At Overley Hall School we want all our young people to feel safe, happy and supported to achieve to the best of their ability. We recognise, that there may be times when things go wrong, and you may have concerns which you would like to share with us. Most of these can be resolved by speaking to the right person who can discuss things further with you and take action where needed.

If you are unhappy about something at school, please contact us so we can address the issue as soon as possible. If you remain unhappy or concerned please see the Complaints Policy and Procedure below.



# Complaints and Compliments Policy and Procedure

Policy Reviewer	Liz Hyner	Date of Review	24/8/23
Agreed and accepted	Overley Support & Scrutiny Board	Date of next Review	5/9/2024

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### **Aims**

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

When responding to complaints, we aim to:

- Be impartial and non-adversarial
- Facilitate a full and fair investigation by an independent person or panel, where necessary
- Address all the points at issue and provide an effective and prompt response
- Respect complainants' desire for confidentiality
- Treat complainants with respect and courtesy
- Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- Keep complainants informed of the progress of the complaints process
- Consider how the complaint can feed into school improvement evaluation processes

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will make sure we publicise the existence of this policy and make it available on the school website.

Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

# Legislation and guidance

This document meets the requirements set out in part 7 of the schedule to the Education (Independent School Standards) Regulations 2014, which states that we must have and make available a written procedure to deal with complaints from parents of pupils at the school.

It also refers to good practice guidance on setting up complaints procedures from the Department for Education (DfE).

# Definitions and scope

### **Definitions**

The DfE guidance explains the difference between a concern and a complaint:

- A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought"
- A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

### Scope

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. We take 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, Bev Doran, will refer you to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, Bev Doran 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, Overley Hall School will attempt to resolve the issue internally, through the stages outlined within this complaint's procedure.

This policy does **not** cover complaints procedures relating to:

Exceptions	Who to contact
Admissions to schools	Concerns about admissions should be handled through a separate process through the appeals process.
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 Family Connect on 01952 385385.
Exclusion of children from school*	Further information about raising concerns about exclusion on the school website
	*complaints about the application of the behaviour policy can be made through the school's complaints procedure.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors please see Whistleblowing Policy on School website. Volunteer staff who have concerns about our school should complain through the school's complaints procedure.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	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.

Please see our separate policies for procedures relating to these types of complaint. Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

# Who can make a complaint?

This complaints procedure is not limited to parents or carers of children/ young people that are registered at the school. Any person, including members of the public, may make a complaint to Overley Hall 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, staff grievances or disciplinary procedures), we will use this complaints procedure.

Pupil voice is championed in all aspects of Overley Hall School life and our aim is that every young person at Overley who wishes to make a complaint or express a concern are able to do so. Overley Hall School has adapted the complaints procedure for the young people such as "Help" signs and the therapy team have devised a folder that can be used alongside the Talking Mats to allow the children who are unable to verbally communicate. This takes into consideration their needs and communication difficulties. Young people can also contact Childline on 0800 11 11.

# Roles and responsibilities

### The complainant

The complainant will get a more effective and timely response to their complaint if they:

- Follow these procedures
- explain the complaint in full as early as possible
- respond promptly to requests for information or meetings or in agreeing the details of the complaint
- Co-operate with the school throughout the process, and respond to deadlines and communication promptly
- Ask for assistance as needed
- Treat all those involved with respect
- Not publish details about the complaint on social media

### The investigator

An individual will be appointed to look into the complaint, and establish the facts. The investigators role is to establish the facts to the complaint by providing a comprehensive, open transparent and fait consideration of the complaint through:

- Sensitive and thorough interviewing all relevant parties to establish what has happened and who has been involved, keeping notes or arranging for an independent note taker to record minutes
- Considering records and any written evidence and keeping these securely
- Analysing information
- Liaising with the complainant and the complaints co-ordinator (as appropriate) to clarify what the complainant feels would put things right.
- Preparing a comprehensive report to the headteacher or complaints committee that includes the facts and potential solutions

### The complaints co-ordinator

The complaints co-ordinator can be:

- The headteacher
- Any other staff member providing administrative support

The complaints co-ordinator will:

- Keep the complainant up to date at each stage in the procedure
- Make sure the process runs smoothly by liaising with staff members, the headteacher, chair of Support & Scrutiny Board, Proprietor

Be aware of issues relating to:

- Sharing third party information
- Additional support needed by complainants, for example interpretation support or where the complainant is a child or young person

\* Keep records

### Clerk to the Support & Scrutiny Board.

The Clerk is the contact point for the complainant and the committee 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)
- Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- Arrange the complaints hearing
- Record and circulate the minutes and outcome of the hearing

### Committee chair

The committee chair (who is nominated in advance of the complaint meeting) should Chair the meeting and ensure that:

- Both Parties are asked (via the Clerk) to provide additional information relating to the complaint by a specific date in advance of the meeting.
- All parties have been invited to attend (via the Clerk)
- Everyone is treated with respect throughout
- Make sure all parties see the relevant information (provided it does not breach confidentiality or any individual's right to privacy under the DPA 2018 or GDPR), understand the purpose of the committee, and are allowed to present their case

- The issues are addressed.
- The committee is open-minded and acts independently
- No member of the committee has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- The meeting is minuted

### **Committee Member**

Committee members should be aware that:

- the meeting must be independent and impartial, and should be seen to be so
- No SAS Board member may sit on the committee 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
- 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.

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.

If the child/young person is the complainant, the committee 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 committee 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.

# How to raise a concern or make a complaint

A concern or complaint can be made in person verbally, in writing or by telephone. A third party acting on behalf on a complainant can also log a concern/ complaint, as long as they have the appropriate consent to do so.

Complaints against school staff (except the head teacher) should be made in the first instance, to Bev Doran (the head teacher) via the school office/ email (BevDoran@overleyhall.com). Please mark the envelope/ email as Private and Confidential.

Complaints that involve or are about the head teacher should be addressed to Liz Hyner (the Chair of Support & Scrutiny Board), via the school office/email (Lizhyner@overleyhall.com). Please mark the envelope/ email as Private and Confidential.

Complaints about the Chair of Support & Scrutiny Board, any individual Board member or the whole Support & Scrutiny Board should be addressed to Mrs Brown (Proprietor) via the school office. Please mark the envelope as Private and Confidential.

For ease of use, a template complaint form is included at the end of this procedure. If you require help in completing the form, please contact the school office. 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.

### **Anonymous complaints**

We will not normally investigate anonymous complaints. However, the head teacher or Chair of the Support and Scrutiny Board, if appropriate, will determine whether the complaint warrants an investigation.

# Principles for investigation.

When investigating a complaint, we will try to clarify:

- What has happened
- Who was involved
- What the complainant feels would put things right

## 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 where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

### 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.

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 Overley Hall School in relation to their complaint, we will consider whether to suspend the complaints procedure until those legal proceedings have concluded.

# Resolving complaints

At each stage in the procedure, Overley Hall 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.

### Withdrawal of a complaint.

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

### Stage 1 - Informal complaints

It is to be hoped that most concerns can be expressed and resolved on an informal basis. Informal concerns are taken very seriously and make every effort will be made to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

Concerns should be raised as soon as possible with either the class teacher/tutor, or head teacher either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office. Complainants should not approach individual Support & Scrutiny (SAS) Board members 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.

The school will acknowledge informal complaints within 2 school days. At the conclusion of their investigation, the appropriate person investigating the complaint will provide an informal written response within 10 school days of the date of receipt of the complaint.

The informal stage will involve a meeting between the complainant and the headteacher and/or the subject of the complaint, if appropriate.

If the complainant is not satisfied with this response, the next step is to make a formal complaint.

### Stage 2 – Formal complaints

Formal complaints must be made to the head teacher (unless they are about the head teacher), via the school office/ email. This may be done in writing (preferably on the Complaint Form), in a letter or email, over the phone, in person or through a third party acting on their behalf.

The complainant should provide details such as relevant dates, times and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

If complainants need assistance raising a formal complaint, they can contact Dee Marshall [deemarshall@overleyhall.com 01952 740262 ext 216].

The head teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

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

Note: The head teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the head teacher (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 their investigation, the head teacher will provide a formal written response within 15 school days of the date of receipt of the complaint.

If the head teacher 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 a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions Overley Hall School will take to resolve the complaint.

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

Complaints about the head teacher or member of the SAS Board must be made to the Mrs Brown, via the school office.

If the complaint is:

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

Stage 2 will be considered by an independent investigator appointed by the SAS Board. At the conclusion of their investigation, the independent investigator will provide a formal written response.

### **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 Where there is a panel hearing of a complaint, one panel member is independent of the management running the school or SAS Board. This is the final stage of the Complaints procedure.

A request to escalate to Stage 3 must be made to the Managing Director, via the school office, within 5 school days of receipt of the Stage 2 response.

The Managing Director will record the date the complaint is received and acknowledge receipt of the complaint in writing (either by letter or email) within 2 school days.

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

The Managing Director will write to the complainant to inform them of the date of the meeting. They will aim to convene a meeting within 10 school days of receipt of the Stage 3 request. If this is not possible, the Managing Director will provide an anticipated date and keep the complainant informed.

If the complainant rejects the offer of three proposed dates, without good reason, the Managing Director 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.

If the complaint is:

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

Stage 3 will be heard by a completely independent committee panel.

A complainant may bring someone along to the panel meeting 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 (Human Resources) staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Representatives from the media are not permitted to attend.

At least 10 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 10 school days before the meeting.

Any written material will be circulated to all parties at least 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 Overley Hall School with a full explanation of their decision and the reason(s) for it, in writing, within 5 school days.

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 Overley Hall 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 proprietor and the head teacher.

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.

The decision of the Complaints Panel will be final, however if the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

### \* Education

- Pupil welfare and health and safety
- School premises
- Staff suitability

- Making information available to parents
- The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety, and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:

https://www.gov.uk/complain-about-school

During the school year 2022/2023 no formal complaints were received by Overley Hall School

# **Record Keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy.

Parents should be assured that all concerns and complaints are treated seriously by Overley Hall School. Knowledge of the complaint will be restricted to those who need to know about it although we can't entirely rule out the need to make third parties outside of school aware of the complaint and possibly also the identity of those involved. This typically will only happen if safeguarding or notifying the police is required.

# Learning lessons

The SAS Board will review any underlying issues raised by complaints with the [headteacher/senior leadership team/], where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

# Persistent complaints

### **Unreasonably persistent complaints**

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- Has made the same complaint before, and it's already been resolved by following the school's complaints procedure
- Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- Pursues a valid complaint, but in an unreasonable manner e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure,

or insists that the complaint is dealt with in ways that are incompatible with this procedure and the time frames it sets out

- Makes a complaint designed to cause disruption, annoyance or excessive demands on school time
- Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### Steps we will take:

We will take every reasonable step to address the complainant's concerns, and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the school in a disruptive way, we may put communications strategies in place. We may:

- Give the complainant a single point of contact via an email address
- Limit the number of times the complainant can make contact, such as a fixed number per term
- Ask the complainant to engage a third party to act on their behalf, such as Citizens Advice
- Put any other strategy in place as necessary

### Stopping responding

We may stop responding to the complainant when all of these factors are met:

- We believe we have taken all reasonable steps to help address their concerns
- We have provided a clear statement of our position and their options
- The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make.

In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our school site.

### **Duplicate complaints**

If we have resolved a complaint under this procedure and receive a duplicate complaint on the same subject from a partner, family member or other individual, we will assess whether there are aspects that we hadn't previously considered, or any new information we need to take into account.

If we are satisfied that there are no new aspects, we will:

- Tell the new complainant that we have already investigated and responded to this issue, and that the local process is complete
- Direct them to the DfE if they are dissatisfied with our original handling of the complaint (if appropriate)

If there are new aspects, we will follow this procedure again.

### **Complaint campaigns**

Where the school receives a large volume of complaints about the same topic or subject, especially if these come from complainants unconnected with the school, the school may respond to these complaints by:

- Publishing a single response on the school website
- Sending a template response to all of the complainants

If complainants are not satisfied with the school's response, or wish to pursue the complaint further, the normal procedures will apply.

# Monitoring Arrangements.

The SAS Board will monitor the effectiveness of the complaints procedure in making sure that complaints are handled properly and will track the number and nature of complaints, and review underlying issues.

The complaints records are logged and managed by the Head Teacher.

This policy will be reviewed by the headteacher annually.

At each review, the policy will be approved by the SAS board.

# Links with other policies

Policies dealing with other forms of complaints include:

- Child protection and safeguarding policy and procedures
- Admissions policy
- Exclusions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report

# Compliments

### **Definition**

Compliment – is a polite expression of praise, admiration, **congratulations**, **encouragement or respect to someone** or something. Like taking your time to say a nice gesture if it's worth saying.

It is always good to receive positive feedback, this can be given verbally or in writing to the Head teacher or any member of the team. It is encouraging to hear when situations go well and are appreciated, and your comments will always be shared with staff and learners where appropriate.

### Opportunities

- General There are opportunities to pass on compliments through regular school questionnaire or on Parent View <a href="https://parentview.ofsted.gov.uk">https://parentview.ofsted.gov.uk</a>
- Reviews Authority representatives and parents are given opportunity to feedback following a meeting via a feedback questionnaire.
- Our 'Thank you' Book is made available to staff and is available for visitors to see
- A 'Thank you' and 'Compliments' Book is made available at all events

# Appendix 1 Complaint Form

Please complete and return to whom stipulated above who will acknowledge receipt and explain what action will be taken. Please mark email/envelope Private & Confidential

Your name:
Pupil's name (if relevant):
Your relationship to the pupil (if relevant):
Address:
Postcode:
Day time telephone number:
Evening telephone number:
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.
Signature:
Date:
Date.
Official use
Date acknowledgement sent:
By who:
Complaint referred to:
Action taken:
Date: