

SPECIALIST EDUCATION SERVICES

Complaints and Representations Policy and Practice

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1 INTRODUCTION

The essential elements of a sound complaints procedure include an initial informal stage, where most complaints are dealt with informally by simply talking the concern over. Occasionally complaints are unable to be resolved in this manner and may necessitate the involvement of the Registered Manager, Head of Education or his/her delegate, as arbiter. More rarely when complaints cannot be resolved in the preceding ways the Principal or the Specialist Education Services Directors will need to become involved. Should a situation reach this level a Complaints Panel will be convened.

Although the Principal will wish to be helpful, and reassure any concerned party that an issue will be handled fairly, taking part in such discussions can later prejudice their involvement in any formal complaints procedure. The Principal and Directors are, therefore, advised to either:

- make this difficulty known and refer the party to the Registered Manager; or
- listen in order to help resolve the concern but accept this will prejudice their impartiality if the issue develops into a formal complaint to be considered by the Complaints Panel at a later stage.

This policy and practice sets out a way that general complaints can be managed. All complaints will be dealt with as quickly and efficiently as possible. The period of consideration will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled.

This policy and practice document also sets out who deals with more specific types of complaints not covered by this policy.

1.1 SCHOOL DAY RELATED COMPLAINT

In the event of a school day related complaint the procedures described below similarly apply (and the subsequent diagrammatic representation of those procedures). The Head of Education is regarded as the equivalent of the Registered Manager for these purposes.

2 RATIONALE

Each establishment does not function in isolation. It bears reference to a wide range of people including parents/carers, Directors, Placing Authorities, the Department of Education, Ofsted, other professionals and the local community. The action of the home and the adults who work in it may sometimes be open to comment, question and, occasionally criticism. It is possible that the young people who live in the home, because of their social, learning, communication, emotional and behavioural difficulties, will more frequently be subject to comment, question and criticism.

It is important that any such censure is addressed as quickly and thoroughly as possible and that the complainant should be kept informed of all developments throughout the complaints process. It is the right of everyone to make a complaint

and to have his or her complaint addressed. Under no circumstances should there be reprisals of any kind against those making complaints.

3 **SCOPE**

This policy and practice document applies to young people, parents and carers, staff, other professionals and members of the public.

Most matters to do with the management of the home are within the scope of this policy and practice document and ultimately the responsibility of the Directors of Specialist Education Services.

Complaints about the following issues have their own, separate procedures and cannot be considered under the procedure described in this policy:

- any action which may fall within the remit of child protection
- matters which are the responsibility of the Placing Authority,
- the conduct of any adult at the home that is a matter for the home's disciplinary procedures,
- content of a statutory Statement of Special Educational Needs, and
- admissions to the home.

Any uncertainty about whether a complaint is a home or a Placing Authority issue can be resolved by contacting the Registered Manager or the Principal for the establishment.

In addition to this document every young person looked after by SES has the right to access the complaints procedure of their Placing Authority.

The young people in our care may need support and/or guidance to access external complaints procedures and it may be necessary for adults to act as advocate for young people or to suggest to young people others external to the home who would be willing to act as an advocate, for example the child's social worker.

Similarly young people, parents/carers and members of the public may raise concerns directly with the Ofsted and/or the Department for Education, (contact details are available later in this document).

4 **CONCERN vs COMPLAINT**

There needs to be clarity about the difference between a concern and a complaint. Taking informal concerns seriously at the earliest stage will reduce the numbers that develop into formal complaints.

The key messages in this document deal with complaints but the underlying principle is that concerns ought to be handled, if at all possible, without the need for formal procedures. The requirement to have a complaints procedure need not in any way undermine efforts to resolve the concern informally. In most cases the individual receiving the first approach may well be able to resolve issues on the spot. Concerns are not formally recorded, unless they become complaints.

5 THE COMPLAINTS PROCESS

5.1 ADULTS - ADULTS

Some degree of friction between adults may occur in work situations that can be pressured and stressful. This can be compounded by the challenge presented by young people with social, learning, communication, emotional and/or behavioural difficulties. Success in keeping such friction to a minimum and managing interpersonal difficulties appropriately allows adults to work together productively and provides an example and role model to young people, most of whom have great difficulty in managing their feelings and relationships.

Adults must never allow their annoyance with another member of the team to be acted out in front of the young people. It is damaging and unsettling to young people and adult morale to do so.

In almost all cases differences between adults should be managed by talking the matter through on a one to one basis without involving others. If this does not provide a resolution then adults should seek the guidance of their line manager and if still unsuccessful, the Registered Manager or his/her delegate.

Should a team member feel that a colleague has acted in a way which is contrary to the guidelines on policy and practice adults must report this to their line manager or the Registered Manager as soon as practicably possible. Not to do so places the whole establishment, and the needs of the young people in our care, at risk.

Should the complaint be against the Registered Manager then adults must refer the matter to the Principal.

Any complaint will be properly, sensitively and carefully investigated by the Registered Manager or his/her delegate according to the procedures described within this policy. (Should the complaint involve the Registered Manager, then the Principal will investigate the complaint)

However, if after discussion with Registered Manager, or his/her delegate, the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice and referred to the Principal.

Should the complaint be against the Principal then the adult should, in the first instance, refer the matter to Registered Manager who will immediately notify a Director. The Director will give a written acknowledgement that they are aware of the complaint to the original referring adult. At this point the Director will assess whether a complaints panel meeting needs to be held.

5.2 ADULTS OF THEMSELVES

There is a risk that under pressure adults may at times behave inappropriately. It is important that in such a situation the team member informs their line manager or the Registered Manager themselves. The situation is likely to become more difficult

to resolve if the Registered Manager first becomes aware of a complaint via another team member, parent/carer, a young person or any other person.

5.3 YOUNG PERSON - ADULTS

It is essential that the young people in our care feel that they can complain should they feel that they have been inappropriately managed or unfairly treated by an adult. Whilst it is usually best if a young person talks the matter through with a member of their Key Working team (Case Co-ordinator, Personal Tutor or Link Tutor) they have a right to expect that any adult will hear their complaint and pass it on to the Registered Manager or where appropriate his/her delegate. Where a formal complaint is made, parents/carers and the Placing Authority will be informed and the complaint investigated according to the procedures described within this policy.

Any complaint will be properly, sensitively and carefully investigated by the Registered Manager or his/her delegate according to the procedures described within this policy.

However, if after discussion with the Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice (and appropriate support) and referred to the Principal.

Should the complaint be against the Registered Manager then the adult must report the matter to the Principal.

Should the complaint be against the Principal then, in the first instance, this should be referred to Registered Manager who will immediately notify a Director. The Director will give a written acknowledgement that they are aware of the complaint to the original referring member of Adults. At this point the Director will assess whether a complaints panel meeting needs to be held.

Adults should be aware of the need to support young people in accessing the complaints and representations procedure and should inform young people of their right to representation by someone external to the home.

5.4 ADULT - YOUNG PERSON

Adults working with a client group that can at times be very challenging and provocative will on occasions face verbal, emotional and physical challenge. Adults should not become indifferent to such behaviour. They have a right to use the home's complaints procedures to deal with the challenging behaviour of young people and to have the support of their colleagues and the Registered Manager when doing so.

Any complaint will be properly, sensitively and carefully investigated by the Registered Manager or his/her delegate according to the procedures described within this policy.

However, if after discussion with Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The

complainant will be given a copy of the Complaints Policy and Practice and referred to the Principal.

5.5 YOUNG PERSON - YOUNG PERSON

Young people's complaints against other young people should be dealt with the same rigour as complaints from other sources. Many young people looked after at an SES establishment are vulnerable and may feel threatened, as in the past they may not have been listened to appropriately. It is particularly important that adults leave young people feeling that they have been properly listened to; their feelings and anxieties understood; and their complaints fully investigated. Whilst it is usually best if a young person talks the matter through with a member of their Key Working team they have a right to expect that any adult will hear their complaint and pass it on to the Registered Manager or, where appropriate, his/her delegate.

Any complaint will be properly, sensitively and carefully investigated by the Registered Manager or his/her delegate according to the procedures described within this policy.

However, if after discussion with the Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice and referred to the Principal.

Adults should be aware of the need to support young people in accessing the complaints and representations procedure and should inform young people of their right to representation by someone external to the home.

5.6 PARENTS/CARERS

Parents/carers who are unhappy about any aspect of their child's care or experience at the home should make an appointment to see the Registered Manager or his/her delegate. The Registered Manager or his/her delegate will discuss the complaint with parents/carers and involve other adult where appropriate.

Any complaint will be properly, sensitively and carefully investigated by the Registered Manager or his/her delegate according to the procedures described within this policy. Usually, because of close working relationships with parents/carers, problems or worries can be easily resolved at this stage.

However, if after discussion with the Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice and referred to the Principal.

The formal procedure allows for parents to attend a panel hearing and be accompanied if they so wish, just as any other complainant.

Adults should be sensitive to the fact that parents/carers may require support in accessing the complaints and representations procedure.

5.7 OTHER PROFESSIONALS

Professionals who are unhappy about any aspect of a young person's care or experience at the home should make an appointment to see the Registered Manager or his/her delegate. The Registered Manager or his/her delegate will discuss the complaint and involve other Adults where appropriate.

Any complaint will be properly, sensitively and carefully investigated by the Registered Manager or his/her delegate according to the procedures described within this policy. Usually, because of close working relationships with other professionals, problems or concerns can easily be sorted at this stage.

However, if after discussion with Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and Practice and referred to the Principal.

5.8 COMMUNITY - HOME

Members of the community who are concerned about any aspect of home's practice, adults and young people's behaviour, or any other matter should contact the Registered Manager.

Any complaint will be properly, sensitively and carefully investigated by the Registered Manager or his/her delegate according to the procedures described within this policy.

However, if after discussion with the Registered Manager or his/her delegate the matter remains unresolved the formal complaints procedure will be initiated. The complainant will be given a copy of the Complaints Policy and referred to the Principal.

6 INVESTIGATING COMPLAINTS

It is suggested that at each stage outlined below, the person investigating the complaint makes sure that they:

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

7 RESOLVING COMPLAINTS

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

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

It would be useful if complainants were encouraged to state what actions they feel might resolve the problem at any stage. An admission that someone could have handled the situation better is not the same as an admission of negligence.

An effective procedure will identify areas of agreement between the parties. It is also of equal importance to clarify any misunderstandings that might have occurred as this can create a positive atmosphere in which to discuss any outstanding issues.

8 COMPLAINTS PROCEDURES

8.1 PRELIMINARY

Any person receiving what appears to be a complaint should ascertain whether it is indeed a **concern** being raised or a **complaint**. This should be done by asking the person concerned a direct question to clarify. This is a significant first step as concerns can usually be dealt with swiftly and without formal recording. Should the person concerned wish their comments to be dealt with as a complaint then the subsequent procedures will apply.

8.2 STAGE 1 – EARLY RESOLUTION STAGE

Complainants should be provided with an opportunity to discuss any complaint with their Line Manager (or Personal Tutor in the case of a child) who will try to clarify with the complainant the nature of the issue; the outcome the complainant is looking for, and assure them that the home will investigate it fully.

The Line Manager (or Personal Tutor) will make sure that the complainant is clear what action has been agreed and arrange for the matter to be put in writing if it is apparent that that is the best way of making things clear. Complaints at this stage should usually be addressed within 7 calendar days.

All complaints reaching this stage will be logged in the Complaints Book, recording briefly:

- who made the complaint,
- the date and nature of the complaint,
- action taken and the outcome of the complaint.

The Book is kept securely in the main office together with a file of any Recording Sheets (and any additional documentation) that accompanies the entry.

Complainants will be made aware of the procedure for considering their concerns further should they not be satisfied after this informal stage has been completed.

The Complaints and Representations Procedures Recording Sheet, Stage 1 (see Appendices), should be completed by the person handling the complaint. Written records will therefore be kept of all complaints indicating whether they were resolved at this first stage, or whether they proceed to formal consideration (Stage 2).

8.3 STAGE 2 - FORMAL CONSIDERATION

Where a complainant has made an approach to the home through the Early Resolution Stage and is not satisfied with the outcome, they should write (or have their concerns recorded by someone acting as an advocate on their behalf) to the Registered Manager giving details of their concerns and asking for the matter to be given further consideration.

All complaints reaching this stage will be logged in the Complaints Book and acknowledged in writing by the home and copied to the Principal for information.

The Registered Manager will seek any clarification necessary about the complaint, including interviewing the complainant where necessary.

The Registered Manager will also seek any necessary advice on the matter and investigate it carefully.

The Registered Manager will make a response within 7 calendar days. The complainant will be notified (in writing if appropriate) of the outcome of the complaint.

Where a complainant is not satisfied with the outcome of this first formal stage they have 28 calendar days from the date of the Registered Manager's letter to register the complaint with the Principal.

The Complaints and Representations Procedures Recording Sheet, Stage 2 (see Appendices), should be completed.

8.4 STAGE 3 (FORMAL) - REFERRAL TO THE PRINCIPAL

The Principal will only consider complaints that have already progressed through stages 1 and 2 outlined in this procedure, with the exception of a complaint against the Registered Manager.

On receipt of a written complaint the Principal will:

- immediately log and acknowledge receipt of the complaint;
- check that the complaint has already completed Stages 1 and 2;
- check that the 28 day period since Stage 2 was complied with;
- seek any clarification necessary about the nature of the complaint;

The Principal will meet with the complainant. At this stage of the process an adult (or child) may be represented or accompanied at the meeting with the Principal.

The Principal will also seek any necessary advice on the matter and investigate it carefully.

The complainant will be notified (in writing if appropriate) of the outcome of the complaint within 7 calendar days of the meeting.

Where a complainant is not satisfied with the outcome of this second formal stage they have 28 calendar days from the date of the Principal's letter to register the complaint with the Director.

The Complaints and Representations Procedures Recording Sheet, Stage 3 (see Appendices), should be completed.

8.5 STAGE 4 (FORMAL) - REFERRAL TO A DIRECTOR

Where a complainant has made an approach to the home through the first three stages and is not satisfied with the outcome, they should write to the Directors giving details of their concerns and asking for the matter to be given further consideration. The Directors will only consider complaints that have already progressed through stages 1, 2 and 3 outlined in this procedure, with the exception of a complaint against the Principal.

On receipt of a written complaint the Directors will:

- immediately log and acknowledge receipt of the complaint;
- check that the complaint has already completed Stages 1,2 and 3;
- check that the 28 day period since Stage 3 was complied with;
- seek any clarification necessary about the nature of the complaint;
- arrange for the Complaints Panel to consider the complaint as soon as it is practical to do so; and
- invite the complainant and any representative to the meeting.

A Complaints Panel consisting of the Director and two others not involved with the matters detailed in the complaint. One panel member will be independent of the management and running of the establishment.

The complainant may be accompanied to the hearing if they wish. The complainant or their representative will be given an opportunity to address the panel. A detailed procedure covering the conduct of this meeting is attached as an appendix to this document.

The Remit of The Complaints Panel may be any or some of the following:

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

The Chairperson of the panel will notify in writing the outcome of meeting to the complainant and Principal within 7 calendar days.

The Complaints and Representations Procedures Recording Sheet, Stage 4 (see Appendices), should be completed.

9 COMPLAINTS AGAINST THE ACTION OF THE REGISTERED MANAGER

Given their prominent role in the management of the home, sometimes complaints that initially seem to be about the Registered Manager are in fact more general complaints about the home. Such complaints should be dealt with as general complaints and are covered by the procedure contained in this document.

Where there is a specific complaint about the conduct of an adult, including the Registered Manager it may be more appropriate for it to be considered under the separate disciplinary process where the findings and outcomes are confidential. Where such matters refer to the conduct of the Registered Manager they should initially be referred to the Principal.

10 COMPLAINTS AGAINST THE ACTION OF THE HEAD OF EDUCATION

Where there is a specific complaint about the conduct of the Head of Education it may be more appropriate for it to be considered under the separate disciplinary process where the findings and outcomes are confidential. Where such matters refer to the conduct of the Head of Education they should initially be referred to the Principal.

11 CONFIDENTIALITY

All correspondence, statements and records of complaints will be kept confidential.

12 IF ALL PREVIOUS AVENUES HAVE BEEN EXHAUSTED

In the event of all procedures having been followed and the complaint is not resolved, further representation can be made to:

- **Ofsted**, Piccadilly Gate, Store Street, Manchester, M1 2WD or telephone their contact centre on 0300 123 1231
- **Department for Education (DfE)**, through their website www.gov.uk or the DfE Helpline: 0370 000 2288

13 **STAFF TRAINING**

All staff will receive training during induction and then subsequently periodic refreshers exploring a range of issues including what constitutes a complaint, how to respond to a complaint, the procedure for dealing with an informal complaint and how this is recorded, the procedure to follow should a complaint not be dealt with promptly by informal means, including who should be notified and the keeping of records, how to complain to someone outside of the home and how to support young people in making a complaint.

14 **APPENDICES**

- APPENDIX 1: Flow Chart: Stages for Handling Complaints*
APPENDIX 2: Suggested procedure for a Complaints Panel meeting dealing with a formal complaint
APPENDIX 3: Illustrative Complaints and Representations Procedures Recording Sheets (Stages 1 to 4)

APPENDIX 1

Flow Chart: Stages for Handling Complaints

STAGE 1
EARLY
RESOLUTION
STAGE

Expression of complaint to a member of staff
Satisfactory outcome reached?
No Yes → **No further action**
Refer to Deputy Head of Education, Deputy Care
Manager or Head of Care
Satisfactory outcome reached?
No Yes → **No further action**

STAGE 2
FORMAL
CONSIDERATION

Complainant makes written complaint to
Registered Manager or Head of Education
Investigation conducted and reported to complainant
Satisfactory outcome reached?
No Yes → **No further action**

STAGE 3
REFERRAL TO
THE PRINCIPAL

Complainant makes formal complaint to the Principal
Investigation conducted and reported to
complainant
Satisfactory outcome reached?
No Yes → **No further action**

STAGE 4
REFERRAL TO
THE DIRECTOR

Complainant makes formal complaint to the Director
Complaints Panel Meeting Convened
Complainant and Principal attend
Complainant and Principal notified of outcome within
7 days

If at this point a satisfactory outcome is not reached the complainant will be given appropriate contact details as described later in this policy document.

Suggested procedure for a Complaints Panel meeting dealing with a formal complaint

Ideally meetings will be open to all participants, but account will be taken, (particularly if the complainant is a child) of the effects of other contributors being present. This especially applies during items 2 and 3.

The Panel may choose to call, and/or examine written contributions from any members of the team, or persons relevant to the complaint.

The Panel will judge the appropriateness of which part of the meeting the various contributors attend. Witnesses are only required to attend for the part of the hearing in which they give their evidence.

1. The Chair opens the meeting explaining that the purpose of the meeting is to listen to the complainant.
2. The Complainant, or their representative presents his/her case stating the issues clearly. Any witnesses on behalf of the Complainant are heard.
3. Panel members, and any representative of the Placing Authority (if applicable), have an opportunity to ask questions of the Complainant (or any witnesses) seeking clarification.
4. The Principal provides details of how the complaint has been handled and details of any action taken. Any witnesses on behalf of the Principal are heard.
5. The Complainant or their representative, Panel members and any representative of the Placing Authority have an opportunity to ask questions of the Principal or their witnesses.
6. The Panel may at this point request and/or examine contributions from any other party.
7. These contributors may be asked questions by Panel members, and any representative of the Placing Authority (if applicable), the complainant and/or the Principal.
8. The Principal sums up.
9. The complainant or their representative sums up.
10. The Principal, Complainant and others leave to allow the Complaints Panel to consider the complaint.
11. The chair of the Panel explains that both parties will receive in writing the Panel's findings and recommendations (usually within 7 calendar days of the meeting).

SPECIALIST EDUCATION SERVICES

COMPLAINTS AND REPRESENTATIONS PROCEDURES RECORDING SHEETS

Stage 1: Early Resolution

Person making complaint: Date:

Person dealing with complaint:

Nature of complaint:
.....
.....
.....
.....

Action taken in response to the complaint
.....
.....
.....
.....

Outcome of any investigation
.....
.....
.....
.....

Was this complaint addressed within 7 calendar days? YES/NO

Resolved to satisfaction of complainant YES/NO

Is this complaint moving to Stage 2 of the complaints procedure? YES/NO

Complaints Book completed

Monitored by Registered Manager: Date:

| | | | |
|---------------------------|--|----------------------|--|
| Adults/Adults | | Adults/young person | |
| Young person/Adults | | Adults of themselves | |
| Young Person/Young Person | | Parents/Carers | |
| Other Professionals | | Community/Home | |

SPECIALIST EDUCATION SERVICES

COMPLAINTS AND REPRESENTATIONS PROCEDURES RECORDING SHEETS

Stage 3: Referral to the Principal

Person making complaint:

Date dealt with at Stage 1: Date dealt with at Stage 2:

Date complaint received, logged and acknowledged by Principal:

Was the complaint registered in writing within 28 days
from the Registered Manager's letter?YES/NO

Action taken in clarification of the complaint

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Date of meeting with complainant:

Name of person accompanying complainant:

Was the outcome of the complaint given to the complainant within 7 calendar days?
YES/NO

Stage 3 response/outcome letter attached

Stage 1 and 2 sheets attached with any additional paperwork

Any other relevant information?

.....
.....
.....
.....
.....

Completed by Principal: Date:

