



Orchard Junior School

Growing together. Branching out.

Complaints Policy

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1. Introduction

Orchard Junior School is dedicated to providing the best possible education and support for its pupils. This means having a clear, fair and efficient procedure for dealing with any complaints to or against the school, so that any issues that arise can be dealt with as swiftly and effectively as possible.

In accordance with Section 29 of the Education Act 2002, all local authority (LA) maintained schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides. This policy is based on advice from the Department for Education: Best Practice Advice for School Complaints Procedures 2016

This policy explains the steps that will be followed whenever an issue arises that causes concern. Any person, including members of the general public, may make a complaint about provision of facilities or services that our school provides, unless separate statutory procedures apply.

Underlying principles

- To prevent concerns from developing into complaints
- To strengthen parent' and carer' confidence should they have concerns or complaints
- To strengthen relationships between parents and carers, the school, and the community
- To recognise that, if there is a problem, the school is committed to resolving it as quickly and effectively as possible.

Aims

- To resolve concerns through informal discussion at the earliest stage
- To act quickly and efficiently, with well-defined timescales and names contacts
- To focus on resolution and review of policies and processes rather than attributing blame
- To ensure confidentiality for all parties
- To ensure fair and transparent investigation processes for complaints, staff and governors

2. Identifying a complaint

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**”. Orchard Junior School takes concerns seriously and will make every effort to resolve the matter informally as quickly as possible. This might involve a discussion with a teacher (for learning and management of children) or a member of the senior leadership team, or Headteacher.

A **complaint** may be defined as “**an expression of dissatisfaction, however made, about action taken, or lack of action**”. A complaint to the school requires a suggestion of action / inaction by a member of staff that is unsatisfactory. To enable a complaint to be addressed, the school asks that a complaint documents the issue, in keeping with the procedure described in this policy.

Who can make a complaint?

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

Complaints not in scope of the procedure

The complaints procedure covers all complaints about any provision of facilities or services that the school provides with the exceptions listed below, for which there are separate (statutory) procedures. It is important to note that the school is unable to deal with these and the relevant body should be contacted.

Exceptions	Who to contact
<ul style="list-style-type: none">• Admissions to schools• Statutory assessments of Special Educational Needs (SEN)• School re-organisation proposals	<ul style="list-style-type: none">• 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.
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 the responsibility for safeguarding (connected with staff) or Hampshire children's services. Contact for these can be found on the Hampshire website or via the school office.
Exclusion of children from school*	Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions .

Exceptions	Who to contact
	<i>*complaints about the application of the school Behaviour Policy can be made through the school's Complaints Procedure.</i>
Whistleblowing	<ul style="list-style-type: none"> • The school has an internal whistleblowing procedure for their employees and voluntary staff (see Google Drive) • The Secretary of State for education is the prescribed person for matters relating to education whistle-blowers in education who do not want to raise matters directly 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 be able to complain directly to the LA or the department of education (see link above), depending on the substance of your complaint
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.
Staff conduct	<ul style="list-style-type: none"> • 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 staff members as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
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 service. They should be contacted direct.
National Curriculum content	Please contact the Department for Education

Anonymous Complaints

The school will not respond to anonymous complaints under this policy. However, the Headteacher and/ or Chair of Governors will consider whether the issue and fear of identification are genuine and is related to Child Protection.

(For more information on our school's provision for protecting our pupils, please refer to our **Child Protection** policy which is available on the school website).

Timescales

Timescales for each stage of the Complaints process are listed under each heading. If we cannot meet the timescales set out in our policy, we will provide a clear explanation of the reason for this along with details of the indicative timescales.

Conduct of communication

At all times, the school will listen to you and endeavour to resolve your concerns. Our expectation is that staff will treat complainants respectfully and courteously. Likewise, we expect all complainants to treat staff in a similar manner (see also 'Dealing with Unreasonable Complaints' page 10).

3. Informal stage - Informal contact with the teacher

We greatly value our relationship with the parents of our pupils and offer a range of opportunities during the school year for parents to discuss any concerns they have about their child's progress or arrangements for learning. If concerns arise at other times on any matter relating to the school, parents should contact the school and ask to discuss the matter with the appropriate member of staff, usually the class teacher.

Ways to contact a member of staff

- Contact the School Office in person, by email or by telephone, and request that the teacher contacts the complainant. Teachers spend most of their day teaching but will contact the complainant to discuss the concern, as soon as they are able to. This will be within two school days but is usually on the same day.
 - email adminoffice@orchard-jun.hants.sch.uk
 - Telephone 02380843162
- At the end of the day, after the class has been passed safely to adults, all teachers are available to meet parents to discuss any concerns.

We will take the complainant's concerns seriously and make every effort to resolve the matter as quickly as possible. The majority of concerns are resolved quickly and effectively at this stage.

When a complaint has been received, the complainant may receive a telephone call from the member of staff (or Headteacher, if appropriate) to discuss the concerns raised, or may be invited to attend a meeting with a member of staff (or the Headteacher, if appropriate) to discuss the concerns.

If invited to a meeting, the complainant is welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue.

Staff have a responsibility to ensure that the complainant understands any future points of action that have been agreed and will make a record of what has been discussed, as well as any outcomes and a plan of action, if one has been agreed.

All staff will do their best to ensure the complainant's concerns are dealt with appropriately and efficiently, but if an agreement cannot be reached, or if the complainant is dissatisfied with the outcome, the complainant can make a formal complaint to the Headteacher (Stage 2 complaint). If the complaint is about the Headteacher the complainant should make the complaint in writing to the Chair of Governors (Stage 3 complaint).

Timescales: There is no prescribed timescale for resolution at this stage given the importance of dialogue and informal discussion, although we expect to resolve most issues within **10 school days**.

Please note: We believe that teachers and other staff have the right to attempt to resolve an issue. If a complaint is taken straight to the Headteacher or Chair of Governors, they reserve the right to refer it back to the appropriate member of staff if it does not warrant their involvement at this point.

4. Stage 1 – Formal complaint to the Headteacher

If the complainant feels that their concern has not been resolved at the first stage, is unhappy with the outcome of the informal meeting, or feels that the issue is serious enough that it warrants taking it further, they can make a formal complaint to the Headteacher. We ask that this is done as soon as is practicably possible after having spoken to the teacher/ member of staff.

How to make a stage 1 complaint: It is preferable that Stage 1 complaints are made in writing: email is a perfectly acceptable form of communication. Complaints can also be made face to face or by telephone, where the Headteacher will record the issues raised.

Timescales: The Headteacher will acknowledge the complaint in writing or offer a full response within **5 school days**. If it is not possible to resolve the complaint within the 5 school days timescale or if a more detailed investigation is required, then the Headteacher will advise the complainant, in writing. In this case, a full written response to the complainant will be provided within **20 school days**.

Upon receiving the complaint, the Headteacher may invite the complainant to attend a meeting to discuss the issue further and seek a resolution/ offer an explanation. Complainants must bring along all related paperwork/ evidence that is related to the complaint. In most cases, complaints will be resolved at this stage. If invited to a meeting, the complainant is welcome to bring a friend, partner or, in the case of a pupil who has raised a concern, a parent along for support. It may be appropriate for a pupil to attend the meeting if their parent has raised a concern, depending on the nature of the issue. The Headteacher will make a record of what has been discussed in the meeting and will ensure that the complainant understands any future points of action that have been agreed, as well as any outcomes, and a plan of action, if one has been agreed. Where appropriate, the Headteacher may invite a third party to attend the meeting to record notes.

The Headteacher will also keep a record of all further interactions with the complainant, meetings with other staff, and decisions made in reference to the complaint.

If the complaint is about a member of staff, the Headteacher will discuss the issue with that employee and invoke the relevant procedure, if required. Any disciplinary measures will be conducted under the schools own Staff Disciplinary Procedure. It will not be appropriate to inform the complainant of the outcome of any school-based investigation in relation to an individual member of staff.

The Headteacher's written response will outline the full response to the concern together with any action that has or will be taken. If the Headteacher has decided not to take any further action, they will explain what has been decided and how this decision was reached. The complainant will also be advised of their right to take the matter further if the complainant is not satisfied with the Headteacher's response.

5. Stage 2 – Formal complaint to the Chair of Governors

If the complainant feels that the Stage 1 response from the Headteacher has not resolved the complaint, the complainant may write formally to the Chair of Governors.

Please note: As per this policy, the Headteacher has the right to attempt to resolve an issue at informal stage or stage 1. If a complaint is taken straight to the Chair of Governors (Stage 2), they reserve the right to refer it back to the Headteacher if it does not warrant their involvement at this point.

How to make a Stage 2 complaint: Complete the Stage 2 Complaints summary (see APPENDIX 2) or write a letter covering the points included in Appendix 2, and send to the Chair of Governors, (via the school address, and in an envelope marked "Private and Confidential", or via email: governors@orchardjunior.com), within **10 school days** of receiving the Headteacher's response. If the person wishing to make the complaint is not able to access the facility of writing a letter/email then if they contact reception they can ask for the Chair of Governors to contact them by phone in the first instance. Complainants must ensure that all paperwork/ evidence that is related to the complaint is also included. Complainants may also wish to attach a letter with the Stage 3 complaint form.

Timescales: The Chair of Governors will acknowledge the complaint in writing or offer a full response within **5 school days**. If further investigation is required, the Chair of Governors will acknowledge receipt of the complaint within 5 school days and will advise the complainant that a full response will be provided within **20 school days**.

The Chair of Governors will review the issues the complainant has raised, along with the Headteacher's response. The Chair of Governors may invite the complainant to attend a meeting to discuss the complaint and seek possible solutions, or to explain what has happened or will happen as a result of the complaint.

Timescales for responses to letters can be extended but only with the agreement of both parties. Should a deadline for the complainant to respond pass, then the Chair of Governors will consider the matter closed.

No further consideration will be given to the complaint or any further complaints dealing with the same subject matter, from the complainant or any related party unless there is considered good reason to do so.

Important note: The Governing body has a strategic role in the operation of the School, and is responsible for the school's strategic framework.

The Headteacher is responsible for all internal organisation, management and control of the school and for advising on and implementing the Governors' policies. The Headteacher is solely responsible for making day to day decisions.

Stage 2 offers an opportunity for achieving conciliation between all parties. Discussions between the Chair of Governors and the Headteacher will be key to resolving the complaint and agreeing a way forward. The Chair of Governors will decide what powers are available to Governors in respect of the particular complaint. In reaching this decision, the Chair of Governors will determine to what extent the issues relate to responsibilities that:

- a) are delegated to the Headteacher by the Governing body; or
- b) fall within the Governing body's remit only; or
- c) are within the Headteacher's Terms and Conditions of Employment and relate to the internal organisation, management and control of the school.

- For matters that are the Headteacher's responsibility, the Chair of Governors is empowered only to look at whether the Headteacher's decision or action was reasonable in the light of the information available at the time and whether the Governors' Policies were correctly implemented.
- If the complaint is related to responsibilities and matters within the remit of the Governing body, the Chair of Governors may look at and investigate the whole issue afresh.
- If the complaint relates to the Headteacher's conduct, the Chair of Governors will decide whether the matter should be dealt with through the Complaints Procedure or Staff Disciplinary Procedure. Advice may be sought from the Local Authority and/or Education Personnel Services.

The Chair of Governors will keep a record of all interactions with the complainant, other members of staff and any decisions made in reference to the complaint.

If the Chair of Governors has decided not to take any further action, they will explain to the complainant what they have decided and how they reached that decision. The complainant will also be advised of their right to take the matter further if they are not satisfied with the Chair of Governor's response.

6. Stage 3 - The Governing body's complaints panel

If the complainant remains dissatisfied with the outcome of the Chair of Governor's investigation, the complainant may request that the Governing body's complaints panel hears the case.

How to make a Stage 3 complaint: The complainant should write to the Clerk to the Governors, via the school address, within **10 school days** of receiving the Stage 2 response. The complainant should include information about:

- the nature of the original complaint
- the steps that have resulted in the complainant taking this course of action (including why the complainant is unhappy with the Headteacher's and Chair of Governor's responses)

Timescales: The Clerk to Governors will acknowledge receipt of the complainant's request within **5 school days**. The complaints panel will usually be convened within **20 school days** of receiving the request for the complaint to be heard by the Governing body's complaints panel. Where it is not possible to find a mutually convenient date within that timescale, all reasonable steps will be taken to agree a time and date mutually convenient to all parties.

The main function of the complaints panel will be to ensure that:

- the complaint has been properly handled by the Headteacher (and Chair of Governors)
- a sufficiently comprehensive investigation has been carried out
- the correct procedure / policies were followed.

The panel will also review whether the Headteacher (and Chair of Governors) acted reasonably.

The Clerk to Governors will arrange and facilitate the meeting of the complaints panel. The complainant is entitled to an independent panel to hear the complaint and the complaints

panel will consist of three Governors who have no former knowledge or involvement in the matter being considered. The Chair of the panel will be nominated from within the group of panel members. All panel members will have access to, and will be familiar with, this complaints policy. The Clerk to Governors will confirm to all parties in writing, the date, time and venue for the meeting at least **10 school days** in advance.

The complainant should not introduce new or previously undisclosed evidence relating to the complaint during the meeting. This is because the Headteacher must have the opportunity to respond to any new information, as per Stage 2 of the complaints process.

However, the Clerk to Governors will request that the complainant supply any additional paperwork that demonstrates that the Headteacher or Chair of Governors has not complied with school policies or has not responded in a reasonable way. The Headteacher (and Chair of Governors) will also be requested to supply copies of their responses to the previous stages of the procedure, along with any further paperwork they consider the panel will require to understand their actions and decisions they made, to help the panel consider the complaint fully. This information must be supplied to the Clerk at least 5 school days before the meeting. Copies of all paperwork will be distributed to all parties by the Clerk to Governors at least **3 school days** in advance of the meeting.

The complainant, Headteacher and Chair of Governors (if appropriate) are welcome to bring another person to the meeting for support. It is important to note that these guests are there to support the respective parties, but should not play an active part in the meeting without prior agreement of all parties.

The Chair of the panel will ensure the meeting is conducted within a relaxed atmosphere whilst keeping to the formal agenda.

An example of a typical agenda would be:

1. Introductions
2. Oral submissions by the complainant
3. Questions from the school
4. Oral response by the Headteacher and Chair of Governors.
5. Questions by the complainant
6. Brief summary by the complainant, with no new information
7. Brief summary by the school, with no new information

The committee can:

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

If the complaint is upheld in whole or 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, the Headteacher and the Chair of Governors with the panel's decision in writing within **5 school days** of the meeting. The letter will include a summary of the issues, an outline of the main points of discussion, the reasons for the decision and the proposed actions or outcomes. The panel may suggest the complainant meet with the Headteacher and / or Chair of Governors again to agree a way forward.

The letter may set out recommendations which will be made to the governing body.

The panel's decision is the final stage in the complaints procedure. If the complainant feels the school has acted unreasonably or has not followed the correct procedures in relation to the complaint, the complainant may write to the Secretary of State (Stage 4) using the following contact details:

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

NB. If the complaint is against the Chair of Governors, the complainant should, in the first instance, write to the Clerk to the Governors

7. Serial and Persistent Complainants

The School values its partnership with parents and will do all it can to resolve a complaint. If the complainant remains dissatisfied, despite all stages of the procedures having been followed, and tries to reopen the same issue, the Chair of the Governing Body will 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 correspondence may be recognised as vexatious and there will be no obligation on the part of the school to respond.

Where an individual's behaviour is causing a significant level of disruption, the school reserves the right to implement a tailored communications strategy such as restricting the complainant to a single point of contact via an email address or by limiting the number of times they make contact; e.g. a fixed number of contacts per term. Complainants who may have been restricted in their communications with the school may be advised to ask a third party to act on their behalf, such as the local Citizen's Advice Bureau.

It is important to note that complainants do have a right to have any new complaint heard and that it will be responded to in accordance with this complaints procedure. However, if a complainant persists to the point that the school considers it to constitute harassment, legal advice will be sought. In extreme cases, an injunction or other court order may be issued to complainants because of their behaviours (see 'Unreasonable Complaints' below).

8. Dealing with Unreasonable Complaints

Orchard Junior School is committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school.

Examples of where a complaint may be regarded as unreasonable are when the person making the complaint

- 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 school's 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 comments 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 a 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
- 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 by telephone while the complaint is being dealt with. Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

9. Unreasonable behaviour by a complainant

A complaint may also be considered unreasonable if the person making the complaint does so either face-to-face, by telephone or in writing or electronically:

- maliciously
- aggressively
- using threats, intimidation or violence
- using abusive, offensive or discriminatory language
- knowing it to be false
- using falsified information
- publishing unacceptable information in a variety of media such as in social media websites and newspapers

We do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from such behaviour. In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school site.

10. Applying a judgement of unreasonable behaviour

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' judgement. If the unreasonable behaviour continues the Headteacher will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who cause a significant level of disruption, the school may specify methods of communication and limit the number of contacts via a communication plan. This will usually be reviewed after 6 months.

11. Governing Body review and monitoring of complaints

The Headteacher will report annually to the governing body on the number of formal complaints received and the levels at which they have been resolved. No details identifying the complaint or any member of staff will be published.

The governing body will review and evaluate all complaints no matter how far they are taken or what the outcome to ensure that similar problems are avoided in the future or to see if they could have been managed any more efficiently.

12. Staff Complaints

Staff who have a concern about a colleague or volunteer in school should refer to the Protected Disclosures (whistleblowing) policy which is available in the staff room and on the School shared policy drive.

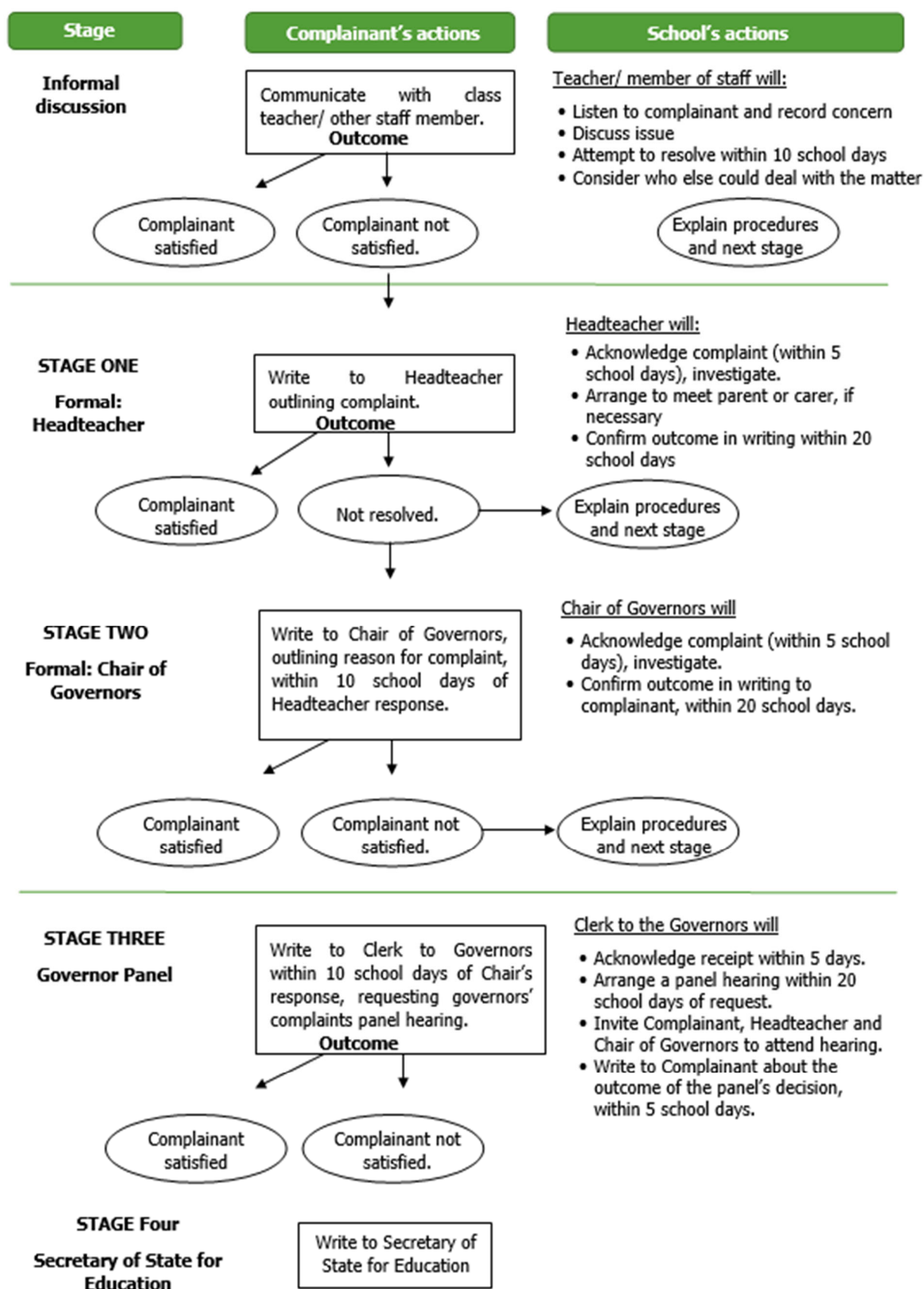
The procedure for dealing with any other staff complaint or employment grievance is set out in the school's **staff discipline, conduct and grievance** policies which are available from the school office

13. Complaints Policy Review

The governing body of Orchard Junior School will review this policy, at least, every two years, or sooner if there are any legislative changes. The governing body of Orchard Junior School will also review this policy following a complaint panel meeting to ensure that it met the requirement to provide a clear, fair and efficient complaints procedure.

Appendix 1 A STAGED APPROACH TO HANDLING COMPLAINTS

FLOW DIAGRAM



Appendix 2 STAGE 1 COMPLAINT FORM

This form should be used for complaints related to the school, in accordance with the School Complaints Policy. Please complete and return to the School office addressed to the Headteacher.

Title: Mr/Mrs/Ms (other):	First name:	Surname:
Name of child and class:		Your relationship to the child:

Address:	
Town/ City:	Postcode:
Contact numbers: Daytime :	Evening :
Email address:	

<p>Please categorise/ title the complaint: e.g. Complaint against a policy, pupil or member of staff (please identify)</p> <p>Please set out the nature of your complaint</p> <p>*</p> <p>*</p> <p>*</p> <p>Please set out the outcome you would like to see from your complaint</p> <p>*</p> <p>*</p> <p>*</p>
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By signing this, I agree that I have read and understood the attached Complaint policy.	
Signature:	Date:

Date Stage 1 complaint received:	
Date acknowledgement of complaint sent:	By who:
Date complaint responded to:	By who:

STAGE 2 PROGRESSION OF COMPLAINT

This form should be added to Complaints Form 1 if the complainant wishes to progress their Stage 1 complaint to Stage 2. Please complete and return to the School office addressed to the Chair of Governors and mark it Private and Confidential.

Please confirm your name and the title of your complaint used in Stage 1

Please outline why the response received at Stage 1 did not resolve the complaint

*

*

*

Please set out the outcome you would like to see from your complaint

*

*

*

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

By signing this, I agree that I have read and understood the attached Complaint policy.

Signature:

Date:

Date Stage 2 complaint received:

Date acknowledgement of complaint
sent:

Date complaint responded to:

By who:

By who:

STAGE 3 PROGRESSION OF COMPLAINT

This form should be added to a complaints form if the complainant wishes to progress their complaint from Stage 2 to Stage 3. Please complete and return to the school office addressed to the Clerk of Governors (or email to clerk@Orchardjuniorschool.co.uk) and mark it Private and Confidential.

Please confirm your name and the title of your complaint used in Stage 1

Please outline why the response received at Stage 2 did not resolve the complaint

*

*

*

Please set out the outcome you would like to see from your complaint

*

*

*

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

By signing this, I agree that I have read and understood the attached Complaint policy.

Signature:

Date:

Date Stage 3 complaint received:

Date acknowledgement of complaint sent:

Date complaint responded to:

By who:

By who: