



**South Gloucestershire and Stroud Academy Trust (SGSAT)**

## **Complaints Policy**

**If you would like this document in an alternate format Please contact the Human Resources Department**

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<b>Job Title/Role:</b>	Vice Principal - Performance, Standards & Effectiveness
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<b>Approved by:</b>	SGSAT Trust Board
<b>Date:</b>	13 October 2021

SGS, Quality Office, Gavin Murray, Academy Trust Complaints Policy and Procedure, Q/P155

# Complaints Policy

## 1. Policy Intent

- 1.1. This Policy has been written to ensure compliance with South Gloucestershire and Stroud Academy Trust's obligations as set out in section 29 of the Education Act of 2002 and the 2015 Consumer Rights Act. This policy and procedures is designed to deal with all complaints relating to the Trust, Trust Schools and to any community facilities or services that the school provides, for which there are no separate (statutory) procedures.

## 2. Scope

- 2.1. This Policy seeks to ensure that we develop positive and responsive partnerships with all our pupils, employers, public service providers and the communities we serve. Our review of feedback is used to inform planning and the continual improvement of the wider learning experience and the services that the Trust and that Trust Schools provide.
- 2.2. This policy aims to establish a good practice framework for handling suggestions and complaints; to provide an overview of the key factors included in our processes and set out underlying principles and operational guidance to support an understanding of timeframes, progression between review stages, and record-keeping.
- 2.3. This Policy is not intended to refer to complaints about decisions concerning pupil behaviour, financial aid, or assessment. Complainants are advised to refer to the appropriate policy prior to submitting a complaint under this policy.

## 3. Policy implementation

- 3.1. All Trust Stakeholders will have regard to the objectives and principles of this policy and as such are encouraged to talk to Trust staff in order to make their views known and to resolve concerns and issues before they become complaints.

The Trust's complaints procedures, laid out below, are intended to be used by pupils and their parents or guardians. The term 'pupil' refers to anyone registered or enrolled with a Trust School and those who have left a Trust School within the last 12 months. The Trust will however accept complaints from a pupil's representative. However, we will not usually investigate a complaint without first confirming with the affected pupil or their parent or guardian that they wish to open a complaint.

You must raise the complaint 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.

The Trust recognises that issues and concerns, which lead to formal complaints are often highly emotive. However, Trust staff have the right to be treated with respect and protected against unacceptable behaviour. Complainants who are rude or disrespectful will be warned once about any unreasonable behaviour and where such behaviour is repeated the Trust will terminate consideration of their complaint and may issue a disciplinary to the pupil, according to the Trusts Disciplinary Policy and Procedure.

The Trust will also terminate consideration of complaints which it considers to be frivolous or vexatious. Examples of such complaints and academic appeals include:

- complaints or academic appeals which are obsessive, harassing, or repetitive
- Complainants who insist on pursuing non-meritorious complaints or academic appeals and/or unrealistic or unreasonable outcomes
- Complainants who insist on pursuing what may be meritorious complaints or academic appeals in an unreasonable manner
- Complaints or academic appeals which are designed to cause disruption or annoyance
- Complaints or demands for redress which lack any serious purpose or value.

Alternatively, the Trust may decide to manage unreasonable complainant behaviour by:

- Placing limits on the number and duration of contacts with staff per week or month.
- Offering a restricted time slot for necessary calls.
- Limiting the complainant to one medium of contact (telephone, letter, email etc).

Requiring the complainant to communicate only with one named member of staff.

- 3.2. Trust Staff will seek to respond to concerns and address issues raised with them in a timely fashion; and forward, to the nominated complaints personnel, at the first available opportunity, as appropriate and as per the identified process.

Staff will respond sensitively to the issues and concerns raised with them. Effective complaints handling requires a local, informal element which is capable of resolving concerns before they become formal complaints. Staff who receive concerns should:

- Seek to provide individuals with more information or a more detailed explanation to alleviate concerns. Where appropriate staff must be proactive in making reasonable adjustments for pupils or, where appropriate, instigate action to mitigate for individual circumstances beyond a pupil's control.
- Be proactive in suggesting solutions
- Be empathetic and understanding when there is no apparent solution
- Make an apology where it seems appropriate to do so
- Introduce pupils and staff to trained mediators or conciliators.

Staff will direct pupils towards the support services available to them, which can provide helpful independent support and advice to those who wish to pursue a complaint.

Staff will endeavour to identify pupils (complainants) who have mental health issues, disabilities or other personal characteristics that may mean that they need additional support. All complainants who require additional support should be advised as to how they can access support to make their complaint or signpost them to other sources of support such as counselling services; or, where appropriate, services external to the Trust. If a pupil appears unable to engage effectively with the complaints procedures, staff may wish to suggest that the pupil appoints a representative; and it may be appropriate to suspend the consideration of a complaint until the pupil has accessed appropriate support.

Trust and School Support Staff, when supporting a pupil to make a complaint, must advocate for that pupil and act in their best interests at all times.

## **4. Confidentiality**

- 4.1. Complaints and academic appeals should be handled with an appropriate level of confidentiality, with information released only to those who need it for the purposes of investigating or responding to the complaint or academic appeal. No third party should be told any more about the investigation than is strictly necessary in order to obtain the information required from them.
- 4.2. Where a complaint is made about another pupil or a member of staff they will be told about the existence and nature of the complaint, so that they may adequately defend themselves against that complaint. The

SGS, Quality Office, Gavin Murray, Academy Trust Complaints Policy and Procedure, Feb 2021, Q/P 155

pupil bringing the complaint will be told the outcome. However, it is not appropriate to share specific details affecting other pupils or staff members, particularly where disciplinary action is being taken, and therefore these details will remain confidential.

## **5. Reporting requirements**

- 5.1. Valuable feedback is obtained through the consideration and resolution of complaints and academic appeals. Both procedures allow the Trust to identify opportunities to improve provision of services and academic decision making. All formal complaints will be recorded and used for analysis and management reporting. The SGS Trust Board will receive reports, at least annually.
- 5.2. The recording, analysis and management reporting of complaints and appeals will include an analysis of the prevalence of issues relating to equality, diversity and inclusion.

## **6. Complaints and appeals arising from the Coronavirus/ Covid-19 pandemic**

- 6.1. Coronavirus/Covid-19 is an unforeseen and unprecedented circumstance, beyond the reasonable control of the Trust and individual Trust Schools. Like all educational institutions, the outbreak of Coronavirus has interfered with our continuing ability, to deliver programmes and other services in accordance with the descriptions provided on our website and within our prospectuses. However, the Trust is committed to use all reasonable endeavours to minimise disruption as far as it is practicable to do so.
- 6.2. Where it is not practical to do so, pupils will not be penalised for missing any teaching or assessments because they have coronavirus symptoms, because they are following advice to self-isolate, or because they have unexpected caring responsibilities.
- 6.3. All pupils have been advised of what they must do in these circumstances, and how they should report a sickness absence.
- 6.4. In the grip of a pandemic or public health emergency the Trust may relax strict rules about needing medical evidence to support sickness absences. However, periods of illness, self-isolation or caring responsibilities must still be reported. If you think that these may impact upon your ability to continue to engage with or complete your studies you must communicate this to the Trust without delay; and before any assessment decision is made.
- 6.5. You may be able to make a complaint about how the coronavirus has affected your studies. Depending on the circumstances, you may also

be able to make an academic appeal if your progress or grades have been affected. But all providers, SGSAT included, will not yet know what measures will be put in place to overcome the challenges that this disruption is causing. However, the Trust is committed to the principles of fairness and expects that pupils, who have complaints, follow the informal early resolution process before lodging a formal complaint.

- 6.6. SGS Trust is unable to accept formal complaints, related to Coronavirus/Covid-19 unless the informal early resolution process has been attempted.

## **7. Enforcement**

- 7.1. Failure to comply with this policy may result in complaints being rejected or investigations stopped.

## **8. Related Policies, Procedures, Charters, Plans, Guidance and Legislation**

- Section 29(2) of the Education Act 2002
- Human Rights Act 1998
- Equality Act 2010
- Freedom of Information Act 2000
- Data Protection Act 2018
- The 7 principles of public life

## **9. Impact**

- 9.1. By listening to and responding positively to feedback the SGS Academy Trust aims to focus on the development of the whole child by involving pupils, parents and staff in a supportive, aspirational and caring environment. We will positively promote and nurture the academic, moral, social, physical and creative growth of the children in our care.'

## **10. Procedure**

## Stage 1

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.

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 five school days.

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: During investigation, the head teacher may act in liaison with the DCEO of the Trust if considered appropriate or 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) may:  
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 30 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 to be taken to resolve the complaint.

The head teacher will advise the complainant of how to escalate their complaint should they remain dissatisfied with the outcome of Stage 1.

If the complaint is about the head teacher, this will be investigated by the Deputy CEO of the Trust. If the complaint is about a member of the Local School Board (LSB) or LSB Chair, this will be investigated by a suitably skilled and impartial member of the LSB to complete all the actions at Stage 1.

Complaints about the head teacher or a member of the LSB must be made to the LSB Clerk, via the school office.

If the complaint is about the Deputy CEO of the Trust, this will be investigated by the CEO of the Trust.

If the complaint is about the CEO of the Trust, this will be investigated by a suitably skilled and impartial member of the Board of Trustees.

**If the complainant is dissatisfied with the outcome at Stage 1 and wishes to take the matter further, they can escalate the complaint to Stage 2**

## Stage 2

This is the enhanced stage of the complaints procedure. This level is not applicable to complaints about the head teacher or staff conduct. The latter may be considered under staff disciplinary procedure and therefore outcomes will not be shared.

A request to escalate to Stage 2 must be made in writing to the LSB Clerk, via the school office, within 10 school days following receipt by the complainant of the Stage 1 response. Any request received outside of this time frame will only be considered in exceptional circumstances.

The LSB Clerk will record the date on which the request is received. A written acknowledgment will be sent by the Clerk to the complainant within five school days.

Any written communication required by Stage 2 may be sent by either first class post or by email. Any communication sent by first class post will be treated (if properly addressed) as having been received two school days after proof of posting; emails will be treated as being received by the addressee at the time of transmission if before 3pm on a school day, or at 9am on the next following school day if received after 3pm on the day of transmission.

Following receipt of the request, and within 15 school days, the Local School Board (LSB) will convene a complaint committee. This will comprise up to three available and impartial members of the LSB and an independent person with no direct involvement in the management or running of the school. In the case of pressing need, however, the Chair of the LSB (if available and impartial) shall be empowered to act alone; failing which, the Vice-Chair shall be so empowered.

If the complaint is about a member of the LSB or Chair of the LSB, escalation to stage 2 will be heard by a panel of up to 3 available and impartial members of the LSB, and one independent person with no direct involvement in the management or running of the school.

If the complaint is about the Deputy CEO or CEO of the Trust, escalation to stage 2 will be heard by an impartial panel of the Board of Trustees.

Meetings of the committee may be held either remotely or by physical presence. The Clerk will notify the complainant of the request for the complainant's attendance.

The Clerk will provide the complainant with three suggested dates and times. The Clerk will give as much prior notice as is reasonably practicable in the circumstances and (if reasonably practicable) no less than five school days. At least two of the proposed dates shall be school days; and at least two of the times shall be within normal school hours. The complainant will be required to notify the Clerk in writing within two school days whether any of these dates and times is convenient and (if more than one) which is preferred. The chosen date and time shall not be capable of change save in exceptional circumstances.

If none of the proposed dates and times is convenient to the complainant, the Chair, Vice-Chair or committee chair shall determine whether to proceed in the complainant's absence (in which event the complainant will be invited to make written submissions) or whether the complainant should be given the choice of alternative dates and times. The determination will involve balancing the complainant's wishes against the need for a prompt and effective resolution of the complaint, taking due note of any complexity of argument and the school's overriding responsibility for safeguarding.

In the case of written representations made by a party to the proceedings, the Clerk will invite the complainant to submit their representations by a given date and time to either the school office (in a sealed envelope marked for the attention of the Clerk) or by email to a specified email address. A copy will be made available by the Clerk to the other party/ies to the proceedings as soon as reasonably practicable and (if reasonably practicable) at least three school days prior to the complaint committee meeting at which the LSB is to consider the complaint.

The complaint committee meeting will be held in private. Representatives from the media will not be permitted to attend. Electronic recordings of meetings or conversations will not be permitted unless the complainant's own disability or special needs require it.

A complainant may be accompanied and supported at the complaint committee meeting by a relative or friend. Neither the complainant nor the school may bring legal representation. The complaint committee is not a form of legal proceedings, its aims are reconciliation and to put right things that may have gone wrong.

The Chair, Vice-Chair or committee (as the case may be) shall consider the complaint and the entirety of the evidence presented. They may then either:

- uphold the complaint (in whole or in part)
- not uphold the complaint (in whole or in part)

If the complaint is upheld (be it in whole or in part), the Chair, Vice-Chair or committee shall:

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

Both the complainant and the head teacher shall be provided with a note of the decision, with a full explanation of the reasoning behind that decision, within 15 school days following the date of the complaint committee meeting. The complainant shall also be notified of their entitlement to refer the matter to the SGS Academy Trust Board if they have concerns relating to due process (but not in respect of the decision reached) by the Stage 2 Panel.

## 11. Contact us

11.1. In the first instance contact should be addressed to the Head teacher or Clerk to the appropriate school:

<b>Forest High School</b>	<b>Berkeley Green UTC</b>	<b>Pegasus School</b>
Causeway Road Cinderford Gloucestershire GL14 2AZ	Gloucestershire Science and Technology Park Berkeley, GL13 9FB	Hempton Lane South Gloucestershire BS32 4AJ
Tel: 01594 822257 Email: <a href="mailto:info@foresthigh.org.uk">info@foresthigh.org.uk</a>	Tel: 0800 4701 516 Email: <a href="mailto:office@berkeleygreenutc.org.uk">office@berkeleygreenutc.org.uk</a>	Tel: 01454 568 200 Email: <a href="mailto:pegasusschool@sgscol.ac.uk">pegasusschool@sgscol.ac.uk</a>

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

The Department for Education will not normally reinvestigate the substance of complaints or overturn any decisions made by the SGS Academy Trust Schools.

A complainant, who has completed stage 2 can refer their complaint to the Department for Education online at: [www.education.gov.uk/contactus](http://www.education.gov.uk/contactus), by telephone on: 0370 000 2288 or by writing to:

Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD.

## 12. Statutory complaints

12.1. Complaints relating to statutory matters cannot be considered under this policy. Instead complainants are referred to:

<b>Exceptions</b>	<b>Who to contact</b>
<ul style="list-style-type: none"> <li>• Admissions to schools</li> <li>• Statutory assessments of Special Educational Needs</li> <li>• School reorganisation proposals</li> </ul>	<p>Concerns about admissions, statutory assessments of Special Educational Needs, or school re-organisation proposals should be raised, as appropriate, with:</p> <p>South Gloucestershire Council            Badminton Road            Yate            Bristol            BS37 5AF            AdmissionsAndTransport@southglos.gov.uk</p> <p>Gloucestershire County Council            Shire Hall            Gloucester            GL1 2TP            United Kingdom</p>
<p><input type="checkbox"/> Matters likely to require a Child Protection Investigation</p>	<p>Complaints about child protection matters are handled under our child protection and safeguarding policy and in accordance with relevant statutory guidance.</p> <p>If you have serious concerns, you may wish to contact the local authority designated officer (LADO) who has local responsibility for safeguarding or the Multi-Agency Safeguarding Hub (MASH).</p> <p><a href="https://edocs.southglos.gov.uk/safeguardingchildrenboard16/pages/local-authority-designated-officer-lado/">https://edocs.southglos.gov.uk/safeguardingchildrenboard16/pages/local-authority-designated-officer-lado/</a></p> <p><a href="https://www.gscb.org.uk/i-work-with-children-young-peopleand-parents/the-role-of-the-lado-and-the-allegationsmanagement-process/">https://www.gscb.org.uk/i-work-with-children-young-peopleand-parents/the-role-of-the-lado-and-the-allegationsmanagement-process/</a></p>

<input type="checkbox"/> Exclusion of children from school*	<p>Further information about raising concerns about exclusion can be found at: <a href="http://www.gov.uk/school-disciplineexclusions/exclusions">www.gov.uk/school-disciplineexclusions/exclusions</a>.</p> <p><i>*complaints about the application of the behaviour policy can be made through the school's complaints procedure.</i></p>
<input type="checkbox"/> 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: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>.</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>
<input type="checkbox"/> Staff grievances	<p>Complaints from staff will be dealt with under the school's internal grievance procedures.</p>
<input type="checkbox"/> 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>
<input type="checkbox"/> 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>

□ National Curriculum - content	Please contact the Department for Education at: <a href="http://www.education.gov.uk/contactus">www.education.gov.uk/contactus</a>
Complaints about collective worship	Complainants who are dissatisfied with the content of the daily act of collective worship (DACW) should contact their local authority.

Completed by:		
Gavin Murray	Vice Principal - Performance, Standards & Effectiveness	06/05/2020
I have read the guidance document: Completing a Policy Impact Assessment?		✓
If this policy has been up-dated, please tick to confirm that the initial impact screening has also been reviewed:		✓

EQUALITY AND DIVERSITY IMPACT ASSESSMENT		
Characteristic	This policy seeks to:	
Age	No appreciable impact	
Disability	Use available resources to identify and address any issues of inequality as a result of disability. Supporting pupils both academically and pastorally in order that they should be successful.	
Faith or Belief	No appreciable impact	
Gender	No appreciable impact	
Race or Ethnicity	No appreciable impact	
Orientation	No appreciable impact	
Gender reassignment	No appreciable impact	
Economic disadvantage	No appreciable impact	
Rural isolation	No appreciable impact	
Marriage	No appreciable impact	
Pregnancy & maternity	No appreciable impact	
Carers & care leavers	Use available resources to identify and address any issues of inequality as a result of being in care or a care leaver. Supporting learners both academically and pastorally in order to be successful.	
Vulnerable persons	Use available resources to identify and address any issues of inequality as a result of being a vulnerable person. Supporting learners both academically and pastorally in order to be successful.	
Please identify any sections of the policy that specifically seek to maximise opportunities to improve diversity within any of the Academy Trust's stakeholder groups:	Sections 7.2 and 9.2	
Please identify any sections of the policy that specifically seek to improve equality of opportunity within any of the Academy Trust's stakeholder groups:		
Is there any possibility that this policy could operate in a discriminatory way?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>
		<input checked="" type="checkbox"/>
If you have ticked yes (red), which characteristic will be most affected? Choose an item.		
If yes please confirm that the Policy has been sent for a full Equality & Diversity Impact Assessment, and note the date:	<input type="checkbox"/>	Click or tap to enter a date.

**Note:** if the policy does not seek to increase diversity or improve equality you should go back and review it before submitting it for approval.

MAPPING OF FUNDAMENTAL RIGHTS	
Which United Nations Convention on the Rights of the Child ( <a href="#">UNCRC</a> ), Right does this policy most protect:	Art. 28 Right to education Art. 40. Right to justice Art. 42 Right to know your rights

Which Human Right ( <a href="#">HRA</a> ) does this policy most protect:	Art. 14 Prohibition of discrimination Art. 7 No punishment without law
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DATA PROTECTION & PRIVACY BY DESIGN SCREENING	
Tick to confirm that you have considered any data protection issues as part of the design and implementation of this policy; and, that implementing this policy will <u>not</u> result in the collection, storage or processing of personal data outside of official Academy Trust systems:	✓
Tick to indicated that this policy has or requires a Data Privacy Impact Assessment:	✓

## Appendix 1: Formal Complaint Form

Before you complete this form, please ensure that you have firstly raised the matter informally at a local level with the appropriate Tutor, Teacher or Middle leader. Please also ensure that you have carefully read the SGS Academy Trust's Complaints Policy & Procedure.

### SECTION A: PUPIL DETAILS

Name, including your Surname (Family Name):	
Pupil ID Number (e.g. sgs12345):	
Which School are you enrolled at:	
Daytime Telephone Number:	
Year/ tutor group:	
Date of complaint (or incident leading to complaint):	

### SECTION B: ELECTED REPRESENTATIVE (DATA PROTECTION WAIVER)

If you the Parent, Carer or Guardian of a child under the age of 16 and you wish to complain on their behalf:

State you name and relationship	
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By ticking the box below, I confirm that I am giving consent to the Trust to process my personal data in order that my complaint may be investigated.

Tick here to confirm

### SECTION C: PARENTAL REPRESENTATIVE

If you are over 14 years old and you wish to appoint a representative to act on your behalf you can do so here.

Name of representative:	
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By ticking the box below, I confirm that I am giving consent to the Trust to share my personal data with my representative and; I understand that all correspondence relating to my complaint will be sent to my representative, unless I ask my School to stop.

Tick here to confirm

#### SECTION D: SUPPORTING STATEMENT

Please give details of the circumstances of your complaint and attach any relevant supporting evidence (continuing on a separate sheet if necessary).

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Please indicate the remedy you are seeking as a resolution to your appeal:

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#### SECTION E: DETAILS OF EARLY INFORMAL DISCUSSIONS

Has this complaint been raised informally first with the appropriate Tutor, Teacher or Middle Leader?

Name of staff member:	
Post Title:	
Date discussed:	

What was the outcome? *(Please also indicate why you are still dissatisfied)*

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#### SECTION E: DECLARATION

By signing this form, I declare that:

- I have read and understood the SGS Academy Trust Complaints Policy & Procedure.
- I understand that the Trust will need to gather information about the matters raised in my complaint and that this information may include sensitive personal details which will be processed in accordance with Data Protection legislation and the [Trust's Privacy Notice](#)
- I understand that my complaint will be handled in confidence, but that in order to investigate the issues raised it may be necessary to disclose the content of my appeal to relevant staff or exchange information with external organisations

- If I have disclosed personal data relating to another person/s within my complaint, I have been given permission by them to do so.
- I confirm that what I have written on this form and any enclosures is truthful and relevant to my complaint.

<b>Signed (<i>Your Signature</i>)</b>	<b>Date</b>
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