



# Complaints Policy

<b>Policy title:</b>	Complaints
<b>Function:</b>	For information and guidance about how Blue Coat School deals with complaints. This document forms part of the portfolio of policies designed to inform students, parents and the general public.
<b>Status:</b>	Approved
<b>Statutory guidance:</b>	Education (Independent School Standards (England) Regulations 2014 Schedule 1, Part 7 <a href="https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures">https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/best-practice-guidance-for-academies-complaints-procedures</a> (March 2021) <a href="https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure">https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure</a> (March 2021)
<b>Audience:</b>	Students, Parents, Staff, Leaders, Trustees, General public
<b>Ownership:</b>	Board of Trustees/Headteacher
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# Contents

<b>Aims and objectives</b>	<b>3</b>
<b>Roles and responsibilities</b>	<b>4</b>
<b>Procedures and practices</b>	<b>6</b>
Who can make a complaint	6
The difference between concerns and complaints	6
How to raise a concern or make a complaint	7
Anonymous, serial or persistent complaints	7
Timescales	8
Complaints received outside of term time	8
Scope of procedure	9
Resolving complaints	10
Withdrawing a complaint	10
Stage 1 – informal complaints	11
Stage 2 – formal complaints	11
Stage 3 – panel hearing	12
Next steps	14
<b>Monitoring, review and evaluation</b>	<b>14</b>
<b>Appendix</b>	
Template complaint form	15

# Aims and objectives

At the Blue Coat School our vision is simple. All that we do is focused on developing exceptionally well-rounded individuals with the skills to thrive and positively contribute in a rapidly changing society.

This is underpinned by our unrelenting focus on:

## **Inspiring excellence**

Excellence is not something that is simply achieved. It is something that we always strive for so that we can continually create opportunity and enhance the life chances of talented young people from broad and diverse backgrounds. The best is not, however, always the easiest. Our staff and learners will be resilient, and able to overcome barriers and challenges to ensure that potential is unlocked.

## **Shaping character**

Our learners leave us not just knowing how to do things, but how to do things in the right way for the right reasons. That is why humility and integrity are the key pillars of our community, and the basis for how we treat one another. They ensure we have a culture where individuals are treated with care and compassionate respectfulness.

## **Forging futures**

Every member of our community will leave us embracing their strengths and with ambition and aspiration as to how they can contribute positively to the modern world they are entering. Our students will become the leaders of tomorrow.

By extension, our values, approach and ethos are embodied in, and implemented through, our policies and procedures. They are the framework to support all that we do and achieve.

1. The policy has been prepared to allow those with concerns to raise them and provides a set of stages for how complaints will be dealt with in an efficient and fair way.
2. The Blue Coat School is committed to attaining and maintaining the highest standards however, there can be occasions when matters fall short of expectations.
3. This policy supports the School's commitment to continually reflect, evaluate, learn and identify areas for improvement therefore it is anticipated that the majority of complaints are resolved informally at stage 1.
4. This policy will be used for all complaints unless they are to be dealt with under separate statutory procedures.

# Roles and responsibilities

## 5. COMPLAINANT

The complainant will receive a more effective response to the complaint if they:

- use the complaints form provided
- explain the complaint in full as early as possible
- co-operate with the school in seeking a solution to the complaint
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- ask for assistance as needed
- treat all those involved in the complaint with respect
- refrain from publicising the details of their complaint for example, on social media and respect confidentiality.

## 6. INVESTIGATOR

The investigator's role is to establish the facts relevant to the complaint by:

- providing a comprehensive, open, transparent and fair consideration of the complaint through:
  - sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
  - interviewing staff and students and other people relevant to the complaint
  - consideration of records and other relevant information
  - analysing information
- liaising with the complainant and person tasked in coordinating the complaint as appropriate to clarify what the complainant feels would put things right.

The investigator should:

- conduct interviews with an open mind and be prepared to persist in the questioning
- keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- ensure that any papers produced during the investigation are kept securely pending any appeal
- be mindful of the timescales to respond
- prepare a comprehensive report for the headteacher or complaints panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems. This will allow the the headteacher or complaints panel to determine whether to uphold or dismiss the complaint and communicate that decision to the complainant, providing the appropriate escalation details.

## 7. **NOMINATED COMPLAINTS CO-ORDINATOR (THIS COULD BE THE HEADTEACHER / DESIGNATED COMPLAINTS TRUSTEE OR OTHER STAFF MEMBER PROVIDING ADMINISTRATIVE SUPPORT)**

The complaints coordinator should:

- ensure that the complainant is fully updated at each stage of the procedure
- liaise with staff members, Headteacher, Chair of Trustees or the Governance Professional and to ensure the smooth running of the complaints procedure

- be aware of issues regarding:
  - general data protection
  - sharing third party information
  - additional support. This may be needed by complainants when making a complaint including interpretation support or where the complainant is a child or young person
- keep records.

## **8. GOVERNANCE PROFESSIONAL / TRUST BOARD**

The Governance Professional is the contact point for the complainant and the Complaints Panel and should:

- ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- collate any written material relevant to the complaint (for example: stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- record the proceedings
- circulate the minutes of the meeting
- notify all parties of the panel's decision.

## **9. PANEL CHAIR**

The panel's Chair, who is nominated in advance of the complaint meeting, should ensure that:

- both parties are asked (via the Governance Professional) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- complainants who may not be used to speaking at such a meeting are put at ease. This is particularly important if the complainant is a child/young person
- the remit of the panel is explained to the complainant
- written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the DPA 2018 or GDPR.
- If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- the issues are addressed
- key findings of fact are made
- the panel is open-minded and acts independently
- 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 meeting is minuted
- they liaise with the Governance Professional (and complaints co-ordinator, if appropriate).

## 10. PANEL MEMBER

Panel members should be aware that:

- The meeting must be independent and impartial and should be seen to be so. No panel member may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant. We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- Many complainants will feel nervous and inhibited in a formal setting. Parents/carers often feel emotional when discussing an issue that affects their child.  
Extra care needs to be taken when the complainant is a child/young person and present during all or part of the meeting.  
Careful consideration of the atmosphere and proceedings should ensure that the child/young person does not feel intimidated.  
The committee should respect the views of the child/young person and give them equal consideration to those of adults.  
If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the meeting, if any, the child/young person needs to attend.  
However, the parent should be advised that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting that the committee considers is not in the child/young person's best interests.
- The welfare of the child/young person is paramount.

## Procedures and practices

### 11. 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 Blue Coat School about any provision of facilities or services that we provide.

Unless the complaints are dealt with under separate procedures, we will use the complaints procedure.

### 12. 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 complaints procedure. The Blue Coat School 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, The Headteacher will refer you to another member of staff. This arrangement may also apply if the member of staff directly involved feels unable to deal with a concern. 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 Blue Coat School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

### **13. HOW TO RAISE A CONCERN OR MAKE A COMPLAINT**

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant if they have appropriate consent to do so.

Complaints against school staff (except the Headteacher) should be made in the first instance, to The Headteacher via their Personal Assistant. Complaints should be marked Private and Confidential.

Complaints that involve or are about the Headteacher should be addressed to the Chair of Trustees, via the Governance Professional, marked Private and Confidential.

Complaints about the Chair of Trustees, any individual Trustee or the whole Board of Trustees should be addressed to the Governance Professional, marked Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure (Appendix A). If you require help in completing the form, please contact the Headteacher's Personal Assistant. You can also ask a third-party organisation for example, 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.

### **14. ANONYMOUS OR SERIAL AND PERSISTENT COMPLAINANTS**

We will do our best to be helpful to those who contact us with a complaint or concern or a request for information, however,

- we will not normally investigate anonymous complaints. However, the Headteacher or Chair of Trustees, if appropriate, will determine whether the complaint warrants an investigation.
- There will be occasions when, despite all stages of the complaint procedure having been followed, the complainant remains dissatisfied.

- If a complainant tries to re-open the same issue, they may be informed that the procedure has been completed, and the matter is now closed. Complainants will not be viewed as serial or persistent before the complainant has completed the procedure, regardless of which stage it has reached. The application of a serial or persistent marking will be against the subject or complaint itself rather than the complainant.
- The characteristics of a vexatious complaint are:
  - Complaints which are obsessive, persistent, harassing, prolific, repetitious
  - Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
  - Insistence upon pursuing meritorious complaints in an unreasonable manner
  - Complaints which are designed to cause disruption or annoyance
  - Demands for redress that lack any serious purpose or value.
- The decision to stop responding will apply if the following apply:
  - The school has taken every reasonable step to address the complainant's concerns
  - The complainant has been given a clear statement of the school's position and their options
  - The complainant contacts the school repeatedly, making substantially the same points each time.
- The case to stop responding is stronger if the following applies:
  - The complainant's letters, emails or telephone calls are often or always abusive or aggressive.
  - They make insulting personal comments about, or threats towards, individuals working at the school
  - There is good reason to believe the individual is contacting school with the intention of causing disruption or inconvenience.
- If an individual's behaviour is causing a significant level of disruption, regardless of whether or not they have raised a complaint, the school may implement a tailored communication strategy which may involve:
  - Restricting the individual to a single point of contact via email
  - Limiting the number of times they can make contact
  - seeking third party assistance such as the local authority or the citizens advice bureau
  - seeking formal guidance through the Police or Legal Services
  - barring the complainant from school premises.

## **15. TIME SCALES**

You must raise the complaint within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply. The Headteacher or Chair of Trustees will determine whether exceptional circumstances apply.

## **16. COMPLAINTS RECEIVED OUTSIDE OF TERM TIME**

We will consider complaints made outside of term time to have been received on the first school day after the holiday period.

## 17. SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision of community facilities or services by The Blue Coat School other than complaints that are dealt with under other statutory procedures, including those listed below.

Exceptions	Who to contact
Admissions	Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority. Details on admissions policy can be found on the school’s website.
Predicted A Level Grades	You cannot formally complain or appeal predicted grades. These are considered professional judgments made by teachers based on evidence available at the time. If you have a query regarding a clerical error please contact <a href="mailto:office@bluecoatschool.org.uk">office@bluecoatschool.org.uk</a> .
Statutory assessments of special educational needs	Concerns about statutory assessments of SEN should be raised directly with local authorities.
Matters likely to require a Child Protection Investigation	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: <a href="http://www.gov.uk/school-discipline-exclusions/exclusions">www.gov.uk/school-discipline-exclusions/exclusions</a> .  <i>*complaints about the application of the behaviour policy can be made through the school’s complaints procedure.</i>  Details on the behaviour policy can be found on the school’s website.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. See staff professional conduct policy available from the school website.  We deem a whistle-blower to be someone with privileged knowledge eg staff, trustees, volunteers.  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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a> .  Volunteers who have concerns about our school should complain through the school’s complaints procedure. You may also be able to complain direct to 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 (Professional Conduct Policy).
Staff professional conduct	Complaints about staff will be dealt with under the school's internal disciplinary procedures (Professional Conduct Policy), 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.
Complaints about services provided by other suppliers who may use the school premises.	Complaints should be directed to the supplier hiring the school facilities.
Withdrawal from the curriculum	Parents can withdraw their child from any aspect of Religious Education including the act of daily worship. If parents are dissatisfied with handling of a request to withdraw their child from RE or daily worship they will be advised to follow the complaints procedure.  The right to withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by students or arise in other subjects such as citizenship or history.

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 this happens, we will inform you of a proposed new timescale.

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

## 18. RESOLVING COMPLAINTS

At each stage in the procedure, The Blue Coat School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- an explanation
- an admission that the situation could have been handled differently or better
- an assurance that we will try to ensure the event complained of will not recur
- an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- an undertaking to review school policies in light of the complaint
- an apology.

## 19. WITHDRAWAL OF A COMPLAINT

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

## **20. STAGE 1 – INFORMAL COMPLAINTS AND CONCERNS**

It is to be hoped that most concerns can be expressed and resolved on an informal basis.

Concerns should be raised with either the class teacher, key stage leader, subject head of department or the headteacher.

Complainants should not approach individual Trustees 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 3 of the procedure.

At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal response within 20 school days of the date of receipt of the complaint.

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

## **21. STAGE 2 – FORMAL COMPLAINTS**

Formal complaints must be made to the headteacher (unless they are about the headteacher), via their personal assistant. This may be done in person or in writing (preferably on the Complaint Form) within 28 days of receiving a stage 1 response.

The headteacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Within this response, the headteacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The headteacher can consider whether a face to face meeting is the most appropriate way of doing this.

*Note: The headteacher may delegate the investigation to another member of the school's senior leadership team or trustee but not the decision to be taken.*

During the investigation, the headteacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation.

At the conclusion of the investigation, the headteacher will provide a formal written response within 20 school days of the date of receipt of the complaint.

If the headteacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide an explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions The Blue Coat School will take to resolve the complaint.

The headteacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the headteacher, or a Trustee (including the Chair or Vice-Chair), a suitably skilled Trustee will be appointed to complete all the actions at Stage 2.

Complaints about the headteacher or member of the Board of Trustees must be made to the Governance Professional.

Stage 2 will be considered by an independent investigator appointed by the Board of Trustees if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Board of Trustees or
- the majority of the Board of Trustees

At the conclusion of their investigation, the independent investigator will provide a formal written response.

## **22. STAGE 3 – PANEL HEARING**

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 3 – a panel hearing consisting of at least three people who were not directly involved in the matters detailed in the complaint with one panel member who is independent of the management and running of the school. This is the final stage of the complaints procedure.

A request to escalate to Stage 3 must be made to the Governance Professional, within 28 school days of receipt of the Stage 2 response.

The Governance Professional will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 3 school days.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

The Governance Professional 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 Governance Professional will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Governance Professional 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.

Stage 3 will be heard by a completely independent committee panel if the complaint is:

- jointly about the Chair and Vice Chair or
- the entire Board of Trustees or
- the majority of the Board of Trustees

A complainant may bring someone along to the panel meeting to provide support with prior permission from the panel. 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 the school's Professional Conduct Policy, if appropriate, but outcomes will not be shared with them.*

Representatives from the media are not permitted to attend.

At least 3 school days before the meeting, the Governance Professional 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 3 school days before the meeting.

Any written material will be circulated to all parties at least 3 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 Blue Coat School with a full explanation of their decision and the reason(s) for it, in writing, within 10 school days.

The letter to the complainant will include details of how to contact the Education and Skills Funding Agency (ESFA) if they are dissatisfied with the way their complaint has been handled by The Blue Coat School.

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 Blue Coat School will take to resolve the complaint.

The panel will ensure that those findings and recommendations are sent by electronic mail or otherwise given to the complainant and, where relevant, the person complained about. Furthermore, they will be available for inspection on the school premises by the headteacher.

A written record will be kept of all complaints, and of whether they are resolved at the preliminary stage or proceed to a panel hearing, along with what actions have been taken, regardless of the decision.

All correspondence, statements and records relating to individual complaints will be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

### **23. NEXT STEPS**

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the ESFA after they have completed Stage 3.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by The Blue Coat School. They will consider whether the school has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed [Part 7 of the Education \(Independent School Standards\) Regulations 2014](#).

The complainant can refer their complaint to the ESFA online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Academy Complaints and Customer Insight Unit, Education and Skills Funding Agency  
Cheylesmore House, 5 Quinton Road  
Coventry, CV1 2WT

## **Monitoring, review and evaluation**

- 24 The school will keep a log of all formal complaints and used it to monitor and evaluate patterns or trends in complaints.
- 25 The headteacher will ensure that the school regularly reviews its handling of all formal complaints.
- 26 Lead trustees will rigorously evaluate the effectiveness of the school's handling of formal complaints that are related to their lead trustee remit.

# Appendix A:

## Complaint Form

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

Your name			
Student's name (if relevant)		Your relationship to student (if relevant)	
Your home address, including postcode			
Telephone contact numbers	Landline		Mobile
Email address			

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 paperwork? If so, please give details.

Your signature:

Date:

***Office use only***

Date received:

Date acknowledgement sent:

By whom:

Complaint referred to:

Action taken:

Date: