that the procedure has been exhausted and that the matter is now closed.

If the complainant writes again on the same issue, then the complainant may be regarded as serial or persistent and school may choose not to respond.

The government guidance recommends that schools should be able to answer yes to the following questions before electing to cease correspondence on matter:

- The school has taken every reasonable step to address the complainant's needs;
- The complainant has been given a clear statement of the school's position and their options (if any); and 10
- They are contacting the school repeatedly but making substantially the same points each time. The case is stronger if the school agrees with one or more of these statements:
 - The school has reason to believe the individual is contacting them with the intention of causing disruption or inconvenience - have they actually said as much in a letter, email or telephone call?
 - Their letters/emails/telephone calls are often or always abusive or aggressive.
 - They make insulting personal comments about or threats towards staff.

Schools should not stop responding just because an individual is difficult to deal with or asks complex questions. In most circumstances the subject matter is what you can refuse to respond to, not the correspondent.

It is important to note however that, should a complainant raise an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who should be marked as serial or persistent; it is the complaint.

If the decision to stop responding is taken, the complainant must be informed in writing.

Schools may wish to have a section in their complaints policy regarding this subject to alert those who may wish to raise a complaint what will be deemed a serial and persistent complaint and how they will be handled. A sample policy on this nature is available in the January 2016 guidance.

Time-Limits

15. Complaints need to be considered, and resolved, as quickly and efficiently as possible. An effective complaints procedure will have realistic time limits for each action within each stage. However, where further investigations are necessary, new time limits can be set and the complainant sent details of the new deadline and an explanation for the delay.

Part 2: The Formal Complaints Procedure

The Stages of Complaints

16. An efficient school's complaints procedure will have well-defined stages. A flow chart of suggested stages can be found in Annex C. At each stage it would be helpful to clarify exactly who will be involved, what will happen, and how long it will take. There may, on occasion, be the need for some flexibility; for example, the possibility of further meetings between the complainant and the member of staff directly involved.

The complaints procedure should set out the steps to follow in the event that the headteacher or member of the governing body is the subject of the complaint.

17. An unsatisfied complainant can always take a complaint to the next stage by requesting a review by the Secretary of State (from 1.8.12).

18. An example of a complaints' procedure can be found in Annex B.

Part 3: Managing and Recording Complaints

Recording Complaints

19. It would be useful for schools to record the progress of the complaint and the final outcome in writing. A complaint may be made in person, by telephone, or in writing. An example of a complaint form can be found in Annex D. At the end of a meeting or telephone call, it would be helpful if the member of staff ensured that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls can be kept and a copy of any written response added to the record. No meetings should be tape recorded. If the complainant does still go ahead and records the meeting – the recording should not be considered as part of the investigation of the complaint.

20. The complaints co-ordinator could be responsible for the records and hold them centrally.

Governing Body Review

21. The GB can monitor the level and nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. Preferably, complaints information shared with the whole GB will not name individuals.

22. As well as addressing an individual's complaints, the process of listening to and resolving complaints will contribute to school improvement. When individual complaints are heard, schools may identify underlying issues that need to be addressed. The monitoring and review of complaints by the school and the GB can be a useful tool in evaluating a school's performance.

Publicising the Procedure

23. There is a legal requirement for the Complaints Procedures to be publicised. It is up to the GB to decide how to fulfil this requirement but details of the Complaints Procedures could be included in:

- the school prospectus;
- any report/communication from the governors to parents;
- the information given to new parents when their children join the school;
- the information given to the children themselves;
- the home-school agreement;
- home school bulletins or newsletters;
- documents supplied to community users including course information or letting agreements;
- a specific complaints leaflet which includes a form on which a complaint can be made;
- posters displayed in areas of the school that will be used by the public, such as reception or the main entrance;
- the school website.

Part 4: Matters Outside the Scope of a Complaints Procedure

24. A complaints procedure should cover all complaints about any provision of facilities or services that a school provides with the **exceptions** listed below, for which there are separate (statutory) procedures.

Exception	Who to Contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
<ul style="list-style-type: none"> • Exclusion of children from school 	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
<ul style="list-style-type: none"> • Whistleblowing 	Schools have an internal whistleblowing procedure for their employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	Providers should have their own complaints procedure to deal with complaints about

Complaints Regarding Religious Education or Collective Worship

25. Informal Stages Concerns expressed by parents and others should be dealt with, as far as possible by informal discussions with teachers and the

headteacher. At this stage the LA could be involved in trying to resolve the issue informally.

26. Formal Stages

a. If the concern is not resolved at the informal stage then it becomes a complaint and is considered by the GB of the school or a panel thereof.

b. If the concern is not resolved by the GB then the complainant may approach the SACRE and ask them to investigate the matter with the school.

27. In the event the complainant and/or SACRE remain dissatisfied with the school's response to the complaint then either may refer the matter to the Secretary of State for consideration. If the matter has not already been through a SACRE investigation the Secretary of State may ask that they investigate.

28. The following information can also be viewed on the LA website:
Standing Advisory Council on Religious Education (SACRE)

Cheshire West and Chester Standing Advisory Council on Religious Education (SACRE)

What is a SACRE?

The SACRE is the Standing Advisory Council on Religious Education. Its main function is to advise the local authority on matters related to collective worship in community schools and religious education in accordance with the agreed syllabus.

Where to find help

- Clerk to Cheshire West and Chester Council SACRE – Alison Williams:
Email: alison.williams@cheshirewestandchester.gov.uk
- Religious Education Primary Advisor – Naomi Anstice:
Email: nanstice@manorhouse.cheshire.sch.uk

Why is there a SACRE?

In 1944, when religious education became a compulsory subject on the curriculum, local authorities were given the power to set up SACREs in order to decide what was taught in RE (also called religious instruction, religious knowledge, scripture or divinity). When the 1988 Education Act

confirmed religious education as part of the basic curriculum, it became a duty for every local authority (LA) to appoint a SACRE. Religious education is the only compulsory subject in schools which remains locally determined.

What are the duties of a SACRE?

SACRE 's main duty is to advise the local authority on religious education and collective worship for the schools within its remit.

SACRE should also:

- Require the local authority to review its agreed syllabus every five years
- Consider requests from schools to be released from the requirement to provide collective worship that is wholly or mainly of a broadly Christian character (a determination)
- Publish an annual report of its work
- Monitor the provision and quality of the agreed syllabus, and of collective worship
- Meet in public, unless confidential information is to be disclosed
- Record minutes of all meetings
- Provide advice and support on teaching the agreed syllabus

Complaints about school staff

29. Your policy should set out the process that will be followed in the event a complaint is against a member of staff.

30. The Government guidance advises that in relation to a complaint against a member of staff:

- Stage 1: Headteacher investigates and deals with the complaint
- Stage 2: A committee of members of the Governing Body reviews if complaint not resolved at stage 1

31. If the complaint is against the Headteacher then the guidance states

- Stage 1: Complaints against the headteacher are dealt with by a suitably skilled member of the governing body
- Stage 2: A committee of members of the governing body reviews if complaint not resolved at stage 1

Complaint about Governors

32. Your policy should set out how complaints against a Governor or the Governing Body will be handled: Recommendation in the guidance is:

- A complaint against the chair of governors or any individual governors are made to the clerk to the governing body (the clerk). The clerk should then arrange for the complaint to be heard.
 - Stage 1: This may be heard by a suitably skilled and impartial member of the governing body
- Stage 2: If unresolved then a committee of members of the governing body

33. Complaints against the entire governing body or complaints involving both the Chair and Vice Chair should also be sent to the clerk, who should then determine the most appropriate course of action. This will depend on the nature of the complaint. This may result in:

- Stage 1: Sourcing an independent investigator
- Stage 2: Using co-opted governors from other schools to hear the complaint if it remains unresolved.

If appropriate, the clerk could ask for support from the:

- governor services team at the local authority
- diocese (if a faith school)

Duplicate Complaints

34. After closing a complaint at the end of the complaints' procedure, you may receive a duplicate complaint from another party linked to the original complainant who tries to have 'another go' at the same issue, this could be:

- a spouse
- a partner
- a grandparent
- the child

35. If the complaint is about the same subject, you can inform the new complainant that the school has already considered that complaint and the local process is complete. You should advise the new complainant to contact the department of education if they are dissatisfied with the school's handling of the original complaint.

36. Take care not to overlook any new aspects to the complaint that you may not have previously considered. You will need to ensure these are investigated and dealt with to the full extent of the complaints' procedure.

Complaint campaigns

37. Occasionally, you may become the focus of a campaign and receive large volumes of complaints:

- all based on the same subject
- from complainants unconnected with the school

We recommend you include a separate procedure in your complaints policy to handle complaints of this nature. This could include:

- sending a template response to all complainants
- publishing a single response on the school's website

38. In accordance with the duty on schools to publish their complaints procedures online under the School Information (England) Regulations 2008, any alternative process must be included in the complaints' procedure published on the school's website.

39. You can continue to signpost complainants to the Department for Education if they are dissatisfied with your response.

Third parties

40. You should make sure that any third-party providers have their own complaints procedures in place if they are using school premises or facilities to offer:

- community facilities
- services

Annex A: The Act

Section 29 of the Education Act 2002 requires that:

- (1) The governing body of a maintained school (including a maintained nursery school) shall –
 - (a) establish procedures for dealing with all complaints relating to the school or to the provision of facilities or services under section 27, other than complaints falling to be dealt with in accordance with any procedures required to be established in relation to the school by virtue of a statutory provision other than this section, and
 - (b) publicise the procedures so established.
- (2) In establishing or publicising procedures under subsection (1), the governing body shall have regard to any guidance given from time to time (in relation to England) by the Secretary of State.

Section 39 of the Education Act 2002 provides the following:

“maintained school” means a community, foundation or voluntary school, a community or foundation special school or a maintained nursery school;

“maintained nursery school” means a nursery school which is maintained by a local education authority and is not a special school;

Complaints Procedure

We provide an exciting and inclusive, happy and caring school in which we have high expectations for all. We believe:

- We are always accountable to the children and will always strive to meet their needs
- Together, everyone achieves more
- If it works we do more of it, if it doesn't we do something different
- Small changes can make big differences
- We always look for solutions to issues and remember the problem is the problem, not the person
- Look positively to the future helps us all move forward.

Rationale

Under Section 29 of the Education Act 2002 Governing Bodies of all maintained schools in England have been required to have in place a procedure to deal with complaints relating to the school. The law also requires the procedure to be publicised.

There is a difference between a concern and a complaint; taking informal concerns seriously at the earliest stage will reduce the number that develop into formal complaints. The formal procedures will need to be invoked only when initial attempts to resolve the issue are unsuccessful and the person raising the concern remains dissatisfied and wishes to take the matter further.

Aims

We will endeavour to be fair, open and honest when dealing with any complaint and will always put the interests of our children above all else. We will give careful consideration to all complaints and we aim to resolve any complaint through dialogue and mutual understanding.

Any person, including members of the general public, may make a complaint about any provision of facilities or services that a school provides, unless separate statutory procedures apply (such as exclusions or admissions)

Our complaints procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- be easily **accessible** and **publicised**;
- be **simple** to understand and use;
- be **impartial** and **non-adversarial**;
- allow **swift** handling with established **time-limits** for action and keeping people informed of the progress;

- ensure a full and fair investigation by an independent person where necessary;
- respect confidentiality;
- address all the points at issue and provide an effective response and appropriate redress;
- provide information to the school's senior management team and governors so that services can be improved.

Process

All complaints shall be considered whether made for example in writing, by email or, in person or by telephone.

For a general complaint:

Step 1 If a parent is concerned about anything to do with the education or support that we are providing at our school, they should, in the first instance, discuss the matter with their child's class teacher; most matters of concern can be resolved positively in this way. All teachers work very hard to ensure that each child is happy at school, and is making good progress; they naturally want to know if there is a problem, so that they can take action before it seriously affects the child's progress.

Step 2 Where a parent feels that a situation has not been resolved through contact with the class teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the head teacher. The head teacher will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

Step 3 Only when an informal complaint fails to be resolved by the head teacher should a formal complaint be made to the governing body. Complaints should be made using the appropriate Complaints Procedure Form stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send the Complaints Procedure Form to the chair of governors via the school office.

For a complaint about the Headteacher:

Step 1 If a parent is concerned about anything to do with the behaviour, leadership or management of the head teacher, they should, in the first instance, discuss the matter with the head teacher; most matters of concern can be resolved positively in this way.

Step 2 Where a parent feels that a situation has not been resolved through contact with the head teacher, or that their concern is of a sufficiently serious nature, they should make an appointment to discuss it with the chair of the governing body. The chair will consider all matters of concern very seriously and investigate each case thoroughly. Most complaints would normally be resolved at this stage.

Step 3 Only when an informal complaint fails to be resolved by the chair should a formal complaint be made to the governing body. Complaints should be made using the appropriate Complaints Procedure Form stating the nature of the complaint, who has been spoken to already and the preferred outcome. The parent should send the Complaints Procedure Form to the governing body via the Clerk to the Governors:

Nicola Fincham, nfincham@highfield-blacon.cheshire.sch.uk

For a complaint about a School Governor:

Any complaint made against the Chair of Governors or another member of the Governing Body should be made in writing to the clerk to the Governing Body. Where a complaint is against the Chair of Governors or another Governor, the complaint will move straight to step 3 of the procedure.

Governing Body Complaints Committee

The governing body must consider all written complaints within 21 school working days of receipt.

The Chair of Governors will nominate a governor to co-ordinate the procedure and will appoint a complaints panel consisting of 3 Governors who are not employees of the school. The nominated co-ordinator will chair the complaints panel.

The co-ordinator will arrange a meeting of the complaints panel to discuss the complaint and will invite the person making it to attend the meeting so that they can explain the complaint in more detail. The school will give the complainant at least five days' notice of the meeting. If the complainant cannot attend the suggested date, a further date will be set. If the complainant does not attend the second date, a third and final date will be set, at which time the meeting will proceed without the complainant present.

The Headteacher will write a report addressing the complaint and ensure that the complaints panel members and the complainant receive a copy 4 days before the meeting. (If it is a complaint about the Headteacher, the Chair of Governors will write the report).

The complainant is invited to write a report addressing the issue and must ensure that the complaints panel members and the head teacher (or Chair of Governors) receives a copy 2 days before the meeting. Other written evidence will not be accepted at the meeting, except in exceptional circumstances.

Check list for a panel hearing

The panel must take the following points into account:

- the hearing is as informal as possible;
- after introductions, the complainant is invited to explain their complaint (with the support of parent partnership or other advocate if required);
- the panel members and head teacher (or Chair of Governors) may ask questions;

- the Headteacher (or Chair of Governors) is then invited to explain the school's actions (with support of DHT, SENCo or other supporter if required);
- the panel members or complainant may ask questions;
- the complainant is then invited to sum up their complaint;
- the head teacher (or Chair of Governors) is then invited to sum up the school's actions and response to the complaint;
- the chair of the panel explains that both parties will hear from the panel within 3 working days;
- both parties leave the meeting while the panel decides on the issues.

When the panel has fully investigated the complaint, the chair of the panel, on behalf of the governing body, will write to the complainant confirming the outcome of the complaint and any agreed action to be taken. The panel can:

- dismiss the complaint in whole or in part;
- uphold the complaint in whole or in part;
- decide on appropriate action to be taken to resolve the complaint;
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur.

Investigating Complaints

At each stage, the person investigating the complaint should make sure that they:

- establish **what** has happened so far, and **who** has been involved;
- clarify the nature of the complaint and what remains unresolved;
- meet with the complainant or contact them;
- clarify what the complainant feels would put things right;
- interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish;
- conduct the interview with an open mind and be prepared to persist in the questioning;
- keep notes of the interview.

Matters Outside the Scope of a Complaints Procedure

The **exceptions** listed below, for which there are separate (statutory) procedures, will not be dealt with via the school complaints procedure:

Exception	Who to Contact
<ul style="list-style-type: none"> • Admissions to schools • Statutory assessments of Special Educational Needs (SEN) • School re-organisation proposals • Matters likely to require a Child Protection Investigation 	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
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<ul style="list-style-type: none"> • Staff grievances and disciplinary procedures 	These matters will invoke the school's internal grievance procedures. Complainants will not be informed of the outcome of any investigation.
<ul style="list-style-type: none"> • Complaints about services provided by other providers who may use school premises or facilities. 	Providers should have their own complaints procedure to deal with complaints about

Resolving Complaints

At each stage in the procedure we will look for a way in which a complaint can be resolved. It might be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;

- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review school policies in light of the complaint.

It should be noted that an admission that the school could have handled the situation better is not the same as an admission of negligence.

If you believe that the Governing Body has acted unreasonably, you can complain in writing to the Secretary of State for Education.

Unresolved complaints

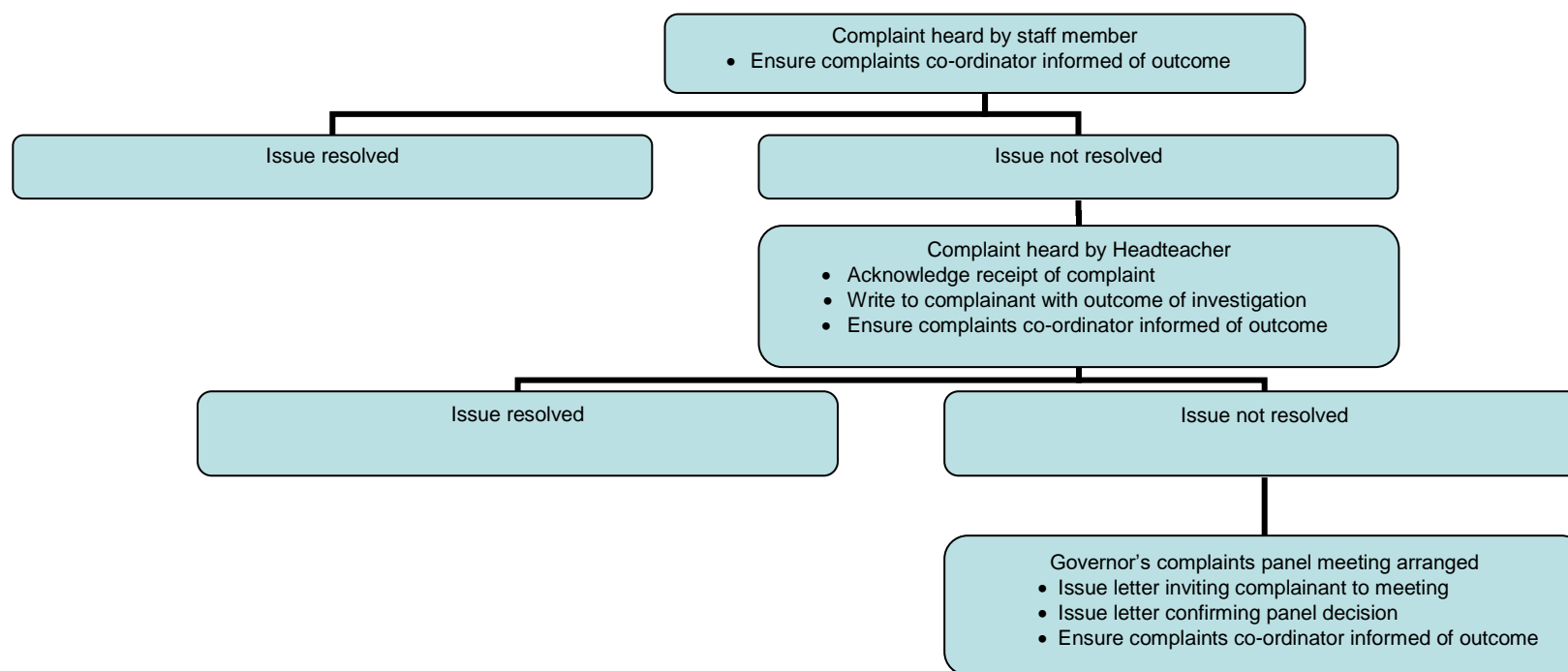
From 1 August 2012 complaints about maintained schools not resolved by the school that would have been considered by the Local Government Ombudsman or the LA should be addressed to the Secretary of State for Education.

Further information can be obtained by calling the National Helpline on 0370 000 2288 or going online at: www.education.gov.uk/help/contactus or by writing to:

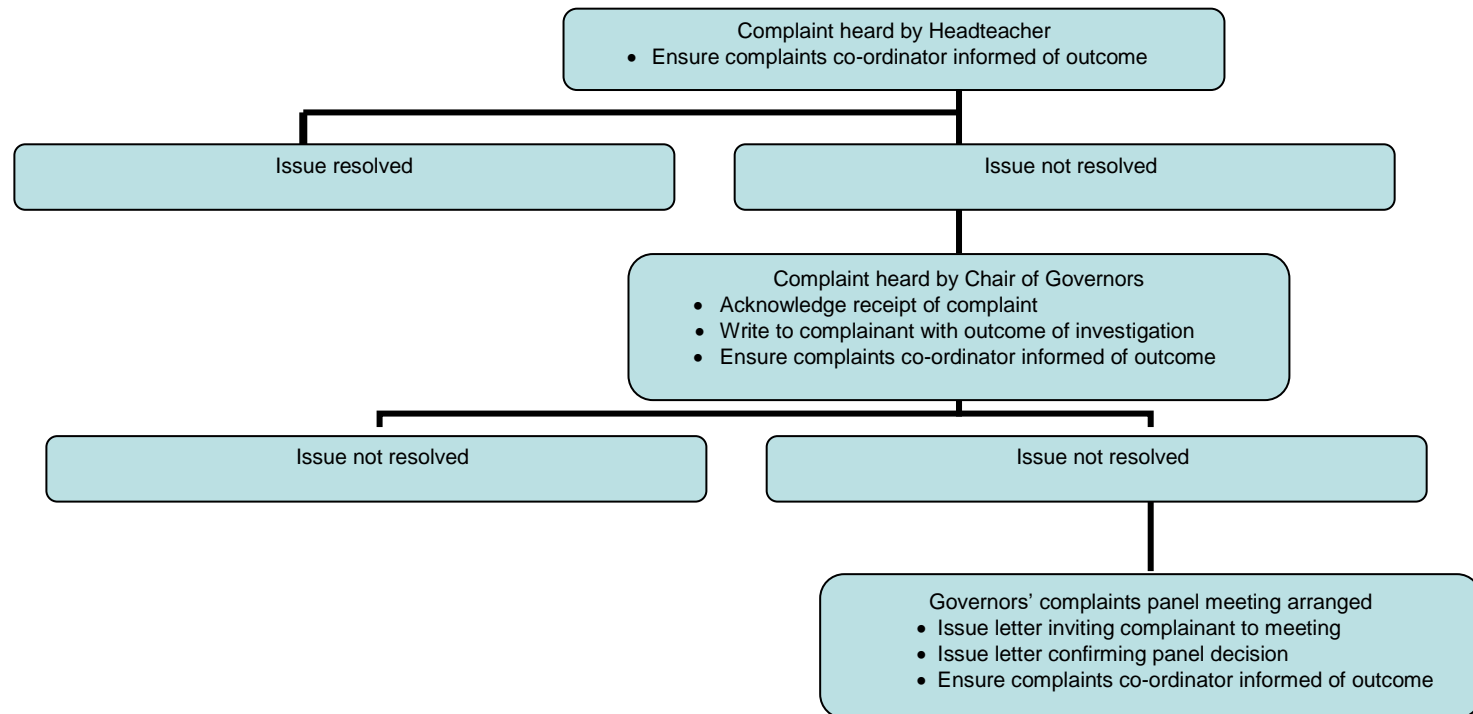
Department for Education
School Complaints Unit
2nd Floor, Piccadilly Gate
Store Street
Manchester
M1 2WD

Summary of Dealing with Complaint

Annex C: Flowcharts



Summary of Dealing with Complaint against the Headteacher



Annex D: Example of a complaint form

Please complete and return to Sarah Daynes (Complaints Co-ordinator) who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name:
Your relationship to the pupil:
Address:
Postcode:
Day time telephone number:
Evening telephone number:
Please give details of your complaint.

What action, if any, have you already taken to try and resolve your complaint.
(Who did you speak to and what was the response)?

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signature:

Date:

Official use

Date acknowledgement sent:

By who:

Complaint referred to:

Date: