

Local Procedure

School/Home Name:	Elmbank Learning Centre
Local Procedure/Protocol Title:	School Complaints and Representations
Linked to Group Policy Title & Code:	OPSP10 School Complaints and Representations
Date Reviewed:	July 2024
Next Update Due:	July 2027
Procedure/Protocol Lead (SCHOOL):	Ashley Roberts
Procedure/Protocol Sponsor (GROUP):	Bonny Etchell-Anderson, Head of Quality Assurance
EQUALITY AND DIVERSITY STATEMENT	
Witherslack Group is committed to the fair treatment of all in line with the Equality Act 2010. An equality impact assessment has been completed on this policy to ensure that it can be implemented consistently regardless of any protected characteristics and all will be treated with dignity and respect.	
ENVIRONMENT, SOCIAL, GOVERNANCE (ESG) STATEMENT	
Witherslack Group is committed to responsible business practices in the areas of: Environmental Stewardship, Social Responsibility, Governance, Ethics & Compliance. An ESG impact assessment has been completed on this procedure/protocol to ensure it can be implemented successfully without adverse implications on our Group goals.	
To ensure that this procedure/protocol is relevant and up to date, comments and suggestions for additions or amendments are sought from users of this document. To contribute towards the process of review, please email the named policy lead.	

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1. INTRODUCTION

- 1.1 This complaints procedure is not limited to parents or carers of children who are registered at the school. Any person, including members of the public, may make a complaint about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures (such as appeals relating to suspensions or admissions), we will use this complaints procedure.
- 1.2 The school will have a local procedure in place for dealing with complaints from young people. This will be provided to young people along with guidance about the process.

2. DEFINITIONS

- 2.1 A **concern** may be defined as ‘an expression of worry or doubt over an issue considered to be important for which reassurances are sought’.
- 2.2 A **complaint** may be defined as ‘an expression of dissatisfaction however made, about actions taken or a lack of action’.

3. HOW TO RAISE A CONCERN OR MAKE A COMPLAINT

A concern or complaint can be made in person, in writing or by telephone. They may also be made by a third party acting on behalf of a complainant, as long as they have appropriate consent to do so.

Concerns should be raised with either the class teacher or Head Teacher. If the issue remains unresolved, the next step is to make a formal complaint.

- Complaints against school staff (except the Head Teacher) should be made in the first instance, to the Head Teacher via the school office and marked as Private and Confidential.
- Complaints which involve or are about the Head Teacher should be addressed to the Regional Director via the school office and marked as Private and Confidential.
- Complaints against the Regional Director should be addressed to Regional Operations Director via the school office and marked as Private and Confidential.

A complaint form will be provided. Anyone requiring help to complete the form, can contact the school office. Third party organisations such as Citizens Advice can also assist.

In accordance with equality law, we will consider making reasonable adjustments if required, to enable complainants to access and complete this complaints procedure. For instance, providing information in alternative formats, assisting complainants in raising a formal complaint or holding meetings in accessible locations.

4. ANONYMOUS COMPLAINTS

We will not normally investigate anonymous complaints. However, the Head Teacher or the Regional Director, if appropriate, will determine whether the complaint warrants an investigation.

5. TIMESCALES

Complaints must be raised within three months of the incident or, where a series of associated incidents have occurred, within three months of the last of these incidents. We will consider complaints made outside of this time frame if exceptional circumstances apply.

6. COMPLAINTS RECEIVED OUTSIDE OF TERM TIME

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

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7. SCOPE OF THIS COMPLAINTS PROCEDURE

This procedure covers all complaints about any provision of community facilities or services by the School, other than complaints that are dealt with under other statutory procedures, including those listed in Appendix 2.

If other bodies are investigating aspects of the complaint, for example the police, local authority (LA) safeguarding teams or Tribunals, 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.

If a complainant commences legal action against the School in relation to their complaint, we will consider whether to suspend the complaints procedure in relation to their complaint until those legal proceedings have concluded.

8. RESOLVING COMPLAINTS

At each stage in the procedure, the School wants to resolve the complaint. If appropriate, we will acknowledge that the complaint is upheld in whole or in part. In addition, we may offer one or more of the following:

- a) an explanation
- b) an admission that the situation could have been handled differently or better
- c) an assurance that we will try to ensure the event complained of will not recur
- d) an explanation of the steps that have been or will be taken to help ensure that it will not happen again and an indication of the timescales within which any changes will be made
- e) an undertaking to review school policies in light of the complaint
- f) an apology

A written response will be provided by the School.

9. WITHDRAWAL OF A COMPLAINT

If a complainant wants to withdraw their complaint, we will ask them to confirm this in writing.

10. STAGE 1 – CONCERN STAGE

It is in everyone's interest that concerns and complaints are resolved at the earliest possible stage. Many issues can be resolved informally, without the need to use the formal stages of the complaints procedure. The School takes concerns seriously and will make every effort to resolve the matter as quickly as possible.

In the first instance, concerns should be addressed to the member of staff in question or class teacher who will try to clarify the nature of the concern and the outcome being sought.

If anyone has difficulty discussing a concern with a particular member of staff, we will respect these views. In these cases, the member of staff will refer the complainant to another staff member. Similarly, if the member of staff directly involved feels unable to deal with a concern, The Head Teacher will refer the complainant to another staff member. The member of staff may be more senior but does not have to be. The ability to consider the concern objectively and impartially is more important.

We understand however, that there are occasions when people would like to raise their concerns formally. In this case, The School will attempt to resolve the issue internally, through the stages outlined within this complaints procedure.

11. STAGE 2 – FORMAL COMPLAINT STAGE

Formal complaints must be made to the Head Teacher (unless they are about the Head Teacher), via the school office. This may be done in person, in writing (preferably on the Complaint Form), or by telephone.

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The Head Teacher will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) **within two school days**. This will be copied to the Regional Director.

Within this response, the Head Teacher will seek to clarify the nature of the complaint, ask what remains unresolved and what outcome the complainant would like to see. The Head Teacher can consider whether a face to face meeting is the most appropriate way of doing this.

Note: The Head Teacher may delegate the investigation to another member of the school's senior leadership team but not the decision to be taken.

During the investigation, the Head Teacher (or investigator) will:

- if necessary, interview those involved in the matter and/or those complained of, allowing them to be accompanied if they wish
- keep a written record of any meetings/interviews in relation to their investigation

At the conclusion of their investigation, the Head Teacher will provide a formal written response **within 20 school days** of the date of receipt of the complaint.

If the Head Teacher is unable to meet this deadline, they will provide the complainant with an update and revised response date.

The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint. This must be forwarded to the complainant, and where relevant; the person complained about.

The Head Teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 2.

If the complaint is about the Head Teacher, the Regional Director will complete all the actions at Stage 2.

Complaints about the Head Teacher must be made to the Regional Director, via the school office.

All complaints made at this stage will be logged in the establishment's Complaints Book.

12. STAGE 3 – PANEL HEARING

If the complainant is dissatisfied with the outcome at Stage 2 and wishes to take the matter further, they should write to the Head Teacher giving details of their concerns and asking for the matter to be given further consideration. This will be forwarded to the Regional Director.

A request to escalate to Stage 3 must be made to the Head Teacher, via the school office, **within 5 school days** of receipt of the Stage 2 response.

The Head Teacher will record the date the complaint is received and the Regional Director will acknowledge receipt of the complaint in writing (either by letter or email) **within 2 school days**.

Requests received outside of this time frame will only be considered if exceptional circumstances apply.

- a) In the first instance, the Regional Director will then: Check that, where appropriate, the complainant has completed Stages 1 and 2
- b) Seek any clarification regarding the nature of the complaint
- c) Inform the Chief Operating Officer and the Head of Quality Assurance
- d) Arrange for the Complaints Panel to hear the complaint as soon as possible
- e) Invite the complainant and any representative to the meeting

The Regional Director will aim to convene a meeting **within 20 school days** of receipt of the Stage 3 request. If this is not possible, the designated complaint co-ordinator will provide an anticipated date and keep the complainant informed.

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If the complainant rejects the offer of three proposed dates, without good reason, the Regional Director will decide when to hold the meeting. It will then proceed in the complainant's absence on the basis of written submissions from both parties.

The complaints Panel will consist of at least three senior Witherslack Group staff with no prior involvement or knowledge of the complaint. At least one of the panel members will be independent of the management and running of the school or the proprietary body. Prior to the meeting, they will decide amongst themselves who will act as the Chair of the Complaints Panel.

The Panel will decide whether to deal with the complaint by inviting parties to a meeting or through written representations, but in making their decision they will be sensitive to the complainant's needs.

If the complainant is invited to attend the meeting, they may bring someone along to provide support. This can be a relative or friend.

Note: Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with the complainant.

Representatives from the media are not permitted to attend.

At least 5 school days before the meeting, the designated complaint co-ordinator will:

- confirm and notify the complainant of the date, time and venue of the meeting, ensuring that, if the complainant is invited, the dates are convenient to all parties and that the venue and proceedings are accessible
- request copies of any further written material to be submitted to the Panel at least 5 school days before the meeting

Any written material will be circulated to all parties at least **3 school days** before the date of the meeting. The Panel will not normally accept as evidence, recordings of conversations which were obtained covertly and without the informed consent of all parties being recorded.

The Panel will also not review any new complaints at this stage or consider evidence unrelated to the initial complaint to be included. New complaints must be dealt with from Stage 2 of the procedure.

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs require it. Prior knowledge and consent of all parties attending must be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

The Panel will consider the complaint and all the evidence presented. The Panel can:

- uphold the complaint in whole or in part
- dismiss the complaint in whole or in part

If the complaint is upheld in whole or in part, the Panel will:

- decide on the appropriate action to be taken to resolve the complaint
- where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Chair of the Panel will provide the complainant, where relevant; the person complained about, and the School with a full explanation of their decision and the reason(s) for it, in writing, **within 5 school days** from the date of the meeting.

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The response will detail any actions taken to investigate the complaint and provide a full explanation of the decision made and the reason(s) for it. Where appropriate, it will include details of actions the School will take to resolve the complaint.

The response will also advise the complainant of how to escalate their complaint should they remain dissatisfied.

13. NEXT STEPS

If the complainant believes the school did not handle their complaint in accordance with the published complaints procedure or they acted unlawfully or unreasonably in the exercise of their duties under education law, they can contact the Department for Education after they have completed Stage 2.

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the School. They will consider whether the School has adhered to education legislation and any statutory policies connected with the complaint.

The complainant can refer their complaint to the Department for Education (See Appendices)

14. ROLES AND RESPONSIBILITIES

14.1 COMPLAINANT

The complainant will receive a more effective response to the complaint if they:

- a) explain the complaint in full as early as possible
- b) co-operate with the school in seeking a solution to the complaint
- c) respond promptly to requests for information or meetings or in agreeing the details of the complaint
- d) ask for assistance as needed
- e) treat all those involved in the complaint with respect
- f) refrain from publicising the details of their complaint on social media and respect confidentiality.

14.2 INVESTIGATOR

The investigator's role is to establish the facts relevant to the complaint by providing a comprehensive, open, transparent and fair consideration of the complaint through:

- Sensitive and thorough interviewing of the complainant to establish what has happened and who has been involved
- Interviewing staff and children/young people and other people relevant to the complaint
- Consideration of records and other relevant information
- Analysing information
- Liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right

The investigator will:

- a) Conduct interviews with an open mind and be prepared to persist in the questioning
- b) Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- c) Ensure that any papers produced during the investigation are kept securely pending any appeal
- d) Be mindful of the timescales to respond
- e) Prepare a comprehensive report for the Head Teacher or complaints Panel that sets out the facts, identifies solutions and recommends courses of action to resolve problems. This report will then be used by the Head Teacher or complaints Panel to determine whether to uphold or dismiss the complaint.

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14.3 COMPLAINTS CO-ORDINATOR

The complaints co-ordinator will:

- a) Ensure that the complainant is fully updated at each stage of the procedure
- b) Liaise with all relevant parties to ensure the smooth running of the complaints procedure
- c) Be aware of issues regarding:
 - sharing third party information
 - additional support. This may be needed by complainants when making a complaint including interpretation support
- d) Keep records
- e) Ensure that all people involved in the complaint procedure are aware of their legal rights and duties, including any under legislation relating to school complaints, education law, the Equality Act 2010, the Freedom of Information Act 2000, the Data Protection Act (DPA) 2018 and the General Data Protection Regulations (GDPR)
- f) Set the date, time and venue of the meeting, ensuring that the dates are convenient to all parties (if they are invited to attend) and that the venue and proceedings are accessible
- g) Collate any written material relevant to the complaint (for example; stage 1 paperwork, school and complainant submissions) and send it to the parties in advance of the meeting within an agreed timescale
- h) Record the proceedings
- i) Circulate the minutes of the meeting
- j) Notify all parties of the Panel's decision

14.4 PANEL CHAIR

The Panel's chair, who is nominated in advance of the complaint meeting, will ensure that:

- a) all relevant parties are asked (via the designated complaint co-ordinator) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- b) the meeting is conducted in an informal manner, is not adversarial, and that, if all parties are invited to attend, everyone is treated with respect and courtesy
- c) complainants who may not be used to speaking at such a meeting are put at ease.
- d) the remit of the Panel is explained to the complainant
- e) written material is seen by everyone in attendance, provided it does not breach confidentiality or any individual's rights to privacy under the Data Protection Act 2018 or General Data Protection Regulation (GDPR).
- f) If a new issue arises it would be useful to give everyone the opportunity to consider and comment upon it; this may require a short adjournment of the meeting
- g) both the complainant and the school are given the opportunity to make their case and seek clarity, either through written submissions ahead of the meeting or verbally in the meeting itself
- h) the issues are addressed
- i) key findings of fact are made
- j) the Panel is open-minded and acts independently
- k) no member of the Panel has an external interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure
- l) the meeting is minuted
- m) they liaise with the complaints co-ordinator

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14.5 PANEL MEMBER

Panel members should be aware that:

- a) The meeting must be independent and impartial
- b) No panel member may sit on the Panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- c) The aim of the meeting should be to resolve the complaint and achieve reconciliation between the school and the complainant
- d) We recognise that the complainant might not be satisfied with the outcome if the meeting does not find in their favour. It may only be possible to establish the facts and make recommendations.
- e) Many complainants will feel nervous and inhibited in a formal setting
- f) Parents/carers often feel emotional when discussing an issue that affects their child.
- g) Careful consideration of the atmosphere and proceedings must ensure that any person does not feel intimidated.
- h) The Panel must respect the views of all parties in attendance and give them equal consideration.

15. COLLECTIVE COMPLAINTS

15.1 Complaints from more than one person (other than from a family being represented by one member of the family), or from a group of people will be classed as anonymous complaints and dealt with as such. If the group complaint has been sent from one representative, the school may respond to this named person only if deemed appropriate to do so.

15.2 If a collective complaint is received from a named representative, the complaint relating to their particular young person will be responded to only. We will not respond to complaints that involve other young people in the school unless the issue is directly related to the complainant's young person.

15.3 We will not provide information about young people to anyone other than those with parental responsibilities or if they hold a statutory status with the young person.

16. COMPLAINT LOGS

16.1 The School will retain a complaint log locally that contains details of all complaints received from Stage 1 to Stage 3. This will be updated with initial complaints through to final resolution.

16.2 Documentation relating to complaints will be retained by the school confidentially, unless the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them

16.3 A monthly log of complaints will be sent to the Head of Quality at the start of each month that contains details of all complaints in the previous calendar month.

16.4 The local procedure for the school will contain details of the number of complaints registered under the formal procedure during the preceding school year.

17. SERIAL AND UNREASONABLE COMPLAINTS

17.1 Schools will, from time to time, encounter a small number of complainants who absorb a disproportionate amount of staffing resource in dealing with their complaints. It is important to identify those situations in which a complainant's behaviour might be considered to be unacceptable and to suggest ways of responding to those situations which are fair to both staff and complainant.

17.2 Our staff will make these key considerations when dealing with such complaints:

- (a) To ensure that the complaints process has been correctly implemented as far as possible and that no material element of a complaint is overlooked or inadequately addressed;
- (b) To appreciate that complainants believe they have grievances which contain some genuine substance;
- (c) To ensure a fair, reasonable and unbiased approach;
- (d) To be able to identify the stage at which a complainant's behaviour has become unacceptable

17.3 The School is committed to dealing with all complaints fairly and impartially, and to providing a

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high quality service to those who complain. We will not normally limit the contact complainants have with our 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. It is possible that there can be times when there is nothing further which can reasonably be done to assist the complainant or to rectify a real or perceived problem.

- 17.4** We define 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:
- a) Refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance
 - b) Refuses to co-operate with the complaints investigation process
 - c) Refuses to accept that certain issues are not within the scope of the complaints procedure
 - d) Insists on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice
 - e) Introduces trivial or irrelevant information which they expect to be taken into account and commented on
 - f) Raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales
 - g) Makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced
 - h) Changes the basis of the complaint as the investigation proceeds
 - i) Repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed)
 - j) 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 department for education
 - k) Seeks an unrealistic outcome
 - l) 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
 - m) Uses threats to intimidate
 - n) Uses abusive, offensive or discriminatory language or violence
 - o) Knowingly provides falsified information
 - p) Publishes unacceptable information on social media or other public forums

17.5 Complainants should try to limit their communication with the school, which relates to their complaint, whilst the complaint is being progressed. It is not helpful if repeated correspondence is sent (by either letter, phone, email or text) as it could delay the outcome being reached. Whenever possible, the Head Teacher or Regional Director will discuss any concerns with the complainant informally before applying an ‘unreasonable’ marking. If the behaviour continues, the Head Teacher or Regional Director will write to the complainant explaining that their behaviour is unreasonable and ask 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 be reviewed after six months. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from the School.

18. REFERENCES

[Independent School Standards \(ISS\), 2014, Part 7](#)

[DfE - Data Protection in Schools, 2023](#)

[The Data Protection Act 2018](#)

[Education and Skills Act 2008, Section 109](#)

[The Equality Act 2010](#)

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19. ASSOCIATED FORMS

- OPSF01: Complaint book
- OPSF02: Monthly complaint summary
- OPSF03: Complaint Investigation Plan
- OPSF04: Complaint Investigation Report
- OPSF05: Serial and Unreasonable Complaints – Communication plan
- OPSF06: Complaint Resolution templates
- OPSF07: School Complaint Form
- OPSSOP02: School Complaint Timeline
- QAF04: School Local Procedure

20. APPENDICES

- Appendix 1 – Key contacts
- Appendix 2 – Complaint Exceptions - Contact Details

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Appendix 1: Key Contacts for Elmbank Learning Centre

School Contacts	
ROLE	NAME
School Office	Kirstie Palmer 01642 130329
Head Teacher	Ashley Roberts 01642 130329
Regional Director	Natalie Bennett 07771001785
Regional Operations Director	Marcella Bird 07469155746

External Contacts			
Contact	Link	Telephone	Address
DfE	www.education.gov.uk/contactus	0370 000 2288	Department for Education Piccadilly Gate Store Street Manchester M1 2WD.
Citizens Advice	https://www.citizensadvice.org.uk/	0800 1448848	Find your nearest Citizens Advice

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Appendix 2: Complaint Exceptions - Contact Details

EXCEPTIONS	WHO TO CONTACT
<ul style="list-style-type: none"> Admissions to schools Statutory assessments of Special Educational Needs 	<p>Concerns about admissions, statutory assessments of Special Educational Needs, should be raised with the placing Local Authority</p>
<ul style="list-style-type: none"> Matters likely to require a Child Protection Investigation 	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH) on 01709 336080</p>
<ul style="list-style-type: none"> Suspension of children from school* 	<p>Further information on raising concerns about suspension can be found at: https://www.gov.uk/school-discipline-suspensions/suspensions .</p> <p>Please refer to the school's Behaviour Policy should you wish to find out more information. This can be located in the Parent's & Carers section of the school's website. Alternatively, you may request a copy from the school office.</p>
<ul style="list-style-type: none"> Whistleblowing 	<p>We have an internal whistleblowing procedure for all our employees, including temporary staff and contractors.</p> <p>The Secretary of State for Education is the prescribed person for matters relating to education for 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 about our school should complain through the school's complaints procedure. You may also be able to complain direct to the LA or the Department for Education (see link above), depending on the substance of your complaint.</p>
<ul style="list-style-type: none"> Staff grievances 	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<ul style="list-style-type: none"> Staff conduct 	<p>Complaints about staff will be dealt with under the school's internal disciplinary procedures, if appropriate.</p> <p>Complainants will not be informed of any disciplinary action taken against a staff member as a result of a complaint. However, the complainant will be notified that the matter is being addressed.</p>
<ul style="list-style-type: none"> Complaints about services provided by other providers who may use school premises or facilities 	<p>Providers should have their own complaints procedure to deal with complaints about service. Please contact them direct.</p>

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Appendix 3: Number of complaints

Number of complaints registered under the formal procedure during the preceding school year:	0 (zero)
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