



Complaints Policy & Procedures

<u>Review Programme:</u>	
Policy adopted by Governors at:	Personnel Committee Mtg. Nov. 2022
Ratified by Governors at:	Full Governor Meeting on
Date for next review:	Autumn 2024
Signed – Chair of Governors:	
Signed – Headteacher:	

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Introduction

In January 2016 the DfE published non-statutory guidance, Best Practice Advice for School Complaints Procedures (DfE, 2016). This new guidance does not introduce any changes to the statutory requirements on schools but aims to share best practice and avoid common pitfalls. We have taken elements of the guidance and updated this toolkit and accompanying policy and procedure.

Complaints policy and procedure

Governing bodies (GBs) of all maintained schools and maintained nursery schools in England are required, under section 29 of the Education Act 2002, to have a procedure in place to deal with complaints relating to the school and to any community facilities or services that the school provides. The law also requires the procedure to be publicised¹.

If, at any time, a member of the community raises a concern about an aspect of life at the school, the concern needs to be dealt with as quickly, sympathetically and effectively as possible. Most concerns are resolved at an informal stage. However, there are occasions when a complaint will need to be addressed through the school's formal complaints procedure.

It is important that all staff and governors are aware of the complaints procedure. Concerns are sometimes raised with a governor in the first instance. Governors should always refer the person to the complaints procedure and not attempt to resolve it themselves. Governors are only involved in the detail of a complaint where they have the delegated authority to investigate it or they are taking part in the complaint appeals panel.

There are some complaints which fall outside of scope of the complaints procedure as they are governed by separate statutory procedures. See Appendix A – Complaints not in scope of the procedure for a list of exceptions.

It is recommended that the GB ensures that any third party providers offering community facilities or services through the school premises, or using school facilities, have their own complaints procedure in place.

A model School Complaints Procedure is available as an annex to this document. It is designed as a separate document to the toolkit and can be tailored to the individual school. This toolkit document is not intended to be publicised or provided to any complainant.

When tailoring the procedure, be mindful of the language you use. The DfE recommend that schools have policies which state what they 'will' do rather than what they 'should' or 'may' do.

Where a policy states that a school 'should' do something which they then choose not to do, if escalated to the DfE for further consideration, the school may be asked to provide a written explanation for the reasons why they deviated from best practice (DfE, 2016).

General principles of complaints

Dealing with complaints – initial concerns

Staff and governors need to be clear about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The complaints policy and procedure deals with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the class teacher will receive the first approach. It will be helpful if staff are able to resolve issues on the spot, including apologising where necessary. It is good practice for the staff member to keep a brief note relating to the concern and how it has been addressed.

Dealing with complaints – formal procedure

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

Schools might wish to nominate a member of staff to have responsibility for the operation and management of the school complaints procedure. They could be termed the school's 'complaints co-ordinator'. In smaller schools this may often be the headteacher. The complainant should be advised as soon as possible as to the person holding this responsibility and how they can be contacted.

Where the following procedure refers to the headteacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. In exceptional circumstances, the headteacher or the chair of governors may commission an independent investigator to undertake an investigation on behalf of the school.

Framework of principles

The complaints procedure is designed to:

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

The stages of a complaint

The model complaints procedure outlines a 4 stage procedure:

- Stage 1: Informal concern raised with staff member
- Stage 2: Formal complaint to the headteacher
- Stage 3: Formal complaint to the chair of governors
- Stage 4: Formal complaint to the complaints appeal panel

Complaints against the headteacher will be dealt with by the chair of governors at Stage 3.

An unsatisfied complainant must always be given the opportunity to complete the complaints procedure in full.

Complaints against a governor

Complaints against the chair of governors or any individual governor will be made in writing to the clerk to the governing body. The clerk will acknowledge receipt of the complaint within five school days. The letter will explain the process that will be followed and the expected timescale for response.

The chair of governors will consider complaints about an individual governor and the vice chair will consider complaints against the chair. If for any reason this is not appropriate then another governor will be nominated.

The governor considering the complaint will write to the complainant to advise of the outcome. There will be no further right of appeal for complaints against an individual governor.

Investigating complaints

At each stage the complaints co-ordinator or the person delegated by him or her to investigate the complaint will:

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

Resolving complaints

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

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

Complainants will be encouraged to state what actions they feel might resolve the problem at any stage.

An admission that the school could have handled the situation better is not the same as an admission of negligence.

Time limits

Complaints need to be considered and resolved as quickly and as efficiently as possible. Realistic time limits for each action within each stage need to be agreed with the complainant. However, where further investigations are necessary, new time limits may need to be set and the complainant advised giving the explanation for the delay.

The complainant has a duty to raise the complaint as soon as conveniently possible. Three months is generally considered to be an acceptable time frame in which to lodge a complaint.

Schools need to ensure that if they have a general cut-off policy for considering a complaint that they are willing to consider exceptions.

Schools must not have blanket policies of refusing to consider any complaints not lodged within the stated period (DfE, 2016).

Further rights of appeal

If a complaint has completed the local procedures and the complainant remains dissatisfied, they have the right to refer their complaint to the Secretary of State through the School Complaints Unit (SCU).

The SCU will not normally re-investigate the substance of the complaint. They will look at whether the complaints policy and any other relevant statutory policies were adhered to and comply with education legislation.

The SCU can be contacted on 0370 000 2288, or in writing to:

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

Unreasonable and/or vexatious complaints

If properly written and followed, a complaints procedure can limit the number of complaints that become protracted. However, there may be occasions when, despite all the stages of the procedure having been followed, the complainant remains dissatisfied. If the complainant tries to reopen the same issue, the chair of governors can inform them in writing that the procedure has been exhausted and that the matter is now closed as far as the school is concerned but refer them to the Department for Education or Ofsted. The complainant should also be advised that no further correspondence will be entered in to on the subject of the complaint.

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.

It is important to note however that, where a complainant raises an entirely new, separate complaint, it must be responded to in accordance with the complaints procedure. It is not the complainant who is vexatious; it is the correspondence.

The chair of governors has the right to regard a complaint as vexatious if there is an unreasonable delay or if a complainant brings forward numerous trivial matters which after careful consideration by the chair, are considered to be vexatious. It is recognised that determining what a “trivial” matter is can be subjective and careful judgements must be used in applying this criteria. Objectively considering the complaint ensures you are better able to respond in a measured and professional way.

Where an individual’s behaviour is causing a significant level of disruption the school may wish to implement a tailored communications strategy such as restricting the method of communication or putting in place a single point of contact. In these scenarios, schools may wish to adopt an unreasonable/persistent complaints policy.

A sample policy for unreasonable complaints is available in the DfE Best Practice Advice for School Complaints Procedures 2016 guidance.

More information about dealing with vexatious requests for information is available on the Information Commissioner’s Office website.

Recording complaints

An initial concern may be made in person, by phone or in writing. It is recommended that where a concern escalates to a formal complaint that the complainant is asked to submit the complaint in writing or by using a complaint form to the complaints co-ordinator. However, it is important that schools comply with the Equality Act 2010 and allow alternative methods of contact.

Once the formal complaints procedure has begun, a separate record should be kept of the complaint, its progress and final outcome. The record would include notes of meetings and phone calls, copies of all correspondence from the complainant together with a copy of any written response. The complaints co-ordinator will be responsible for the records and hold them centrally and securely within school.

Complainants do have a right to copies of these records under the Freedom of Information and Data Protection Acts so care should be taken when recording information.

Governing body review

The governing body will monitor the level and general nature of complaints and review the outcomes on a regular basis to ensure the effectiveness of the procedure and make changes where necessary. It is recommended that the procedure is formally reviewed every two to three years. This will enable the school to take into account any new guidance issued by the Department for Education or legislative changes

Responsibility for reviewing the procedure may be delegated to a committee of the governing body, an individual governor or the headteacher. If projected review dates are published on the policy document they need to be adhered to. Failure to do so could constitute a failure to adhere to a policy.

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

Complaint panel guidance

It is important that the panel is seen to be independent and impartial. No governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.

Individual complaints will not be heard by the whole governing body at any stage as this could compromise the impartiality of any panel set up for any potential disciplinary hearings or appeals. If the whole governing body is aware of the substance of a complaint an independent panel can be arranged to hear the complaint.

Complainants have the right to request an independent panel, if they believe there is likely to be bias in the proceedings. Schools will consider the request but ultimately, the decision is made by the governors.

The remit of the complaints appeal panel

The panel can:

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

Panel members need to be aware of the following points:

- The appeal panel is held in private. The aim is to achieve reconciliation between the complainant and the school, recognising that this will not always be possible. However, it is important that the complainant feels that their complaint has been treated seriously and been adjudicated fairly;
- Parties to the hearing may feel nervous and uneasy - the governors and the clerk need to attempt to make the tone of the hearing welcoming without losing a degree of formality, recognising the serious nature of the complaint;
- Extra care and consideration needs to be exercised if the complainant is a child;
- The panel elect their own chair;
- Confidentiality must be maintained;
- They are conversant with complaints policy and procedure, together with the guidance offered by this toolkit.

Roles and responsibilities

Role of the chair of governors or nominated governor

The chair will:

- check that the correct procedure has been followed;
- notify the clerk to arrange a panel if a hearing is required.

Role of the clerk

Once the complaint has moved to Stage 4 the clerk is the point of contact for all parties. The clerk is expected to:

- advise all parties of the procedure to be followed with regard to documentation, timescale, witnesses and the order of the hearing;
- set the date, time and venue of the hearing, ensuring that the time and dates are as far as possible convenient to all parties, having regard to the need to handle the complaint swiftly;
- collate any written material and send it to all parties at least five school days in advance of the hearing;
- meet and welcome the parties as they arrive at the hearing;
- ensure that neither party has access to the panel prior to the hearing;
- ensure that the room for the hearing is set out adequately and there is a suitable waiting area;
- record the proceedings;
- notify all parties in writing of the panel's decision.

Role of the chair of the panel

The chair will ensure that:

- the remit of the panel is explained to all parties;
- all parties have received all relevant documentation;
- the issues are addressed;
- key findings of fact are made;
- all parties are put at their ease (short adjournments can be requested);
- all parties show respect for each other and all parties are afforded the opportunity of presenting their case and asking questions with respect and courtesy;
- the panel is open minded and acts independently;
- no panel member has a vested interest in the outcome of the hearing or has had any prior involvement;
- if a new issue arises during the hearing all parties are given adequate opportunity to consider and comment upon it.

The hearing

The panel needs to take the following points into account:

- The hearing will be as informal as possible, whilst recognising that all meetings need a degree of formality to operate successfully.
- Both parties come before the panel together and neither party is allowed access to any panel member without the other party being present.
- Each party may be accompanied by a colleague or supporter who cannot act as an advocate nor will they have the right to address the panel.
- Witnesses are only required to attend for the part of the hearing in which they give their evidence. They will be advised as to the confidential nature of the hearing and reminded not to discuss the information they give with anyone else.
- The chair will welcome and introduce all parties. The chair will then explain the order of the hearing.

1. The complainant is invited to explain their complaint, to be followed by their witnesses.
2. The headteacher may question both the complainant and any witnesses after each has spoken.
3. The headteacher and/or chair of governors will then explain the school's actions followed by their witnesses.
4. The complainant may question the headteacher and/or chair of governors and the witnesses in turn.
5. The panel may ask questions at any point.
6. The complainant is invited to sum up their complaint.
7. The headteacher and/or chair of governors is then invited to sum up the school's actions and response to the case.
8. The chair explains that the panel will deliberate and that all parties will leave as the panel's decision will be communicated in writing by the clerk within a time scale notified to all parties at that time.
9. Both parties leave at the same time.
10. The panel deliberates and reaches a decision. The panel notifies the clerk of the decision and agrees the wording of the decision letter.

Notification of the panel's decision

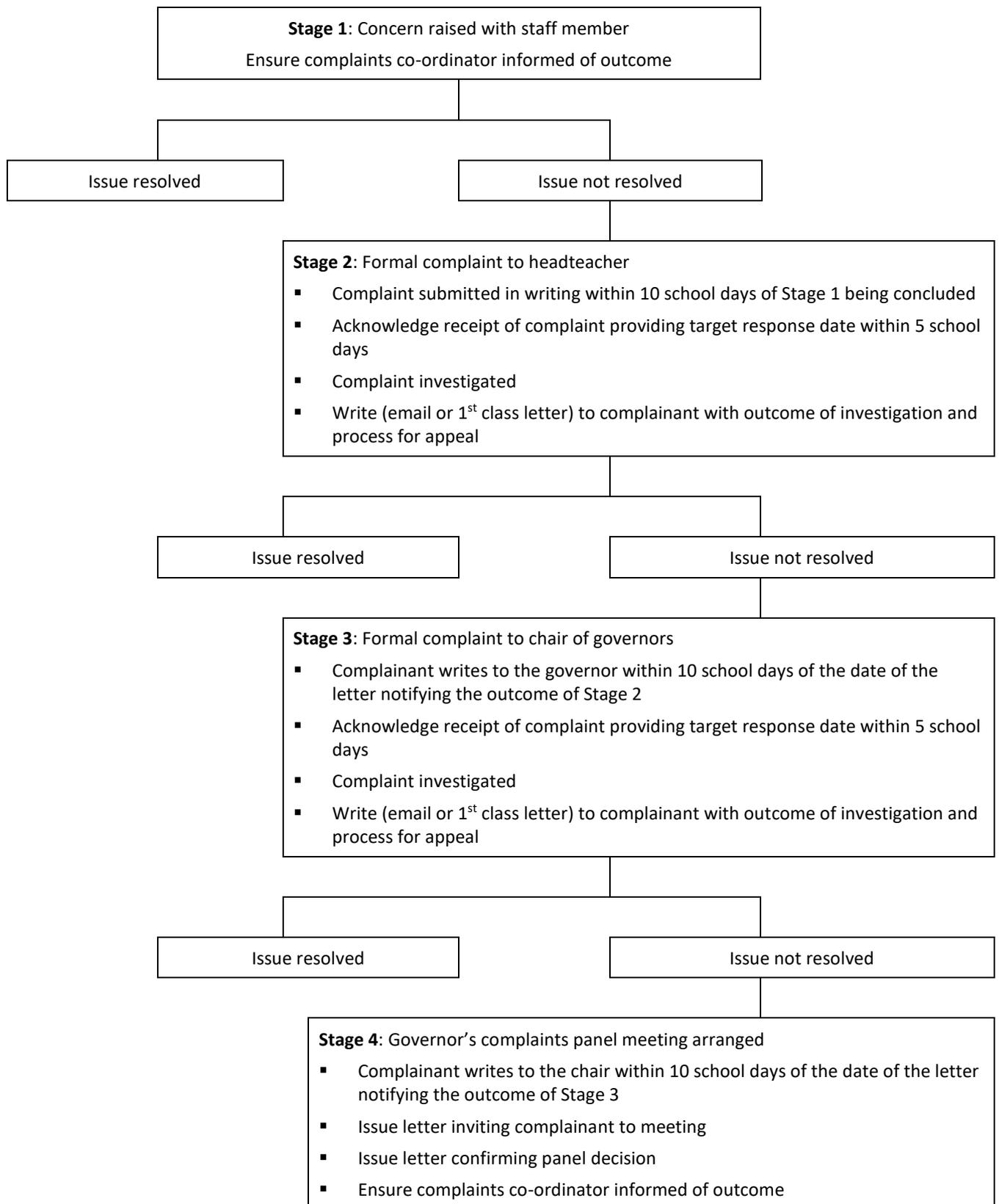
- The chair of the panel needs to ensure that the complainant is notified of the panel's decision in writing; this is usually within five school days. If this timescale cannot be achieved an alternative reasonable timescale will be notified to all parties.
- The school will be notified at the same time, through the headteacher.
- The decision letter concludes the school's and the GB's involvement with the complaint.
- The decision letter needs to explain any further rights of appeal and, if so, to whom they need to be addressed e.g. School Complaints Unit (SCU).

Appendix A - Complaints not in scope of the procedure (DfE, 2016)

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

Exceptions	Who to contact
Admissions to schools Statutory assessments of Special Educational Needs (SEN) School re-organisation proposals Matters likely to require a Child Protection Investigation	Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman
Exclusion of children from school	Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions .
Whistleblowing	Schools must have an internal whistleblowing procedure for employees and voluntary staff. Other concerns can be raised direct with Ofsted by telephone on: 0300 123 3155, via email at: whistleblowing@ofsted.gov.uk or by writing to: WBHL, Ofsted Piccadilly Gate Store Street Manchester M1 2WD. The Department for Education is also a prescribed body for whistleblowing in education.
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.
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.

Appendix B - Flowchart of model complaints procedure including suggested timescales



NOTES:

- If the complaint is in respect of the headteacher it will be passed directly to Stage 3
- A complaint about a governor will be dealt with by a nominated governor at Stage 3

- Realistic time limits for each action within each stage need to be communicated to the complainant at each stage.

Appendix 3 - Model school complaints policy and procedure

This model complaints procedure and policy should be read alongside the Governor Development Service - School Complaints Toolkit.

The policy and procedure should be tailored to your individual school. When tailoring the procedure, be mindful of the language you use. The DfE recommends that schools have policies which state what they 'will' do rather than what they 'should' or 'may' do.

Where a policy states that a school 'should' do something which you then choose not to do, if escalated to the DfE for further consideration, the school may be asked to provide a written explanation for the reasons why you deviated from best practice. (Best Practice Advice for School Complaints Procedures 2016)

April 2016

Sketchley Hill Primary School Complaints Policy

Our school is committed to working in close partnership with all members of the school community. The school places great value on the role which parents and carers can play in supporting children's learning. Staff and governors actively encourage a positive relationship between the school and the families of children who attend the school. We also desire to have good relations with our neighbours and the wider community.

Our policy is:

- To provide a fair complaints procedure which is clear and easy to use for anyone wishing to make a complaint
- To publicise the existence of our complaints procedure so that people know how to contact us to make a complaint
- To make sure everyone at [school name] knows what to do if a complaint is received
- To make sure all complaints are investigated fairly and in a timely way
- To make sure that complaints are, wherever possible, resolved and that relationships are repaired
- To gather information which helps us to improve what we do

Where any concerns are raised we aim to resolve these as quickly and as efficiently as possible. Usually concerns that are raised can be resolved very quickly through the school's day to day communication between parents and the school staff. However, for those situations where this is not the case, we have a more formal process to investigate and deal with complaints. Our complaints procedure is detailed on the following pages.

Who can raise a complaint?

Complaints may come from any person or organisation that has an interest in the school. This policy does not cover complaints from staff who should follow the relevant internal policy.

Timescales for submitting a complaint

To enable a proper investigation, concerns or complaints should be brought to the attention of the school as soon as possible, usually within 3 months. This time limit does not apply if it can be shown that there were good reasons for not making the complaint earlier and it is still possible to investigate the complaint properly.

Confidentiality

All complaint information will be handled sensitively, telling only those who need to know and following any relevant data protection requirements.

Sketchley Hill Primary School Complaints Procedure

It is in everyone's interest that complaints are resolved at the earliest possible stage. The experience of the first contact between the complainant and the school can be crucial in determining whether the complaint will escalate. To this end all staff and governors are aware of the procedure to be followed if a complaint is raised. Also, whilst not wishing to encourage complaints, complainants should note that they have a duty to raise a matter as soon as conveniently possible.

The school operates a 4 stage complaints procedure outlined below. If your complaint is about the headteacher, you should refer your formal written complaint to the chair of governors to be dealt with under Stage 3 of this procedure.

Where the following procedure refers to the headteacher, they may delegate any of these functions to a member of the senior leadership team if appropriate. In exceptional circumstances, the headteacher may commission an independent investigator to undertake an investigation on behalf of the school.

Stage 1: Informal concern

An initial concern should be raised with the class teacher or the member of staff concerned. This can be done in writing, by telephone or in person by appointment. The vast majority of concerns can be dealt with at this stage. It would be helpful to identify at this point what outcome you are looking for in order for us to address your concern quickly and effectively.

If you are not a parent/carer of a child at our school, please start at Stage 2 and make contact with the headteacher to discuss your concerns.

Stage 2: Formal complaint to the headteacher

If your concern is not resolved at the informal stage you can make a formal complaint to the headteacher, within 10 school days of Stage 1 being concluded. Your complaint should usually be made in writing indicating your desired outcome from the complaint (a form is enclosed for this purpose).

Your complaint will be acknowledged within 5 school days and will include an indicative date for a written response. The headteacher will be responsible for ensuring that your complaint is investigated appropriately. They may meet with you to clarify details of your complaint and the resolution that is being sought. The headteacher will investigate the complaint further and make every effort to resolve the issue.

Dependent upon the nature of the issues raised, the matter will either continue to be dealt with through the school complaints procedure, or by other procedures such as the disciplinary or safeguarding procedures. If this happens you will be informed of this fact but you will not be advised of the outcome of these proceedings.

On conclusion of the investigation the headteacher will write to you with all appropriate information in relation to the complaint and information on any outcome(s). The response should also inform you of the next stage of the procedure in case you are not satisfied with the response.

Stage 3: Formal complaint to the chair of governors

If you are dissatisfied with the headteacher's response or your complaint concerns the conduct of the headteacher then you can make a formal complaint to the chair of governors.

Your complaint should be made in writing to the chair of governors, care of the school, within 10 school days of the date of the headteacher's response to you. Please provide a copy of the written complaint, a copy of the headteacher's letter concluding Stage 2 and give details in writing of why they are not satisfied with the outcome.

At this stage the chair of governors will generally handle the complaint but can delegate this to a nominated governor. In exceptional circumstances, the chair of governors may commission an independent investigator to undertake an investigation on behalf of the school.

You will receive an acknowledgment of receipt of your complaint within 5 school days and an indicative timescale for response.

The governor will investigate the complaint and make every effort to resolve the issue. They may meet with you if they need clarification or further information is necessary.

On conclusion of the investigation you will receive a written response of the outcome reached and the process for appeal.

Stage 4: Formal complaint complaints appeal panel

If you remain dissatisfied with the response to your complaint you may request that it is reviewed by the complaints appeal panel by writing to the clerk to the governing body within 10 school days of the date of the letter notifying you of the outcome of Stage 3.

The clerk will write to acknowledge receipt of your complaint within 5 school days. The letter will explain the process which is to be followed and information about the how the panel will operate.

The clerk will convene a governing body complaints appeal panel and ask you to provide details of your appeal and any relevant supporting evidence.

The panel will usually consist of 3 governors from the school. These governors will have no previous knowledge of the complaint. If this is not possible for any reason, then alternative arrangements will be made and communicated to you.

The remit of the complaints appeal panel is to:

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

You will be notified in writing of the panel's decision, usually within 5 days. The letter will confirm the end of the school's and governing body's involvement with the complaint and explain any further rights of appeal.

Further rights of appeal

If you have completed the school procedure and remain dissatisfied, you have the right to refer your complaint to the Secretary of State through the School Complaints Unit (SCU). The Secretary of State will usually not consider any complaints until the school's complaint procedure has been exhausted.

The SCU will not normally re-investigate the substance of the complaint. They will look at whether the complaints policy and any other relevant statutory policies were adhered to and comply with education legislation.

The SCU can be contacted on 0370 000 2288, or in writing to:

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

Complaints against an individual governor

If your complaint concerns the chair of governors or an individual governor you should write to the clerk to the governing body. The clerk will acknowledge receipt of your complaint within 5 school days. The letter will explain the process that will be followed and the expected timescale for response.

The chair of governors will consider complaints about an individual governor and the vice chair will consider complaints against the chair. If for any reason this is not appropriate then another governor will be nominated.

On conclusion of the investigation you will receive a written response detailing all appropriate information in relation to the complaint and information on any outcome(s). There will be no further right of appeal for complaints against an individual governor.

Timescales for response

Our aim is to address your complaint in a timely and efficient manner. However, there may be occasions when we are unable to achieve the timescale indicated. In this event, we will write to you outlining the reason for the delay and provide you with a new timescale for the conclusion of that part of the process.

Sketchley Hill Primary School Formal Complaint Form

Your name:	
Pupil's name:	
Your relationship to pupil:	
Address:	
Post Code:	Daytime Tel:
Mobile:	E-mail:
Please give concise details of your complaint:	
What action, if any, have you already taken to try and resolve your complaint? (Who did you speak to, when and what was the response?):	

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

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

Signed:

Date:

Official Use:

Date acknowledgement sent:

Acknowledgement sent by:

Complaint referred to:

Date: