



HEARTS ACADEMY TRUST

Complaints Policy

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HEARTS Academy Trust is committed to providing a happy, caring and safe learning environment for all within a values led context, where everyone feels valued and grows in confidence and independence.

We promote **HAPPINESS** through a creative, exciting and practical curriculum, which generates a love of, and interest in, learning and a resilience and hope which supports us through challenging times.

Great value is placed on pupils' self **ESTEEM** which is developed through a positive and motivated attitude to learning, a healthy lifestyle, good social skills, self-discipline and a positive self-image.

We promote the highest standards of **ACHIEVEMENT** in all areas of the curriculum and help all pupils to fulfil their potential regardless of gender, race or ability.

We foster **RESPECT and RESPONSIBILITY** for all by establishing good relations between the school, home and community. Pupils are taught respect for themselves, others and the environment. They are also taught to take full responsibility for their own choices and responsibility for themselves and their community.

We encourage **TRUTH** and honesty in all aspects of school life – relationships, work and the curriculum and learn to trust and accept others' individuality and uniqueness.

We develop **SPIRITUALITY and SERVICE** so that calm, quiet, reflective times which support deep thought are part of school life and beauty is appreciated. We promote a service culture that reflects our duty to support and show compassion to all members of the community and not just ourselves.



Children at the HEART

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COMPLAINTS POLICY FOR ALL SCHOOLS AND PRE-SCHOOL SETTINGS WITHIN THE HEARTS ACADEMY TRUST

1. Aims and application

1.1 The aims of the procedure are to deal with complaints and concerns:

- about an academy, the academy trust ("trust") or any individual connected with it by following the correct procedure;
- thoroughly; and
- in an open, honest and fair manner.

1.2 This procedure does not apply to concerns and complaints relating to the matters listed in Annex 2.

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

1.4 All staff will be made aware of this complaints procedure and are expected to review this policy regularly in order that they are familiar with our process of dealing with complaints and can be of assistance when an issue is brought to their attention.

1.5 In this procedure:

- 'complaint' means an expression of dissatisfaction however made, about actions taken or a lack of action.
- 'concern' means an expression of worry or doubt over an issue considered to be important for which reassurances are sought.
- 'meeting' means an in person or virtual meeting (i.e. telephone or video conference where all parties can participate verbally), virtual meetings will only be held in the event that all parties have access to appropriate equipment to attend and are happy to do so. If the parties are unable to meet virtually and the meeting must take place in person, the meeting may be postponed until it is deemed safe to hold an in-person meeting, at the discretion of the trust.
- 'parent' means a parent, carer or anyone with legal responsibility for a child;
- 'school days' excludes weekends and academy holidays and periods of partial or total academy closure;
- 'trust' means the academy trust

1.6 The timeframes referred to in this policy are our usual timeframes and the academy will seek to adhere to these timeframes where possible.

1.7 Reasonable adjustments will be made to this procedure where required to ensure that all complainants can access and complete this complaints procedure.

2. Key principles

2.1 This policy is only applicable to parents/carers of pupils enrolled (or within three months of leaving) a school within the trust.

2.2 The trust expects all complainants to make reasonable attempts to seek an informal resolution.

2.3 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.

2.4 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 3 will only be used on very rare occasions to deal with unreasonably persistent complainants or unreasonable complainant behaviour.

- 2.5 Concerns or complaints should be brought to our attention as soon as possible. Any matter raised more than three months after the incident being complained of (or, where a series of associated incidents have occurred, within three months of the last of these incidents) will not be considered. Unless the chair of Trustees accepts that there are good reasons to explain the delay or the complaint is about a particularly serious matter.
- 2.6 Where a complaint is received outside of term time, we will consider it to have been received on the first school day following the holiday period.
- 2.7 On rare occasions an academy 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 Appendix 1 "Complaint campaigns"
- 2.8 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.
- 2.9 Complainants should not approach individual LAB members or 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.

3. Records 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.

- 3.1 We will make the findings and recommendations of the panel available for inspection by the trust and CEO.
- 3.2 We will keep a copy of all correspondence and notes on file in the school's records for six years but separate from pupils' personal records (and may decide to keep them for a longer period in line with our records retention policy) A written record will be kept of all complaints made along with details of whether they were resolved following a formal procedure, or progression to a panel hearing and actions that the Trust takes as a result of complaints (regardless of whether they are upheld).
- 3.3 A copy of the findings and recommendations will be provided, where relevant, to the person being complained about.
- 3.4 The findings and recommendations of the panel will be available on the school premises by the proprietor and the Head of School.
- 3.5 Correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

4. School level complaints

If you have spoken to the Class Teacher or Administrator and feel your concerns need formalising, you should do this using the following stages:

Stage 1 is where school staff will listen to your concern and try to resolve your concerns with you.

Stage 2 is where a written complaint is submitted and considered by a senior member of staff.

If the complaint is about the Head of School it will be considered by the Executive Head of School.

Stage 3 is where the complaint is escalated to the Head of School.

If the complaint is about a Head of School and the Executive Head of School has already been involved, then the matter will be referred to an alternative Executive Head of School.

Stage 4 is where the complaint is referred to a complaint review panel, as adopted by trustees, and none of whom will have been involved in the complaint at stages 1, 2 or 3.

All staff are familiar with the guidelines and have a duty to help parents and interested parties needing advice. Please don't feel you are making a fuss. These procedures have been carefully compiled and their reference, however rare, is routine to help pupils, parents, carers, interested parties and the school.

5. Trust wide complaints

If you have concerns about a trust matter that is not school related you should raise your concerns using the following stages:

Please note that HEARTS Academy Trust will follow this policy in all cases. Complaints relating to a school will be returned to the school for examination if they come to the trust before the school having an opportunity to respond.

Stage 1 is where Trust central staff will listen to your concern and try to resolve your concerns with you.

Stage 2 is where a written complaint is submitted and considered by a senior member of staff. The member of staff will be decided upon by the CEO/ Executive head depending on the nature of the complaint.

If the complaint is about an Executive Head of School, the complaint will be escalated to Stage 3.

Stage 3 is the where the complaint is escalated to the Executive Head of School/CEO.

If the complaint is about an Executive Head of School it will be referred to the CEO.

If the complaint is about the CEO this will be referred to the Chair of the trust board.

Stage 4 is where the complaint is referred to a complaint review panel, one of whom will be independent of the Trust and none of whom will have been involved in the complaint at stages 1, 2 or 3.

Complaints against individual Trustees/LAB members should be made to the clerk to the Trustees/LABS, the clerk will then arrange for the complaint to be heard. This will be by the chair of Trustees/LAB and then a panel hearing if applicable.

Complaints against the chair, the entire Trust Board/LAB or complaints involving both the chair and vice chair should also be sent to the clerk, who will then determine the most appropriate course of action. This will depend on the nature

of the complaint and may involve escalating the complaint to the trust board to investigate the complaint and hold the panel hearing.

6. Procedure for dealing with concerns and complaints

Stage 1 - Concern – verbal communication with the school/Trust

Most enquiries and concerns will be dealt with informally when you make them known to us. The first point of contact should be your child's teacher. 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 mutually respectful 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. We will ensure that we speak directly to all appropriate persons who may be able to assist us with our enquiries into your concern.

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 write to the school under Stage 2 of this procedure within 15 school days.

Stage 2 – Your written contact with the school/Trust (formal procedure)

If your concerns are not resolved under stage 1, you should submit your complaint in writing using the template at appendix 3, explaining what resolution is wanted by the complainant.

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 3 of this procedure. If you require help in completing the form, please contact the school or Trust office. You can also ask third party organisations like the Citizens Advice to help you. In all cases your written complaint must include:

- a) the nature of the complaint;
- b) details of how the matter has been dealt with so far;
- c) 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;
- d) No more than 4 sides of A4

Your complaint will normally be acknowledged in writing within 5 school days of receipt. The acknowledgement will give a brief explanation of the academy's complaints procedure and a target date for providing a response to the complaint. This will normally be within 15 school days of receipt.

As part of our consideration of your complaint, we 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 receipt of the written complaint.

The staff member may also be accompanied by a colleague.

Stage 3 - Escalated consideration of your complaint (formal procedure)

This stage in our procedures escalates written complaints to the Executive Head of School/CEO. It applies where you are not happy with the local approach to dealing with your concern, as outlined under Stage 1 and 2 above.

If you are not satisfied with the result of the Stage 1 concern and Stage 2 complaint, you may request that it is escalated to Stage 3, where the appropriate person will investigate. Requests should be made within 5 school days of the outcome of stage 2.

The Head of School/Executive Head of School/CEO will talk to witnesses and take statements from others involved. This may involve talking with a pupil or staff member, always taking into account their emotional needs. It may be appropriate for them to be accompanied by another staff member unless this would delay the investigation of a serious or urgent complaint.

If the complaint is against a member of staff, it will be dealt with under the school's internal confidential procedures, as required by law.

The investigator will keep written/typed, signed and dated records of all meetings and telephone conversations, and other related documentation.

Once we have established all the relevant facts, we will send you a written response to your complaint. This will give a full explanation of their decision and the reasons for it. If follow-up action is needed, we will indicate what we are proposing to do. We may invite you to a meeting to discuss the outcome as part of our commitment to building and maintaining good relations with you.

If you are not satisfied with the result at the end of Stage 3 you may wish to proceed to Stage 4, as described below.

Stage 4 - Consideration by an independent complaint review panel

If you are dissatisfied with the decision under Stage 3, you may request that a Complaints Committee be convened to consider your complaint. The Complaints Committee 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.

- a) To request a hearing before the Complaints Committee, you should write to the Clerk to the Trustees/LAB within **15 school days of receiving notice of the outcome of stage 3. Requests received outside this time frame will only be considered if exceptional circumstance apply. You should ensure that you provide copies of all relevant documents and state all grounds for your complaint and the outcome you are looking for.** This is a formal process, and your ultimate recourse at school level and you must have followed stages 1,2 and 3 of this policy to move to stage 4
- b) Your written request will be acknowledged within 5 school days of receipt.
- c) The purpose of this arrangement is to give your complaint a hearing in front of an independent panel who have no prior knowledge of the details of the complaint and who can, therefore, consider it without prejudice.
- d) The aim of a complaints review panel is to resolve the complaint and to achieve reconciliation between the school and the parent/carer or other interested party. We recognise, however, that it may sometimes only be possible to establish facts and make recommendations which will reassure you that we have taken your complaint seriously.
- e) The complaints review panel operates according to the following formal procedures:

The Clerk to the Trustees will arrange for a Complaints Committee to be convened, made up of at least three Trustees including:

- Member of a Local Advisory Board or Trustees of the Academy with no prior involvement in the matter and,
- One person who is independent of the management and running of the academy trust.

The Clerk shall appoint one of these members to be the Chair of the Committee.

Every effort will be made to enable the hearing to take place within 20 school days of the receipt of your request. 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 committee. You will also be informed of the name of the person who will be presenting the case on behalf of the academy (referred to in this policy as the 'academy representative'). This may be the person who is the subject of the complaint, the person who undertook the investigation at Stage 2 or another person with sufficient knowledge of the matter as asked by the Head of School / Executive Head of School or CEO

If, despite best efforts, it is not possible to find a mutually convenient date and time for a hearing within a reasonable timeframe, the Clerk may determine that the hearing proceeds on the basis of written submissions from both parties.

You have the right to be accompanied to the hearing by a friend, relative, advocate or interpreter. You should notify the Clerk in advance if you intend to bring anyone to the hearing. The complainant nor the school will bring any legal representatives to the meeting, the panel is not a form of legal proceedings.

A copy of the complaint and any other documents provided by you in support of your complaint, or by the academy representative in defence of the complaint, will be provided to the Complaints Committee as soon as practicable upon receipt. Copies of these documents shall also be provided to you or academy representative (as applicable) at least 3 school days before the hearing. The Complaints Committee reserves the right not to consider any documentation presented by either party less than 3 school days prior to the hearing. The Complaints Committee is under no obligation to hear oral evidence from witnesses but may do so and/or may take written statements into account. The committee will not accept recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

With the agreement of the Chair of the panel, the Head of School/Executive Head Teacher or CEO may invite members of staff directly involved in matters raised by you to attend the meeting.

The chair of the panel will bear in mind that the formal nature of the meeting can be intimidating for you and will do his or her best to put you at your ease.

The hearing will be conducted to ensure that each party has the opportunity to address the Complaints Committee. The procedure to be followed during the hearing will be explained to the parties by letter in advance of the hearing. The Clerk will ensure that sufficient notes are taken to record an accurate reflection of the points considered and any decisions taken or actions agreed. Electronic recordings of the hearing will not be permitted.

Please understand that any decision to share the minutes with you, the complainant, is a matter for the panel's discretion and you do not have an automatic right to see or receive a copy. Since such minutes usually name individuals, they are understandably of a sensitive nature and, therefore, confidential.

Unless otherwise stated, the procedure for the Stage 4 hearing is as follows:

- the parent and academy representative will enter the hearing together;
- the Chair of the Committee will introduce the committee members and outline the process;
- the parent will explain the complaint;
- the academy representative and committee members will question the parent;
- the academy representative will explain the academy/trust's actions;
- the parent and the committee members will question the academy representative;
- the parent will sum up their complaint;
- the academy representative will sum up the academy/trust's actions;
- the Chair of the Committee will explain that both parties will hear from the committee within 5 school days;
- both parties will leave together while the committee decides;
- the Clerk will stay to assist the committee with its decision making.

The Clerk and or Complaints Committee reserves the right to modify the above procedure at their sole discretion, for example requiring the parent and the academy representative to present their complaint/actions separately to the Complaints Committee in the absence of the other party.

After the hearing, the Complaints Committee will consider their decision and inform you, the Head of School, Executive Head of School and CEO of their decision in writing within 10 school days. The letter will set out the decision of the committee together with the reasons underpinning that decision. The committee can (by a majority if necessary):

- 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 academy or trust systems or procedures to ensure that problems of a similar nature do not happen again.

Please refer to section 3 of this policy for the full details of record keeping.

7. Other sources of information and advice

If your concern is about an aspect of **special educational needs and disability provision**, which might include information about relevant voluntary organisations and support groups in Essex, you might like to talk to the Essex **Parent Partnership** team on their helpline: **01245 204338**. (<http://www.essexlocaloffer.org.uk/listing/send-information-advice-and-support-service/>)

If you are dissatisfied with the decision of the Complaints Committee, you are entitled to refer your complaint to the Education and Skills Funding Agency (ESFA). The ESFA will only investigate whether the complaint was handled properly and in accordance with education legislation and any statutory policies connected with the complaint.

At the time of writing this procedure, the ESFA procedure and the ESFA academy complaints form are available at:

<https://www.gov.uk/complain-about-school/state-schools>

Or you can write to the ESFA at the following address:

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

Appendix 1

Policy for managing serial and unreasonable complaints

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

The HEARTS Academy Trust defines unreasonable behaviour as that which hinders our consideration of complaints because of the frequency or nature of the complainant's contact with the school, such as, if the complainant:

- 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 complaint's investigation process
- refuses to accept that certain issues are not within the scope of the complaint's procedure
- insists on the complaint being dealt with in ways which are incompatible with the complaint's procedure or with good practice
- introduces trivial or irrelevant information which they expect to be taken into account and commented on
- 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 complaint procedure has been fully and properly implemented and completed including referral to the Department for Education
- seeks an unrealistic outcome
- makes excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with
- uses threats to intimidate
- uses abusive, offensive or discriminatory language or violence
- knowingly provides falsified information
- publishes unacceptable information on social media or other public forums.
- where the complainant's 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

Complainants should try to limit their communication with the school that relates to their complaint, while the 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.

Whenever possible, the Head of School will discuss any concerns with the complainant informally before applying an '*unreasonable*' marking. Any closures will be reported by the Head of School to the Local Advisory Board.

If the behaviour continues, the Head of School will write to the complainant explaining that their behaviour is unreasonable and ask them to change it. For complainants who excessively contact HEARTS schools causing a significant level of disruption, we may specify methods of communication and limit the number of contacts in a communication plan. This will be reviewed after six months. We may also include barring individuals from HEARTS schools.

Where the behaviour is so extreme that it threatens the immediate safety and welfare of staff, members of the school community, local advisory boards 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 the complainant prior warning of that action.

Complaint campaigns

For the purposes of this policy, a complaint campaign is defined as a complaint from three or more separate individuals (whether or not connected with an 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)

Appendix 2

Matters excluded from scope of this policy

Excluded Matters	Signposting
Admissions	The process for challenging admissions decisions is set out in our admissions policy in accordance with relevant statutory guidance.
Child protection matters	Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance. Please write to the Head of School in the first instance. 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). Any concerns about the conduct of adults in the school should be taken to the head of school without delay, any concerns about the head of school should go to the executive head, concerns about executive head should go to the CEO and concerns about the CEO should go to the Chair of Trustees. In the case of non-based school staff, a concern must be reported to the deputy designated safeguarding lead for the Trust.
Exclusions	The process for challenging exclusions decisions is set out in the DfE's statutory guidance and information can be found at https://www.gov.uk/school-discipline-exclusions/exclusions
National Curriculum content	Please contact the Department for Education at www.education.gov.uk/contactus
Withdrawal from the curriculum	Parents and carers can withdraw their child from any aspect of Religious Education (RE), including the Daily Act of Collective Worship (DACW). They do not have to explain why. If parents or carers are not satisfied with the handling of a request to withdraw their child from RE or the DACW, the school will advise the parent or carer to follow the complaints procedure. The right of withdrawal does not apply to other areas of the curriculum where religious matters may be spontaneously raised by pupils or arise in other subjects such as history.
School re-organisation proposals	Where concerns are not adequately addressed by the trust, complaints can be raised directly with the Department for Education.
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. Please contact them direct.
Staff grievances	Complaints from staff will be dealt with under the school's internal grievance procedures.
Staff conduct	Certain complaints about staff may need to be dealt with under the school's internal disciplinary procedures, if appropriate. Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.
Statutory assessments of Special Educational Needs (SEN)	Concerns about statutory assessments of special educational needs should be raised directly with the local authority.
Whistleblowing	We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors. The

	<p>Secretary of State for Education is the prescribed person for whistleblowers 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 should complain through the school's complaints procedure. You may also be able to complain direct to the Department for Education (see link above), depending on the substance of the complaint</p>
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Appendix 3

Complaints Form

Your name:
Pupil's name:
Your relationship to the pupil:
Your address and postcode:
Your daytime telephone number:
Your evening telephone number:
Your email address:
Your complaint is: (if you have more than one complaint, please number these)
What action have you already taken to try and resolve your complaint(s)? (Who did you speak to and what was the response?)

What would you like as an outcome from your complaint(s)?

Are you attaching any paperwork? If so, give details here:

Your signature..... Date

All functions of the complaint's procedure must adhere to the requirements of the Data Protection Act 2018 and the Freedom of Information Act 2000.

Please complete and return in a sealed envelope addressed to the Head of School.

Office use

Date received
Date acknowledgement sent
Responsible member of staff