



Complaints Procedure Policy

Redmile Church of England Primary School



Adopted by LGB of **Redmile CE Primary School** on:

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1 Our vision values and aims

1.1 The Diocese of Leicester Academies Trust (DLAT) is a family of schools serving both Church and community where diversity is celebrated and respect and dignity are paramount. Our aspirations are high for the children we serve and we use our combined strengths in wisdom and fellowship to support them and each other to be successful.

1.2 Our strong sense of community & collaboration ensures happiness, fulfilment and well-being are key so that children know they are loved by God and in turn grow to love learning, to love life and to love others. Our ambition is for all our staff, children and schools to flourish, living life in all its fullness.

1.3 The Core Principles that underpin all our policies and define what DLAT aims to be are as follows:

- A professional community of collaborative learners working in Trust & fellowship for personal growth and wisdom.
- A family of happy, successful schools where well-being is highly valued and children are inspired to live life to its full.
- Ambitious for ALL children to achieve their true potential with an inclusive philosophy and a clear commitment to the most disadvantaged communities we serve.
- Committed to ensuring resources are used efficiently and effectively to provide best value for children's learning.
- A champion for the Church of England's vision for education, supporting local Diocesan vision and aims.

2 Policy application and purpose

2.1 The Complaints Procedures Policy has been created to deal with any complaint against a member of staff or the school or Trust as a whole, relating to any aspects of the school or the provision of facilities or services the Trust provides.

2.2 Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school or Trust provides. This policy outlines the procedure that the complainant and school must follow.

2.3 Once a complaint has been made, it can be resolved or withdrawn at any stage. Typically, the first stages are informal conversations with class teachers and the Headteacher only becoming involved when a concern becomes more formal or needs escalating to them.

2.4 Schools must ensure this policy is published on their website and made available to complainants on request.

2.5 The remit of this policy does not cover the following (which are covered elsewhere):

- SEND complaints about EHCPs
- Admissions
- Exclusions <https://www.gov.uk/school-discipline-exclusions/exclusions>.
- Whistleblowing
- Safeguarding Concerns
- Employee disputes and concerns

- Third party service providers
- 2.6 Our application of this policy is to try and de-escalate and resolve queries at the lowest level of authority.

3. Legal framework

- 3.1 This policy has due regard to statutory legislation, including, but not limited to, the following:

The Education Act 2002

The Freedom of Information Act 2000

The Immigration Act 2016

The Equality Act 2010

The General Data Protection Regulation (GDPR)

The Data Protection Act 2018

The Education (Independent School Standards) Regulations 2014.

This policy also has due regard to guidance including, but not limited to, the following:

- DfE 'Best Practice Advice for School Complaints Procedures 2016' 2016
- Education and Skills Funding Agency (ESFA) 'Creating an academy complaints procedure' 2015
- HM Government 'Code of practice on the English language requirement for public sector workers' 2016.

4. Definitions

- 4.1 For the purpose of this policy, a "complaint" can be defined as 'an expression of dissatisfaction' which can be regarding actions taken or a perceived lack of action.
- 4.2 Complaints can be resolved formally or informally dependent on the complainant's choice but we encourage most complaints to be resolved through discussion.
- 4.3 A concern can be defined as 'an expression of worry or doubt' for which reassurance is sought.
- 4.4 Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures shall be taken.
- 4.5 **NB.** For the purpose of this policy, "concerns" will be classed and addressed as complaints. Any further references to "complaints" will include "concerns".

5. Roles and responsibilities

- 5.1 The **complainant** will:

- Co-operate with the school and the Trust in seeking a reasonable solution to the complaint.
- Treat any person(s) involved in the complaint with respect and dignity.
- Read this guidance and respect the timeframes for investigation and response and follow the stages in order.

- 5.2 The **complaints co-ordinator (typically a senior leader or the Headteacher or in the Trust an administration person)** will:

- Ensure that all parties involved in the complaint are fully updated throughout each stage of the procedure.
 - Keep up-to-date records throughout the procedure and co-ordinate responses.
- 5.3** The **investigator** is involved in stages one and two of the procedure (and may in small schools also be the complaints co-ordinator and/or Headteacher). Their role includes:
- Where needed, providing a sensitive and thorough interviewing process of the complainant in order to establish what has happened and who is involved.
 - Considering all records, evidence and relevant information provided.
 - Ensuring timeframes are adhered to in line with this plan.
- 5.4** The **panel chair** will:
- Liaise with the DLAT Chief Executive Officer (CEO) or Chair of the DLAT Board to ensure they are informed and updated on proceedings of a panel hearing.
 - Ensure that minutes of the meeting are taken.
 - Explain the remit of the panel to the complainant and panel members.
 - Ensure that all issues are addressed and that outcomes are reached based on facts and evidence and ensure that no new evidence is produced that has not been seen and considered before (unless there is a significant reason for this).
- 5.5** All **panel members** will be aware that:
- The review panel hearing is independent and impartial.
 - The panel hearing is not an opportunity for a complainant to interrogate staff members and staff attendees do not need to attend at the same time the complainant makes their case.
 - No individual with direct prior involvement in the complaint, or the circumstances surrounding it, is permitted to sit on the panel.
 - The stages of the complaints process have been followed and made clear prior to a panel being resumed.
 - The aim of the panel is to review the process and aim to achieve a reasonable resolution, ultimately, obtaining reconciliation between the parties involved.
 - Reconciliation between the school and complainant is not always achievable, and that it may only be possible to establish facts and make recommendations to reassure the complainant that their case has been taken seriously.
 - The panel can:
 - Dismiss or uphold the complaint, in whole or in part.
 - Decide on appropriate action to be taken to recommend to any or all parties.
 - Recommend changes that the school or Trust can make to prevent reoccurrence of the problem.
- 5.6** The **panel clerk** will:
- Record the proceedings.
 - Set the date, time and venue of all hearings, ensuring that this is appropriate, convenient and accessible to all parties involved.
 - Collate all written material or evidence involved and send it to the parties involved in timely advance of the hearing.
 - Ensure that the minutes of the panel hearing are circulated.
 - Notify the relevant parties of the panel's decision and any other actions to be taken.

6 Making a complaint

6.1 Complaints are not restricted to parents of attending pupils. The school and Trust will consider all complaints and complaints about Trust employees, members or Directors.

6.2 The school will ensure that all aspects of the complaints procedure are:

- Easily accessible and publicised.
- Respectful of confidentiality duties.
- Fairly investigated, by an independent person when necessary.
- Once made formal, shared with the Trust so the central team are aware.

6.3 Complaints are expected to be made as soon as possible after an incident arises in order to amend the issue in an appropriate timescale. The school upholds a **three-month** time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will typically not be considered unless there are exceptions made.

6.4 Complaints should be made using the appropriate channels of communication, including the use of the [Complaints Procedure Form](#) (see page 18). These are used to escalate to a formal stage. All complainants must provide their full contact details including personal home address for communications.

6.5 A complaint can progress to the next stage of the procedure even if it is not viewed as “justified” at the school or Trust’s discretion.

6.6 Complaints about the staff or school (other than to the Chair for the Headteacher) should not be made to governors as individuals and governors should refer all complaints back to the school to deal with. Any Governors involved in a complaint may not later be involved in a panel.

6.7 After informal routes of resolution have not supported a solution (including with the person being complained about first), initial complaints about:

- School pupils or classroom issues should be directed first to class teachers.
- The school should be directed first to the Senior Leader or Headteacher.
- Staff members should be directed first to the Deputy Head or Headteacher.
- The Headteacher should be directed first to the CEO.
- The Chair of Governors or LGB should first be directed to the Clerk of the Board of Directors.
- Trust policy should be directed first to the Headteacher and the CEO thereafter.
- Central Trust team should first be directed to the CEO.
- CEO should be directed to the Chair of Board of Directors.

7. Complaints procedure

7.1 Academies’ complaints procedures consist of three main stages:

- **Informal (meeting and discussion with the complainant)**
- **Formal (the complaint is put in writing)**
- **A panel hearing**

Specific timeframes for each stage response times are detailed in the timeframes grid and reflect good practice guidelines but are not statutory (see page 17). Initial acknowledgements of receipt will be within 2 working days.

7.2 Stage one – Informal concern

- A complaint may be made in person, by telephone or in writing. Initial acknowledgement is shared to note receipt within 48 hours.
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and processed as a copy of any written response added to the record.
- Staff members will ensure a clear timeframe is agreed to investigate the complaint and a date to follow up made during initial discussion. Quite often this keeps the concern at an informal level.
- If the concern is about the Headteacher, the complainant can then be referred to the chair of the governing body (or the CEO directly). However, they will be asked if they have first attempted to discuss this directly first before escalating. Depending on the nature of the complaint the CEO may refer it back to the Chair to investigate and respond.
- At this stage, the complainant will be asked what they think might resolve the issue – any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.
- If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may wish to proceed to the next level of the procedure.
- Although at an informal stage it is suggested if the response at the informal stage is still followed up in writing.

7.3 Stage two (a) – Formal complaint made to the Headteacher or senior Trust leader

- After initial acknowledgement of 2 working days, Stage two of the process will be responded to within **10** school days. Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the Headteacher / senior Trust leader will contact the complainant to inform them of the revised target date via a written notification.
- Where needed an appointment or telephone conversation with the Headteacher should be made, as soon as reasonably practical, in order to avoid any possible worsening of the situation.
- If the complaint is against the Headteacher and prior discussions with them have not helped, the complainant will need to write, in confidence, to the chair of the governing board. The chair will seek to resolve the issue informally before moving directly to a formal investigation (see below).
- If the complaint is about Trust decisions clarity will be offered about such decisions within the confines of agreed minutes and policy.
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record.
- In terms of a complaint being made against a member of staff, the Headteacher will discuss the issue with the staff member in question. Where necessary, the

Headteacher will conduct interviews with any relevant parties, including witnesses and children, and take statements from those involved.

- All discussions shall be recorded by the Headteacher and findings and resolutions will be communicated to the complainant in writing. In respect of actions under any HR policies feedback will only clarify that the case is being dealt with through those policies.
- If the complainant is not satisfied with the outcome suggested, the procedure will either progress to further investigation and or/stage two (b).

7.4 Stage two (b) – Formal Investigation by the Chair of Governors (or for the Trust a Director) following the initial response from Headteacher/ Trust leader

- Before considering a panel, the complainant will submit any complaint within **10 school days** in respect of the Headteacher's / Trust leader's investigation using the correct form in the appendix with any associated documents to the Chair of Governors or a Trust Director for review.
- The Chair of Governors or Director will carry out an investigation and consider all available evidence and previous documentation on receipt of the correct form.
- The complainant and the Headteacher/Trust leader will be informed of the outcome within **15** school days of the chair of governors receiving the complaint.
- If the complainant is not satisfied with the manner in which the process has been followed, considers the decision to be perverse, or believes that the Chair or Director has acted unreasonably, they may request that the governing board or Directors review the complaint (stage three).

7.5 Stage three – Complaints appeal panel (CAP)

- Following receipt of a stage two outcome, a request for a panel should be made in writing to the Chair of Governors or Board of Directors within **10** school days.
- In order to prevent any later challenge or disagreement over what was said, brief notes of meetings and telephone calls are kept and a copy of any written response is added to the record.
- Written acknowledgement of the request will be made within 2 school days. This will inform the complainant that a CAP will hear the complaint within **20 school days or 4 weeks**.

The Chair of Governors or Board Director, or another nominated governor, will convene a CAP comprising three people not involved in the complaint, one of whom is independent of the management and running of the school. Governors of the school are not eligible to be independent panel members.

- Any Panels convened will have its membership approved by the CEO or Chair of the Board of Directors.
- At least 5 days notice will be given to all parties attending the CAP of the panel date, including the complainant. The Trust reserves the right to extend the period from receipt of the request in order to convene a panel but not beyond 40 working days.
- Prior to the hearing, the Clerk to the panel on behalf of Chair of Governors or Chair of DLAT Board will have written to the complainant informing them of how the review will be conducted. The Headteacher and CEO will also have a copy of this letter.
- At the hearing, all participants will be given the opportunity to put their case across and discuss any issues. The CAP will consider issues raised in the original

complaint and any issues which have been highlighted during the complaints procedure but will not consider new evidence that has not been presented before at the formal stages.

- The meeting should allow for:
 - The complainant to be present and accompanied at the hearing if they wish to explain their complaint.
 - The Headteacher / senior Trust leader to explain the reasons for their decision to the panel.
 - It is not necessary for the complainant to cross-examine any senior leader directly.
 - Members of the CAP will question both the complainant and the Headteacher or Trust senior leader separately if needed.
 - Final statements to be made by all parties involved.
- The complainant will receive a written response explaining the panel's findings and recommendations within **10** school days. This letter will also explain whether there are any further rights of appeal and to whom they need to be addressed.
- Where relevant, the person complained about will receive a summary of the panel's findings and recommendations.

7.6 Final stage – Appeal

If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using their [online form](#) or in writing to:

Ministerial and Public Communications Division
Department for Education
Piccadilly Gate
Store Street
Manchester
M1 2WD

8 Interviewing witnesses

- 8.1** When interviewing children in order to gather information regarding a complaint, the interview should be conducted in the presence of another member of staff or, in the case of serious complaints, e.g. where the possibility of criminal investigation exists, in the presence of their parents.
- 8.2** The school will ensure that the conduction of interviews does not prejudice an LA designated officer's (LADO), or police, investigation or data protection requirements.
- 8.3** All children interviewed will be made fully aware of what the interview concerns and their right to have someone with them.
- 8.4** Staff are allowed a colleague to support them at their interview. The colleague must not be anyone likely to be interviewed themselves, including their line manager.
- 8.5** The interviewee will sign a copy of the transcription of the interview.

9 Complaints about the Trust

- 9.1** Occasionally complainants will bring their complaint directly to the Trust central leadership team. Complaints that are about local school issues and/or have skipped

any of the stages will be referred directly back to the stages in the policy to be dealt with by the school first.

9.2 Schools are by definition part of the whole Trust and Headteachers are senior leaders within that team delivering Trust policies. The Trust may direct that the complainant deal first of all directly with the school to better understand Trust decisions or policies at an informal and local level. Complainants will be expected to respect this stage at this informal level of discussion first.

9.3 Other concerns that fall logically into the Trust's domain (i.e. a complaint about the actions of the LGB or Headteacher after the stages have been exhausted, a complaint about Trust policy or the central team or a Director or Member will automatically be dealt with at stage 2 the formal level if it isn't appropriate to be dealt with by the school first. Trust complaints should be sent to complaints@dlatschools.org.

10 Exceptional circumstances

- If the complaint suggests that a child has been at risk of significant harm through violence, emotional abuse, sexual harassment or neglect, it may be referred without further notice to Children's Social Care and/or to the LA.
- If a social services authority decides to investigate a situation, the Headteacher or governing board may postpone the complaints procedure.
- Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions relating to formal assessment of SEND, and decisions to permanently exclude a child.

11 Serial, vexatious and persistent complainants

11.1 The school and /or Trust will act in a manner they believe to be appropriate when dealing with an individual who consistently makes the same complaints or who continuously asks the school or Trust to reconsider their position.

11.2 The use of social media to cause harm, defamation of character of individuals and pursue complaints outside of the correct channels will be dealt with as vexatious and the complainant asked to take the complaint down. Should a complainant persist in this way the actions will be seen as aggressive and the school reserves the right to impose a ban from the school premises.

11.3 If a complainant attempts to re-open an issue, which has previously fully completed the complaints procedure, the chair of the governing board or Directors board will inform the complainant that the matter is now closed.

11.4 If the complainant contacts the school regarding the same issue again, the complaint may be classed as 'serial' or 'persistent' and the school does not have an obligation to respond.

11.5 The school or Trust must ensure that a complaint is not classed as 'serial' before they have fully completed the complaints procedure.

11.6 The school or Trust will not take the decision to stop responding to an individual lightly. The school or Trust will ensure that:

- They have previously taken every reasonable step to address the problem.

- They have provided the complainant with a statement of their position in writing.
- The complainant is contacting the school repeatedly with the same complaint.

11.7 If the school or Trust believes that the complainant is continuously contacting the school to cause disruption or inconvenience, or if the complainant is being abusive or threatening, the school has the right to not respond to the correspondent.

11.8 The complainant has the right to a third-party representative, such as the Citizens' Advice Bureau, throughout the complaints procedure.

11.9 Any new complaint made by a 'serial' complainant will be responded to.

12 Barring from the premises

12.1 School premises are peaceable places for learning and we expect all individuals entering them to abide by the school's ethos and expectations for mutual respect. Schools are also private property and therefore any individual can be barred from entering the premises that is causing concern and disrupting the peace.

12.2 A school has a duty to uphold the principles of British Values and derogative language in any respect will not be accepted. Such language may cause the school to request an individual leave the premises.

12.3 The Headteacher will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked subject to any representations that the individual may wish to make (or for a first offence offer a warning that this may happen). The individual involved will be given the opportunity to formally express their views regarding the decision to bar them.

12.4 This decision to bar will be reviewed, taking into account any discussions following the incident and schools may request that an individual undertake a written agreement not to repeat the behaviour before a ban is lifted.

12.5 Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the Headteacher or chair of governors.

13. Policy Review

DLAT reserves the right to review this policy to ensure it remains aligned to our vision and values. It will be reviewed annually by the Board of Directors.

14. Quality Assurance

The CEO and governing bodies will ensure this policy is adhered to on a day-to-day basis. SLT and central team will ensure procedures are followed for concerns and complaints using this policy. The Board of Directors will oversee the execution of this policy.

15. Controlled Document

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Appendix 1 Unreasonable Complainants

Our Trust schools are committed to dealing with all complaints fairly and impartially, and to providing a high-quality service to those who complain. We will not normally limit the contact complainants have with the school; however, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Trust defines unreasonable complainants as 'those who, because of the frequency or nature of their contacts with the school, hinder our consideration of theirs or other people's complaints'.

A complaint may be regarded as unreasonable when the person making the complaint:

- Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved.
- Refuses to accept that certain issues are not within the scope of a complaints procedure.
- Insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice.
- Introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales.
- Makes unjustified complaints about staff who are trying to deal with the issues and seeks to have them replaced.
- Changes the basis of the complaint as the investigation proceeds.
- Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed).
- Refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the DfE.
- Seeks an unrealistic outcome.
- Makes demands that would cause the organisation to go against data protection legislation.
- Makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.
- Intimidates individuals through coercion or persuasion to a particular set of beliefs or values in order to legitimise a certain point of view.
- Uses social media as a means to attack or portray malicious accusations without using the correct complaints procedure.

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

- Maliciously
- Aggressively
- Using threats, intimidation or violence
- Using abusive, offensive or discriminatory language

- Knowing it to be false
- Using falsified information
- Publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached. It may also be deemed as vexatious.

Whenever possible, the Headteacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the Headteacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after **six months**.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the premises.

Appendix 2 Timeframes for responses within each stage

Timeframe for dealing with complaints to the school from parents or individuals		
Stage	Time period for response from complainant	Response time from school or Trust
Stage 1 Informal	Complaint to be made within 3 months of the event or issue happening	Initial acknowledgement usually within 2 working days. Informal discussion / meeting usually within 1 working week. Agreed timeframe for further investigation or monitoring as agreed between parties but not typically longer than 2 working weeks.
Stage 2a Formal to Headteacher / Senior Trust Leader	Within 10 days of the response from the school using the formal form to complain.	Initial acknowledgement of receipt usually within 2 working days. Response time 2 working weeks or 10 working days. If a longer period is needed to investigate this will be indicated as soon as is practicable.
Stage 2b Formal to Chair of Governors or Board of Directors	Within 10 days of the response from the HT/Senior Trust Leader using the formal form by which to complain.	Initial acknowledgement of receipt usually within 2 working days. Response time 3 working weeks or 15 working days. If a longer period is needed to investigate this will be indicated as soon as is practicable.
Stage 3 Panel Hearing by formal request	Within 10 days of the written response from the Chair of Governors or Board of Directors.	Initial acknowledgement of receipt usually within 2 working days. Co-ordination of a panel hearing within 4 working weeks or 20 working days of receipt for panel hearing request. Minimum of 5 working days notice of panel hearing.

STAGE 2 Formal Complaint Form

If you have tried unsuccessfully to resolve your complaint at the formal stage and have waited for responses within the indicated timeframes but wish to take the matter further, please complete this form and send it to the **relevant person (Headteacher, Chair of Governors or if about the Trust send to complaints@DLATschools.org** If it is about the CEO please send to the Chair of the Board of Directors. Please ensure you attach all previous communications and responses.

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
Dates of all previous correspondences:	
When did you discuss your concern/complaint with the appropriate member of staff? Please outline all previous stages you have completed already.	
Has the school or Trust followed the policy stages – if not please give details.	
Signed:	Date:

STAGE 3 Request for a panel hearing

Complaints Procedure Form (to be sent to the Clerk of Governors or Clerk of Board of Directors with all related documentation and correspondence).

If you have tried unsuccessfully to resolve your complaint with the school or Trust and have completed the stages with no success and would like a panel to review your complaint, please complete the following form and include all previous correspondences and evidence. New evidence not considered before will not be able to be presented now unless there are extenuating circumstances.

Name:	Address:
Pupil's name:	
Pupil's date of birth:	
Daytime telephone number:	
Evening telephone number:	
Email:	Postcode:
Date of original complaint:	Date of HT response: Date of Chair's response:
Reasons to request a panel hearing (bullet points to make this clear will help):	
What solution would you like to see happen? <i>(Please be succinct i.e. the policy has not been followed by Headteacher or Chair; I want the decision about xxx overturned; I am complaining about an unlawful act regarding xxx.)</i>	
Signed:	Date: