



HEART
EDUCATION TRUST

Complaints Procedure

February 2022

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Adopted by: The COO on 16 February 2022



Heartsease
Primary Academy



Lingwood
Primary Academy



Henderson Green
Primary Academy



Valley
Primary Academy

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The HEART Education Trust, a charitable company limited by guarantee registered in England and Wales with company number 08286818. Registered office address: Heartsease Primary Academy, Rider Haggard Road, Norwich, Norfolk NR7 9UE.

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1 INTRODUCTION

Under Part 7, Schedule 1 to the Education (Independent School Standards) Regulations 2014, the Trust is required to have in place a procedure to deal with complaints relating to it and to any community facilities or services that it provides.

This procedure is made accessible to the public via the Trust's website and the individual websites of each of the Trust's academies.

This procedure does not apply to complaints relating to the matters listed in Annex 1, which are dealt with under separate policies or procedures.

Anonymous concerns or complaints will not be investigated under this procedure.

It is the Trust's intention that this Complaints Procedure will:

- encourage resolution of problems by **informal** means wherever possible;
- 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 Trust's management team so that services can be improved.

In this procedure,

- 'school days' excludes weekends and academy holidays;
- 'parent' means a parent, carer or anyone with legal responsibility for a pupil at a Trust academy.

2 KEY PRINCIPLES

The Trust expects all complainants to make reasonable attempts to seek an informal resolution. To investigate your complaint properly and fairly, we have implemented a staged approach. We anticipate that almost all complaints that arise will be resolved at Stage 1 or Stage 2 below.

We expect our members of staff to be addressed in a respectful manner and for communication to remain calm at all times. The procedure under Part 2 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than 3 months after the incident being complained of (or, where a series of associated incidents have occurred, within 3 months of the last of these incidents) will not be considered unless the Trust accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.

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

On rare occasions the Trust may receive complaints from a number of parents relating to the same issue. In order to deal with these complaints efficiently the academy will follow the procedure set out in Part 3.

If it becomes necessary to alter the time limits and deadlines set out within this procedure, you will be advised accordingly and given an explanation as to why this has been the case and provided with revised timescales. If other bodies are investigating aspects of the complaint, for example the police, local authority safeguarding teams or tribunals/courts, 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.

Complainants should not approach individual trustees to raise concerns or complaints. They have no power to act on an individual basis and it may prevent them from considering complaints at later stages.

Where a child is not on the Trust's roll, or ceases to be on the Trust's roll during the investigation of a complaint presented on their behalf, the complaint will be closed and no further action taken.

The Trust may, in appropriate circumstances, adjust or modify this procedure where the particular circumstances of the complaint warrant it.

3 RECORD OF COMPLAINTS

A record will be kept of all written formal complaints, including at what stage they were resolved and action taken by us as a result of those complaints regardless of whether they were upheld.

Correspondence, statements and records relating to individual complaints will be kept confidential except where:

- access is requested by the Secretary of State;
- disclosure is required in the course of a school inspection;
- an individual has a legal right to access their own personal data contained within such documentation; or
- under other legal authority.

All findings and recommendations will be made available for inspection by the Executive Board, Board of Trustees, Company Members, Company Auditors and ESFA.

The complainant is not entitled to access to documentation generated or collated as part of any investigation, save for any statement provided by themselves or (in the case of parents) their own child.

4 PART 1: COMPLAINTS PROCEDURE

4.1 Stage 1: Informal Concerns

4.1.1 Complaints Made by Parents

Most enquiries and concerns can be dealt with satisfactorily by the class teacher, pastoral assistant or other members of academy staff without the need to resort to the formal procedure. We value informal meetings and discussions and encourage parents to approach staff with any concerns they may have, and aim to resolve all issues with open dialogue and mutual understanding.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting with the member of staff most appropriate for dealing with that concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Academy Headteacher, they may decide to deal with your concerns directly at this stage. If the concerns are about the Academy Headteacher these should be referred directly to the Trust's Chief Executive Officer under Stage 2.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 15 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should follow Stage 2 of this procedure.

4.1.2 Complaints Made by Non-Parents

A concern regarding the Trust or its operations may be made to any member of staff. That member of staff will attempt to resolve the matter immediately or may, if appropriate, refer the matter to their line manager or the relevant Academy Headteacher / central head of department.

It is always helpful if you can fully explain the nature of the concern and identify the outcome you are looking for. Where appropriate, you may be invited to an informal meeting to discuss your concern. The member of staff dealing with the concern will make sure that you are clear on what action (if any) has been agreed. This may be put in writing if appropriate.

If the matter is brought to the attention of the Chief Operating Officer, they may decide to deal with your concerns directly at this stage. If the concerns are about the Chief Operating Officer, these should be referred directly to the Trust's Chief Executive Officer under Stage 2.

There is no suggested timescale for resolution at this stage given the importance of dialogue through informal discussion, although it would be expected that most issues will be resolved within 20 school days. Where no satisfactory solution has been found, you will be advised that if you wish your concerns to be considered further you should follow Stage 2 of this procedure.

4.2 Stage 2: Formal Written Complaints

4.2.1 Complaints Made by Parents

If your concerns are not resolved under Stage 1, you should put your complaint in writing and send this to the Academy Headteacher. If the complaint is about the Academy Headteacher, then the complaint should be addressed to the Chief Executive Officer. If your complaint is about the Chief Executive Officer, then the complaint should be addressed to the Chair of Trustees. In any case, the complaint handler may delegate the carrying out of Stage 2 to a Trustee or another member of the Trust's management team.

It is very important that you include a clear statement of the actions that you would like us to take to resolve your complaint. We strongly encourage you to use the Complaint Form provided at Annex 2 of this procedure. If you require help in completing the form, please contact the academy office. You can also ask third party organisations like the Citizens Advice to help you.

In all cases your written complaint **must** include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the Trust's complaints procedure and a target date for providing a response to the complaint. This will normally be within 25 school days of the date of acknowledgement of the complaint (save as to where this is not practicable due to the nature of the complaint and depth of investigation required).

If appropriate, the complaint handler (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. If you accept that invitation, you may be accompanied by one other person, such as a friend, relative, advocate or interpreter, to assist you. Where possible, this meeting will take place within 10 school days of the date of the Trust's acknowledgement of the complaint.

If necessary, witnesses will be interviewed and statements taken from those involved. If the complaint centres on a pupil, the pupil may also be interviewed, if this is appropriate. Pupils will normally be interviewed with their parent present, save as to where this would materially delay the investigation of a serious or urgent complaint, or the pupil has specifically requested that their parents are not present. If the matter includes a complaint relating to a member of staff, the member of staff must have the opportunity to respond to the complaint.

Once the relevant facts have been established as far as possible, you will be provided with a formal written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by an independent panel under Stage 3 of this procedure.

4.2.2 Complaints Made by Non-Parents

If your concerns are not resolved under Stage 1, you should put your complaint in writing and send this to the Chief Operating Officer. If the complaint is about the Chief Operating Officer, then the complaint should be addressed to the Chief Executive Officer. If your complaint is about the Chief Executive Officer, then the complaint should be addressed to the Chair of Trustees. In any case, the complaint handler may delegate the carrying out of Stage 2 to a Trustee or another member of the Trust's management team, or may escalate the complaint straight to Stage 3.

Your written complaint **must** include:

- the nature of the complaint;
- details of how the matter has been dealt with so far;
- the names of potential witnesses, dates and times of events and copies of all relevant documents; and
- a clear statement of the actions that you would like us to take to resolve your complaint.

Your complaint will normally be acknowledged in writing within 10 school days of receipt. The acknowledgement will give a brief explanation of the Trust's complaints procedure and a target date for providing a response to the complaint. This will normally be within 25 school days of the date of acknowledgement of the complaint (save as to where this is not practicable due to the nature of the complaint and depth of investigation required).

If appropriate, the complaint handler (or someone appointed by them) may invite you to a meeting to clarify your complaints and to explore possible resolutions. Where possible, this meeting will take place within 15 school days of the date of the Trust's acknowledgement of the complaint. If necessary, witnesses will be interviewed and statements taken from those involved.

Once the relevant facts have been established as far as possible, you will be provided with a formal written response to the complaint, including an explanation of the decision and the reasons for it. This will include what action will be taken to resolve the complaint (if any). You will be advised that if you are dissatisfied with the outcome of the complaint, you may request that your complaint be heard by an independent panel under Stage 3 of this procedure.

4.3 Stage 3: Referral to an Independent Panel

If you are dissatisfied with the decision under Stage 2, you may request that an independent panel is convened to consider your complaint. The panel will not review any new complaints at this stage or consider evidence unrelated to the initial complaint. New complaints must be dealt with from Stage 1 of the procedure.

To request a hearing before an independent panel, you should write to the following person:

- where the complaint handler at Stage 2 was a member of the Trust's management team, to the Chief Executive Officer; or
- where the complaint handler at Stage 2 was the Chief Executive Officer or a Trustee of the Strategic Board, to the Chair of the Strategic Board;

giving details of the complaint and the reasons why they disagree with the complaint handler's decision at Stage 2, no later than **10 school days** from the date of the complaint handler's decision

letter. Requests received outside of this time frame will only be considered in exceptional circumstances.

You should ensure that you provide copies of all relevant documents and state all the grounds for your complaint and the outcome that you are looking for. Your written request for an independent panel will usually be acknowledged within 10 school days of receipt.

The Chief Executive Officer or Chair of the Strategic Board (as appropriate) will convene or instruct the convening of a Stage 3 independent panel hearing and a letter will be sent to you within 15 school days of receipt of your letter of appeal, inviting you to attend the hearing. If you are a parent, you may be accompanied to the panel hearing by a friend or family member. The independent panel hearing will usually be scheduled for within 25 school days of the date of the letter inviting you to the panel hearing.

The panel hearing the appeal will be made up of at least three individuals who were not directly involved with the matters detailed in the complaint, and of whom at least one is independent of the day-to-day management and running of the academy and Trust.

As soon as reasonably practicable, and in any event at least 5 school days before the hearing, you will be sent written notification of the date, time and place of the hearing, together with brief details of the committee members who will be present. Fair consideration will be given to any bona fide objection to a particular member of the panel.

In order for them to prepare for the hearing, the panel should receive in advance (in particular but not exclusively):-

- A summary of the steps taken at Stage 1;
- The formal complaint lodged at Stage 2;
- The investigation steps taken by the Trust;
- The complaint handler's decision; and
- The complainant's appeal correspondence and any supporting documentation.

In most cases, the Stage 3 hearing will be attended by:-

- The panel (with one individual chosen by the panel from amongst their number to act as Chair of the panel);
- The complainant;
- A clerk.

The Stage 2 complaint handler may attend, if it is considered appropriate, to explain their actions and/or decision at Stage 2. However, it will not normally be expected for the subject of the original complaint to attend, nor for witnesses to attend and give evidence in person.

4.3.1 Remit of the Independent Panel

Any person sitting on a complaints appeal panel should bear the following in mind:

- It is important that the Stage 3 hearing is independent and impartial and that it is seen to be so. No person may sit on the panel if they have had a prior involvement in the complaint or

in the circumstances surrounding it. In deciding the make-up of the panel, the person responsible for convening the panel must try to ensure that appropriate individuals are selected who are likely to be sensitive to the issues of race, gender and religious affiliation.

- The aim of the hearing, which needs to be held in private, will always be to resolve the complaint and achieve reconciliation between the Trust and the complainant. However, it has to be recognised you might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy you that your complaint has been taken seriously.
- An effective panel will acknowledge that many complainants feel nervous and inhibited in a formal setting. Parents often feel emotional when discussing an issue that affects their child. The panel chair will ensure that the proceedings are as welcoming as possible. The layout of the room will set the tone and care is needed to ensure the setting is informal and not adversarial.
- Extra care needs to be taken when the complainant is a child. Careful consideration of the atmosphere and proceedings will ensure that the child does not feel intimidated. The panel needs to be aware of the views of the child and give them equal consideration to those of adults. Where the child's parent is the complainant, it would be helpful to give the parent the opportunity to say which parts of the hearing, if any, the child needs to attend.

The persons sitting on the independent panel should be fully aware of this Complaints Procedure.

4.3.2 Decisions of the Independent Panel

At the hearing, you will be given a full and fair opportunity to present the grounds of your complaint and any supporting evidence, together with your reasons for rejecting the decision of the complaint handler's decision at Stage 2. It should be made clear what resolution you are seeking and why this is considered appropriate.

The panel's decision will usually be reached on the basis of the documentary evidence available, although the panel may adjourn the hearing if necessary to conduct further investigation. The panel's role is not to re-investigate the case, but to review the steps taken to date.

In order to retain the non-adversarial approach recommended by the ESFA, the following principles will apply to the hearing:

- The panel will act independently and impartially, and will not therefore have had any previous involvement in the process;
- The hearing will be as informal as possible and the panel will endeavour to put and keep you at ease.
- Witnesses will not normally be required to attend to give evidence in person, and the written evidence (as recorded in notes of any investigation interview) will usually be taken as read.
- Should you want a particular witness to attend in person, this request should be justified with reasons and the panel should make the decision as to whether to proceed in this way. In such cases, the witness will only be required to attend for the part of the hearing in which they give their evidence and can afterwards be excused.
- The focus of the hearing will be on hearing from you as the complainant. The complaint handler, if attending, can respond to points raised by you.
- The panel may ask questions at any point.
- You will not be allowed to be present whilst the panel deliberates.

- The panel's decision will be confirmed in writing following the hearing.

The panel will consider the issues raised by you and the evidence supporting their complaint. It will often be the case that the evidence of two or more witnesses conflict, and in such cases, the panel will have to make a finding of whose evidence to prefer and for what reasons they have reached this decision.

After considering your appeal, the panel may:-

- 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 Trust's systems or procedures to ensure that problems of a similar nature do not recur.

Dismissal of a complaint may be done where (without limitation):-

- There is insufficient evidence to reach a conclusion, so the complaint cannot be upheld.
- The concern is not substantiated by the evidence.
- The matter has been fully investigated and that appropriate procedures are being followed, which are strictly confidential.

Where a complaint is substantiated in part or in full, some details may then be given of action the Trust may be taking to review procedures etc. but details of the investigation or of any disciplinary procedures will not be released. This will be confirmed in writing to you as soon as reasonably practicable (usually within 10 school days). A copy of the Panel's findings and recommendations may also be provided to the person complained about.

The panel's decision is the final stage of the Trust's complaints process.

4.4 Next Steps: Referral of Complaint to Education and Skills Funding Agency (ESFA)

If you believe the Trust did not handle your complaint in accordance with this published complaints procedure or that we have acted unlawfully or unreasonably in the exercise of our duties under education law, you can contact the ESFA after they have completed Stage 3.

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

You can refer your complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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

5 PART 2: UNREASONABLY PERSISTENT COMPLAINANTS AND UNREASONABLE COMPLAINANT BEHAVIOUR

There are rare circumstances where we will deviate from the Complaints Procedure set out in Part 1. These include, but are not limited to:

- where your behaviour or language towards our employees or trustees is abusive, offensive, discriminatory or threatening;
- where your behaviour is hindering our consideration of complaints and/or the proper running of the academy or Trust because of the frequency or nature of your contact, such as if you:
 - refuse to articulate your complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
 - refuse to co-operate with the complaints investigation process
 - refuse to accept that certain issues are not within the scope of this complaints procedure
 - insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or good practice
 - introduce trivial or irrelevant information which you expect to be taken into account and commented on
 - raise large numbers of detailed but unimportant questions, and insist these are fully answered, often immediately or to your own timescales
 - make unjustified complaints about staff who are trying to deal with the issues, and seek to have them replaced
 - change the basis of the complaint as the investigation proceeds
 - seek an unrealistic outcome, such as the inappropriate dismissal of staff
 - make excessive demands on staff time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
 - knowingly provide falsified information
 - publish unacceptable information on social media or other public forums
- where your complaint is clearly frivolous, vexatious and/or has patently insufficient grounds. The Office of the Independent Adjudicator defines the characteristics of a 'frivolous' or 'vexatious' complaint as:
 - complaints which are obsessive, persistent, harassing, prolific, repetitious
 - insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason
 - insistence upon pursuing meritorious complaints in an unreasonable manner
 - complaints which are designed to cause disruption or annoyance
 - demands for redress that lack any serious purpose or value
- where your complaint is the same, similar to or based on the same facts of a complaint which has already been considered in full.

In these circumstances, we may:

- inform you that your behaviour is unacceptable or unreasonably persistent and ask you to change it;
- restrict your access to the academy e.g. requesting contact in a particular form (for example, letters only), requiring contact to take place with a named person only, restricting telephone

calls to specified days and times or banning you from the Trust's premises. Any such arrangements will be reviewed after six months;

- conduct an independent panel on the basis of papers only (i.e. not hold a hearing);
- refuse to consider the complaint and refer you directly to ESFA.

In all cases we will write to tell you why we believe your behaviour is unacceptable or unreasonably persistent, what action we are taking and the duration of that action.

We may take the decision not to respond to any further correspondence where:

- we have taken every reasonable step to address your concerns
- you have been given a clear statement of our position and your options and
- you contact us repeatedly, making substantially the same points each time

The case for ceasing further correspondence is stronger where:

- letters, emails, or telephone calls are often or always abusive or aggressive or make insulting personal comments about or threats towards staff
- we have reason to believe you are contacting us with the intention of causing disruption or inconvenience

Where your behaviour is so extreme that it threatens the immediate safety and welfare of pupils, employees or trustees, we will consider other options, for example reporting the matter to the police or taking legal action. In such cases, we may not give you prior warning of that action.

6 PART 3: COMPLAINT CAMPAIGNS

For the purposes of this procedure, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with the academy or the Trust) which are all based on the same subject.

Depending on the subject in question, we may deviate from the procedure set out in this policy and instead:

- send a template response to all complainants and/or
- publish a single response on the academy/Trust's website (as applicable)

ANNEX 1: PROCEDURE EXCEPTIONS

Exceptions	Who to contact
<ul style="list-style-type: none"> Admissions to schools 	<p>Concerns about admissions should be handled through a separate process – either through the appeals process or via the local authority.</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p>
<ul style="list-style-type: none"> Exclusion of children from school* 	<p>Further information about raising concerns about exclusion can be found at: www.gov.uk/school-discipline-exclusions/exclusions.</p> <p><i>*complaints about the application of the behaviour policy can be made through this complaints procedure.</i></p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for whistle-blowers in education who do not want to raise matters direct with their employer. Referrals can be made at: www.education.gov.uk/contactus.</p> <p>Volunteer staff who have concerns about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from Trust staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the Trust's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, you will be notified that the matter is being addressed.</p>

ANNEX 2: COMPLAINT FORM

This is a Complaint Form intended to instigate Stage 2 of the Complaints Procedure, after attempts to resolve the concern informally under Stage 1 have not provided you with a resolution you consider satisfactory.

Stage 1 should only be omitted in **exceptional circumstances** (and in such cases the reasons why should be set out below). If the Trust does not consider that Stage 1 has been appropriately omitted, it reserves the right to refer your complaint back to that stage.

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

Your name:		Pupil's name:	
Address:		Your relationship to the pupil:	
		Daytime telephone number:	
		Evening telephone number:	
		Email address:	
Please give concise details of your complaint. Please include, where possible, dates, names of witnesses, etc. as this will enable the Trust to properly investigate your complaint.			
What action, if any, have you already taken to try and resolve your complaint. (Who did you speak to and what was the response)?			

If you have not taken such action, please set out here your reasons.	
What actions do you feel might resolve the problem at this stage?	
Are you attaching any paperwork? If so, please give details.	
Signed:	
Dated:	
<u>Official Use</u>	
Date acknowledgement sent:	
By whom:	
Complaint referred to:	
Date:	

