

Concerns and Complaints Policy

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Introduction

The governors are committed to ensuring that the highest standards are maintained at the school both in the provision of education to pupils and in every other aspect of the running of the school. A complaints procedure is an important part of the management of a well-run school allowing parents, carers and other members of the public the opportunity to voice any concerns they may have through appropriate channels. This policy explains the procedure which has been adopted by the governing board to ensure a timely, systematic and fair approach to the resolution of such concerns.

The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important for which reassurances are sought'.

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or a lack of action'.

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaint's procedure. Crawford Primary takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

If you have difficulty discussing a concern with a particular member of staff, we will respect your views. In these cases, we will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, the Headteacher will refer you to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, the school will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

Who can make a complaint?

This complaints procedure is not limited to parents or carers of children that are registered at the school. Any person, including members of the public, may make a complaint to the school about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to exclusions or admissions), we will use this complaints procedure.

Anonymous complaints are not normally investigated. However, the Headteacher or Chair of Governors, if appropriate, will determine whether the complaint warrants an investigation.

How to raise a concern or make a complaint

A concern or complaint can be made:

- in person
- in writing (by letter or email)
- by telephone

They may also be made by a third party acting on behalf on a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with (in this order):

- Staff member (usually the Class Teacher)
- Link Deputy (and/or the Headteacher)

If the issue remains unresolved, the next step is to make a formal complaint.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at Stage 2 of the procedure.

Who will address the complaint?

Complaints against:	Complaint addressed to:
School staff	Headteacher
Headteacher	Chair of Governors
Governors	Clerk to the Governing Body

Complaints made in writing must be marked as Private and Confidential and sent to the school office.

To ensure that all details are captured, we strongly encourage the use of the complaints form. This can be found at the end of this policy (see appendix 3).

If you require help in completing the complaint form, please contact the school office for support. You can also ask third party organisations like the Citizens Advice to help you.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

Providing additional evidence with a complaint

If you feel there is additional evidence that you wish to submit as part of your complaint, this must be clearly marked as Private and Confidential and addressed to the Headteacher.

We do not normally accept electronic recordings as evidence when we are asked to consider a complaint. However, we may accept independently notarised transcripts of recordings. We may also ask for the written consent of all recorded parties prior to reviewing the transcripts.

Unless exceptional circumstances apply, we will not accept recordings of conversations that were obtained covertly and without informed consent of all parties being recorded.

Time scales

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. Complaints made outside of this time frame will only be considered if exceptional circumstances apply.

Complaints made outside of term time will be deemed to have been received on the first school day after the holiday period.

Complaints this policy does not cover

This policy does not cover certain types of complaints, which are dealt with under separate procedures. Please see below a summary of exceptions these may include and who to raise the complaint with:

Exceptions	Who to contact
schools	Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised with Lambeth Admissions
Matters likely	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH)
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions . *Complaints about the application of the behaviour policy can be
1	made through the school's complaints procedure. We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus . Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also
Chaff	be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
	Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.

•	Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.
	Please contact the Department for Education at: www.education.gov.uk/contactus

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, this may impact on our ability to adhere to the timescales within this procedure or result in the procedure being suspended until those public bodies have completed their investigations.

If a complainant commences legal action against the school in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

Resolving a complaint

To be effective our complaints procedure will:

- Encourage resolution of problems by informal means wherever possible.
- Be easily accessible and publicised, including to third parties who hire school premises.
- Be simple to understand and use.
- Be impartial.
- Be compliant with the school's obligations under the Equality Act 2010.
- 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.

At each stage in the procedure, Crawford Primary want to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld 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.

We encourage complainants 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.

A complaint may result in disciplinary action by the school against a member of staff and this would be confidential between that member of staff and the school, but otherwise complainants will be kept fully informed of the handling of any complaint. Any complaint will be kept confidential, unless it is necessary to involve other parties, and will be dealt with as quickly as possible.

If a complainant would like to withdraw their complaint at any stage, they will be requested to confirm this in writing.

Roles and responsibilities of the participants in the investigation of a complaint

The Complainant

The person who makes the complaint will receive the most effective response if s/he:

- Expresses the complaint in full as early as possible.
- Asks for assistance if needed throughout the handling of the complaint.
- Co-operates with the school in its procedures of seeking a solution to the complaint.
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint.
- Treats all those involved in the complaint with respect.

The Headteacher

Whenever a formal complaint is received, it will be investigated. At each stage, the person investigating the complaint must:

- Ensure that everyone involved in the complaint procedure is aware of the legislation around complaints including:
 - o The Equality Act 2010.
 - o Data Protection Act 1998 and the General Data Protection Regulation (from May 2018).
 - o Freedom of Information Act 2000.
- Be aware of issues regarding:
 - o Sharing third party information.
 - o Additional support for the complainant when making a complaint including interpretation support.
- Liaison with staff members, Chair of Governors and the Clerk to ensure the smooth running of the complaints procedure.
- Keeping the complainant fully updated at each stage of the procedure.
- Keeping records.

When investigating the complaint at stages 1 and 2 of the complaints procedure, the Headteacher will ensure that they:

- Conduct interviews with an open mind and are prepared to persist in the questioning.
- Keep notes of the interviews or arrange for an independent note taker to record minutes of all meetings.

The investigator's role will include:

- Providing a comprehensive, open, transparent and fair consideration of the complaint through:
 - o Interviewing the complainant sensitively and thoroughly to establish what has happened and who has been involved.
 - o Interviewing staff, pupils and other people relevant to the complaint.
 - o Consideration of records and other relevant information.

- Analysing information.
- Effectively liaising with the complainant and the Headteacher to clarify what the complainant feels would put things right.
- Identifying solutions and recommending courses of action to resolve problems.
- Being mindful of the timescales to respond.
- Responding to the complainant in simple and clear language.

The Governors

When responding to complaints affecting the school, all governors must follow the complaints policy and procedures as agreed with the school leadership and management.

The Governors Review Panel

The review panel will normally be composed of three school governors (please note: it is good practice not to involve the chair of governors). The school may use their own governors, but it is also permissible under the School Governance (Collaboration) England Regulations 2003 to have a panel composed of independent governors from other schools. The aim of the review panel meeting is to review how the school has managed the complaint, not to re-investigate the complaint itself. This will include reviewing evidence and outcomes from Stages 1 and 2 and evaluating whether the school has followed its policies and procedures. The panel should also give consideration to achieving reconciliation between the school and the complainant, although it has to be recognised that this is not always possible.

The Clerk to the Governors

The clerk is involved from Stage 2 of the complaint procedure. The clerk is the contact point for the complainant for the panel meeting and will:

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible.
- Collate any written material and send it to the parties in advance of the hearing.
- Meet and welcome the parties as they arrive at the hearing.
- Record the proceedings.
- Circulate the minutes of the panel hearing.
- Notify all parties of the panel's decision.

The Panel Chair

The Panel Chair will ensure that:

- They liaise with the Clerk
- No member of the panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure.
- The panel is open-minded and acts independently.
- The layout of the room is informal and not adversarial.
- Parents/carers and others who may not be used to speaking at such a hearing are put at ease.
- Everyone is treated with respect and courtesy.
- The hearing is conducted respectfully and sensitively.
- The role of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption.
- The meeting is minuted.
- The issues are addressed.
- Both the complainant and the school are given the opportunity to state their case and seek clarity where necessary.
- Key findings of fact are made.

- Written material is seen by everyone in attendance.
- If a new issue arises, a short adjournment of the hearing takes place so that everyone will has the opportunity to consider and comment upon it.

Panel Members

Panel Members become involved at Stage 2 in the complaint procedure. They need to be aware that:

- The aim of the hearing is not to re-investigate the complaint but to try to resolve it and achieve reconciliation between the school and the complainant.
- The panel hearing is independent and impartial, and must be seen to be so.
- Many complainants will feel nervous and inhibited in the setting.
- Extra care must be taken when the complainant is a young person and present during all or part of the hearing; their welfare during the process is paramount.

Recording complaints

The progress of any complaint and the final outcome will be recorded by the person investigating the complaint. These findings will be made available to the complainant and, where relevant, the person complained about, and will be available for inspection by the Headteacher. Initially a complaint may be made in person or by telephone and if unresolved needs to be put in writing (see appendix 2). At the end of a meeting or telephone call, the member of staff will ensure that the complainant and the school have the same understanding of what was discussed and agreed. A brief note of meetings and telephone calls will be kept and a copy of any written response added to the record. This will be recorded in line with our internal recording procedures.

Stages of the procedures

Concerns (informal stage)

Examples of a concern could include: a pupil's reading book not being changed; homework not being marked; pupil sharing that they are finding the learning too challenging/not challenging enough, pupil involved in a playground skirmish.

Please see appendix 1 for flowchart of concerns procedure.

Stage 1: Staff Member

- Concern shared with a member of school staff (usually the Class Teacher).
- Staff member to address the concern and adequately resolve (usually within 3 working days).
- Verbal agreement shared between both parties regarding what has been discussed and agreed.
- Staff member make a brief note of discussion on internal recording system.
- Staff member to inform Link Deputy of outcome.

If the complainant is not satisfied with the outcome of the discussion in Stage 1, concern shared with the Link Deputy.

Stage 2: Link Deputy (and/or the Headteacher)

- Link Deputy to address the concern and adequately resolve (usually within 5 working days).
- Verbal agreement shared between both parties regarding what has been discussed and agreed.
- Link Deputy to make a brief note of meeting on internal recording system.
- Link Deputy to inform the Class Teacher and Headteacher of outcome.

If the concern is not met to the complainant's satisfaction, or the level of concern warrants formal proceedings, then Stage 1 of the complaints procedure is followed.

Complaints (formal stage)

Examples of a complaint could include: an allegation against a staff member; incidences where key policies have not been adhered to e.g. safeguarding, health and safety, behaviour, code of conduct, positive handling, first aid, intimate care.

Please see appendix 2 for flowchart of complaints procedure.

Stage 1: Headteacher

- The complainant puts the complaint in writing using the complaints form (electronic form on our website or a word version at the end of this policy, see appendix 3).
- Complainant obtains a receipt that the complaint has been received.
- Complaint is referred to the Headteacher.
- The Headteacher (or member of the senior leadership team where applicable) will investigate the matter. Written statements and any supporting documents may be requested by to the Headteacher as part of the investigation process.
- If the complaint is against a member of staff (except in the case of an allegation against a member of staff of a safeguarding nature, in which case, this will be dealt with according to safeguarding policies in liaison with the Local Authority Designated Officer), that member has the right to be given details of the complaint and the opportunity to make representation about it. The person investigating the incident will take these details into account.
- The Headteacher will decide what action is required and respond to the complainant with the outcome of the investigation (usually within 10 working days).
- The response may in be in writing or at a meeting with the complainant, followed by written confirmation of the outcome.

If the complainant is not satisfied with the outcome in Stage 1 of the complaints procedure, they will be informed of their right to have the matter referred to the Governors' complaints committee meeting.

Stage 2: Governors' Complaints Committee Meeting

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they can escalate the complaint to Stage 2 - a meeting with members of the governing body's complaints committee, which will be formed of the first three, impartial, governors available. This is the final stage of the complaints procedure.

- A request to escalate to Stage 2 must be made to the Clerk, via the school office, within 5 days school days of receipt of the Stage 1 response.
- The Clerk will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days.
- Requests received outside of this time frame will only be considered if exceptional circumstances apply.
- The Clerk will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 15 school days of receipt of the Stage 2 request. If this is not possible, the Clerk will provide an anticipated date and keep the complainant informed.
- If the complainant rejects the offer of three proposed dates, without good reason, the Clerk will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.
- The complaints committee will consist of at least three governors with no prior involvement or knowledge of the complaint. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Committee. If there are fewer than three governors from available, the Clerk will source any additional, independent governors through another local school or through their LA's Governor Services team, in order to make up the committee. Alternatively, an entirely independent committee may be convened to hear the complaint at Stage 2
- The committee will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.
- If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend. Generally, we do not encourage either party to bring legal representatives to the committee meeting. However, there may be occasions when legal representation is appropriate. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by union and/or legal representation.
- Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.
- Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the Clerk will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that,
 if the complainant is invited, the dates are convenient to all parties and that the venue and
 proceedings are accessible
- request copies of any further written material to be submitted to the committee at least 2 school days before the meeting.
- Any written material will be circulated to all parties at 5 school days before the date of the meeting. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

- The committee will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 1 of the procedure.
- The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place.
- Consent will be recorded in any minutes taken.

The committee will consider the complaint and all the evidence presented. The committee can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part.

If the complaint is upheld in whole or in part, the committee will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future.

The Chair of the Committee will provide the complainant and the School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

The letter to the complainant will include details of how to contact the Department for Education if they are dissatisfied with the way their complaint has been handled by the school.

If the complaint is:

- jointly about the Chair and Vice Chair or
- the entire governing body or
- the majority of the governing body

Stage 2 will be heard by a committee of independent governors. The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the school will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

If the complainant is still not satisfied

If the complainant is still not satisfied after all the processes of the school's complaints procedure have been undertaken or tries to re-open the same issue, the chair of governors will inform them in writing that the procedure has been exhausted, and any further contact from the complainant on the same issue is very unlikely to be re-investigated by the school.

If complainants wish to take the complaint further, they may approach:

- The local authority (LA) use this if the LA has an appropriate policy of handling complaints about schools.
- The School Complaints Unit (SCU) of the DFE. The SCU will then decide whether they, or another organisation, would be best placed to respond to the complaint. The SCU will not reopen the complaint but will check that the procedures in the school's policy and other relevant policies were followed correctly and that the policy meets all legal requirements. The complaints form is available at: https://form.education.gov.uk/fillform.php?self=1&form_id=cCCNJ1xSfBE&type=form&Show M

sg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1.

Complaints to the SCU may also be sent to:

The School Complaints Unit (SCU)

Department for Education

2nd Floor, Piccadilly Gate

Store Street Manchester

M12WD

Telephone helpline: 0370 000 2288

Unreasonable and/or persistent serial complaints

The school is committed to dealing with complaints fairly and impartially and to providing a high quality service to those who do complain. However, we do not expect our staff to accept unreasonable complaints.

A complaint may be regarded as unreasonable when the person making the complaint:

- Makes excessive demands on school time by frequent, lengthy, complicated and stressful
 contact with staff regarding the complaint in person, in writing, by email and/or by telephone
 while the complaint is being dealt with.
- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaint procedure has been fully and properly implemented and completed including referral to the Department for Education.
- Seeks an unrealistic outcome.
- Where complainants excessively contact the school, causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A complaint will be considered unreasonable if the person making the complaint does so face-to-face, by telephone, in writing or electronically in a way that could be described as:

- Malicious.
- Aggressive, using threats, intimidation or violence.
- Using abusive, offensive or discriminatory language.

- Knowing it to be false.
- Using falsified information.
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Where aggression or abusive behaviour has been used, the school may have to:

- Ask them to leave the school premises.
- Inform the police.
- If necessary, site ban them from being on school premises. The school will give the complainant the opportunity to formally express their views on the decision to bar in writing. The decision to site ban should then be reviewed, taking into account any representations made by the complainant and either confirmed or lifted. If the site ban is confirmed, the complainant will be given an explanation as to how long the site ban will be in place (usually for half a term).

APPENDIX 1: Flowchart of concerns procedure

Informal stage

Examples of a concern could include: a pupil's reading book not being changes; homework not being marked; pupil sharing that they are finding the learning too challenging/ not challenging enough; pupil involved in a playground skirmish.

Stage 1: Class Teacher

- Concern heard by staff member, concern is addressed
- Ensure link deputy is informed of outcome; document on internal recording systems

Outcome:

- ightharpoonup Issue resolved usually within 3 working days ightarrow Matter closed
- **X** Issue **not resolved** → Proceed to Stage 2

Stage 2: Link Deputy (and/or the Headteacher)

- Concern heard by Link Deputy [and/or Headteacher), concern is addressed
- Ensure Headteacher is informed of outcome: document on internal recording systems

Outcome:

- ✓ Issue resolved usually within **5 working days** → **Matter closed**
- \mathbf{X} Issue **not resolved** \rightarrow Proceed to Stage 1 of the complaint's procedure (appendix 2)

APPENDIX 2: Flowchart of Complaints Procedure

Formal Stage

Examples of a complaint could include: an allegation against a staff member; incidences where key policies have not been adhered to (e.g. safeguarding, health and safety, behaviour, code of conduct, positive handling, first aid, intimate care).

Stage 1: Headteacher

- Complaint made in writing to the Headteacher (using the complaints form).
- Acknowledge receipt of complaint; complaint is investigated.
- Complainant receives a written outcome.

Outcome:

- ✓ Issue resolved usually within 10 working days → Matter closed
- X Issue not resolved → Proceed to Stage 2

Stage 2: Governors' Complaints Committee Meeting

- Request to the Clerk to the Governors via the school office within **5 working days** of receipt of the Stage 1 response.
- Complaints committee meeting arranged.
- Issue letter inviting complainant to meeting.
- Issue letter confirming panel decision.
- lacksquare Issue resolved within 15 working days wherever possible ightarrow Matter closed

Complaint Form

Please complete and return to the Headteacher who will acknowledge receipt and explain what action will be taken.

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address: Postcode: Day time telephone number: Evening telephone number:
Please give details of your complaint, including whether you have spoken to anybody at the school about it.

What actions do you feel might resolve the problem at this stage?
Are you attaching any evidence? If so, please give details.
, we you ditaining any evidence. It so, prease give details.
Signature:
Date:
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Date: