

**KINGSWAY
COMMUNITY TRUST

COMPLAINTS POLICY**

May 2021

Complaints Policy

Date: May 2021

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CONTENTS

The Policy	3
Purpose of the Policy.....	4
Roles and Responsibilities	4
The Complainant.....	4
The Complaints Coordinator (or Executive Headteacher).....	5
The Investigator	5
The Panel Clerk	5
The Panel Chair	6
Panel Member	6
Stages of the Policy	7
Stage One - Informal Resolution.....	7
Stage Two - Formal Resolution	7
Stage Three – Formal Resolution.....	8
Stage Four – Formal Resolution/Appeal.....	9
The Role of the School Complaints Unit	Error! Bookmark not defined.
Monitoring Compliance with the Policy	12
1. Annex A: Informal Resolution.....	13
2. Annex B: Stage 2 – Formal Resolution.....	15

The Policy

This complaints policy is not limited to parents or carers of children that are registered at our Trust schools. Any person, including members of the public, may make a complaint to Kingsway Community Trust about any provision of facilities or services that we provide. Unless complaints are dealt with under separate statutory procedures, (such as appeals relating to exclusions or admissions), we will use this complaints policy.

The policy will be relied upon in respect of **all concerns or complaints** by parents/carers and pupils made against the Trust Schools ***other than complaints that are dealt with under other statutory procedures, including those below***

- (a) **Admissions to schools; Statutory assessments of Special Educational Needs (SEN); School re-organisation proposals; Matters likely to require Child Protection Investigation** - Concerns should be raised direct with local authorities (LA). For school admissions, it will depend on who is the admission authority (either the school or the LA). Complaints about admission appeals for maintained schools are dealt with by the Local Government Ombudsman.
- (b) **Exclusion of children from school** - Further information about raising concerns about exclusion can be found at: www.gov.uk/schooldiscipline-exclusions/exclusions.
- (c) **Whistleblowing** – We have an internal whistleblowing policy for all our employees, including temporary staff and contractors. The Secretary of State 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. Volunteer staff who have concerns about our schools should complain through this document, the Trust Complaints policy.
- (d) **Staff grievances and disciplinary procedures** - These matters will invoke the Trust's internal grievance procedures. Complainants will not be informed of the outcome of any investigation but will be notified that the matter is being addressed
- (e) **Complaints about services provided by other providers who may use school premises or facilities** - Providers should have their own complaints procedure to deal with complaints about service. They should be contacted directly.

If other bodies are investigating aspects of the complaint, for example the police, LO, safeguarding teams or tribunals, this may impact on our ability to adhere to the timescales within this policy or result in the policy being suspended until those public bodies have completed their investigations.

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

The difference between a concern and a complaint

A concern may be defined as 'an expression of worry or doubt over an issue considered to be important, for which reassurances are sought'

A complaint may be defined as 'an expression of dissatisfaction however made, about actions taken or lack of action'.

The Trust Board expects that most concerns can be resolved informally and recognises that the majority of issues raised by parents/carers or pupils are concerns rather than complaints. Each school will use its best endeavours to resolve any concerns that are made on this basis.

The Trust is committed to taking concerns seriously at the earliest stage, in the hope of keeping the number of formal complaints to a minimum and without the need for formal procedures. It is recognised however that, depending on the circumstances and the nature of the complaint, parents/carers or pupils may, in appropriate circumstances, wish to or may be asked to follow the formal stages of this policy from the outset.

If the informal procedures fail to resolve the issue, a formal complaint about any matter (except for those listed in (a) to (e) above), may be made to the Executive Headteacher in the first instance, marked Private and Confidential

Complainants should not approach individual governors or trustees to raise concerns or complaints. They have no power to act on an individual basis and it may also prevent them from considering complaints at stage 4 of the procedure.

Every complaint will receive fair and proper consideration and a timely response but in order for the Trust to investigate a complaint, it needs to be made within 3 months of the incident/issue occurring. If a complaint is older than 3 months it will not normally be investigated.

The Trust will do all it can to resolve concerns or complaints and to ensure parents/carers are happy with the education their child receives at the school. Parents/carers' and pupils can be assured that all complaints and expressions of concern, whether raised informally or formally, will be treated seriously and will be dealt with in a sensitive, impartial and confidential manner. It should also be noted that malicious complaints may incur appropriate action by the Trust.

Correspondence, statements and records will remain confidential except in so far as is required by Part 7 paragraph 33 (k) of the Education (Independent Schools Standards) Regulations 2014; where disclosure is required in the course of the school's inspection; or where any other legal obligation prevails.

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

Purpose of the Policy

- To encourage resolution of problems by informal means wherever possible;
- To be easily accessible and publicised;
- To be simple to understand and use;
- To be impartial;
- To be non-adversarial;
- To allow swift handling within established time-limits for action and keep people informed of the progress;
- To ensure a full and fair investigation by an independent person where necessary;
- To respect people's desire for confidentiality;
- To address all the points at issue and provide an effective response and appropriate redress, where necessary;
- To provide information to the School's senior management team so that services can be improved.

Roles and Responsibilities

The Complainant

The complainant or person who makes the complaint will receive a more effective response to the complaint if he/she:-

- Co-operates with the school in seeking a solution to the complaint;
- Expresses the complaint in full as early as possible;
- Responds promptly to requests for information or meetings or in agreeing the details of the complaint;
- Asks for assistance as needed;
- Treats all those involved in the complaint with respect.
- Refrain from publicising the details of their complaint on social media and respect confidentiality

The Complaints Coordinator (or Executive Headteacher)

The complaints coordinator will:-

- Ensure that the complainant is fully updated at each stage of the procedure;
- Ensure that all people involved in the complaint procedure are aware of the legislation around complaints including the equality act 2010, data protection act 2018 and freedom of information act 2000;
- Liaise with staff members, Executive Headteacher, Chair of the Trust Board and Clerk to ensure the smooth running of the complaints procedure;
- Keep records;
- Be aware of issues regarding:-
 - Sharing third party information;
 - Additional support - this may be needed by complainants when making a complaint including interpretation support.

The Investigator

The Investigator is the person involved in Stages 1 and 2 of the procedure. The Investigator's role can include:-

- 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;
 - Consideration of records and other relevant information;
 - Interviewing staff and children/young people and other people relevant to the complaint;
 - Analysing information;
- Effectively liaising with the complainant and the complaints co-ordinator as appropriate to clarify what the complainant feels would put things right;
- Responding to the complainant in plain and clear language.

The investigator should:-

- Conduct interviews with an open mind and be prepared to persist in the questioning
- Keep notes of interviews or arrange for an independent note taker to record minutes of the meeting
- Ensure that any papers produced during the investigation are kept securely pending any appeal
- Be mindful of the timescales to respond
- Prepare a comprehensive report for the Executive Headteacher or Complaints Committee that sets out the facts, identifies the solutions and recommends courses of action to resolve problem.

The Panel Clerk

This could be Clerk to the Trust Board, the Complaints Coordinator or an independent Clerk. The Clerk is the contact point for the complainant for the panel meeting and is expected to:-

- Set the date, time and venue of the hearing, ensuring that the dates are convenient to all parties and that the venue and proceedings are accessible;
- Collate any written material and send it to the parties in advance of the hearing;
- Meet and welcome the parties as they arrive at the hearing;
- Record the proceedings;
- Circulate the minutes of the panel hearing;
- Notify all parties of the panel's decision;
- Liaise with the complaints co-ordinator.

The Panel Chair

The Panel Chair has a key role in ensuring that:-

- Both parties are asked (via the Clerk) to provide any additional information relating to the complaint by a specified date in advance of the meeting
- The meeting is minuted;
- The remit of the panel is explained to the complainant and both they and the school have the opportunity of putting their case without undue interruption;
- The issues are addressed;
- Key findings of fact are made;
- Parents/carers' and others who may not be used to speaking at such a hearing are put at ease – this is particularly important if the complainant is a child/young person;
- The hearing is conducted in an informal manner with everyone treated with respect and courtesy;
- The layout of the room will set the tone – care is needed to ensure the setting is not adversarial;
- The panel is open-minded and acts independently;
- 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;
- Both the complainant and the school are given the opportunity to state their case and seek clarity;
- 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. 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 hearing;
- They liaise with the Clerk and Complaints Coordinator.

Panel Member

Panelists will need to be aware that:-

- It is important that the review panel hearing is independent and impartial, and that it is seen to be so; No Trustee/Governor may sit on the panel if they have had a prior involvement in the complaint or in the circumstances surrounding it.
- The aim of the hearing, which will be held in private, will always be to resolve the complaint and achieve reconciliation between the school and the complainant; However, it must be recognised that the complainant might not be satisfied with the outcome if the hearing does not find in their favour. It may only be possible to establish the facts and make recommendations which will satisfy the complainant that his or her complaint has been taken seriously.
- Many complainants will feel nervous and inhibited in a formal setting; Parents/carers often feel emotional when discussing an issue that affects their child. The Panel Chair will ensure that the proceedings are as welcoming as possible.
- Extra care needs to be taken when the complainant is a child/young person and present during all or part of the hearing; The panel should respect the views of the child/young person and give them equal consideration to those of adults.

- If the child/young person is the complainant, the panel should ask in advance if any support is needed to help them present their complaint. Where the child/young person's parent is the complainant, the panel should give the parent the opportunity to say which parts of the hearing, if any, the child/young person needs to attend.
- The parent should be advised however that agreement might not always be possible if the parent wishes the child/young person to attend a part of the meeting which the panel considers not to be in the child/young person's best interests.
- The welfare of the child/young person is paramount.

Stages of the Policy

The policy has four main stages ;

- Stage One – Concern is raised informally with class teacher.
- Stage Two – Formal complaint investigated by Executive Headteacher or Head of School.
- Stage Three – Formal complaint is investigated by Executive Headteacher or Chair of the Trust Board
- Stage Four – Formal complaint is heard by Complaints Panel

Stage One - Informal Resolution

Discussion with Class Teacher

It is hoped that most concerns or complaints will be resolved quickly and informally.

If parents/carers have a concern or complaint they should normally contact their child's class teacher. In many cases the matter will be resolved immediately by this means to the parents'/carers' satisfaction. In some circumstances however, the matter will require investigation or discussion with others and so it may take longer to respond to the parents/carers. The class teacher will make a written record of all concerns or complaints and the date on which they were received. (See Annex A). These records will be kept for 1 year after the pupil leaves the School.

The school will use its reasonable endeavours to resolve any informal concerns or complaints within 10 working days of them being raised, except where they are raised during school holidays or within 2 working days of their commencement. In these cases, the school will use its reasonable endeavours to resolve the concern or complaint as soon as possible after the commencement of the new term (usually within 10 working days).

If it is not possible to resolve the matter informally or parents/carers are not satisfied with the result at this stage, then parents/carers will be advised to proceed with their complaint in accordance with Stage Two of this procedure.

Stage Two - Formal Resolution

Complaint investigated by Executive Headteacher or Head of School

If the complaint cannot be resolved on an informal basis then parents/carers should notify the Executive Headteacher of their complaint in writing. Parents/carers should also identify how they wish their complaint to be resolved.

The Executive Headteacher may delegate responsibility for undertaking the investigation of the complaint to the Head of School in appropriate circumstances unless the Executive Headteacher deems it appropriate for her to deal with the matter personally.

The Executive Headteacher/Head of School will decide, after considering the complaint, the appropriate course of

action but will endeavour to resolve the matter as speedily as possible.

In most cases, the Executive Headteacher/Head of School will meet or speak with the parents/carers concerned to discuss the matter. The Executive Headteacher/Head of School will use reasonable endeavours to speak to or meet parents/carers within 10 working days of the formal complaint being received. In cases where the complaint is received during School holidays or within 2 working days of their commencement, the Executive Headteacher/Head of School will use his/her reasonable endeavours to speak or meet with parents/carers as soon as possible after the commencement of the new term (usually within 10 working days). It may be necessary for the Executive Headteacher/Head of School to carry out further investigations.

The Executive Headteacher/Head of School will keep a written record of all meetings and interviews held in relation to the complaint. Where there are communication difficulties, schools may wish to use recording devices to ensure the complainant is able to access and review the discussions at a later point.

Once the Headteacher/Head of School is satisfied that, so far as is reasonably practicable, all of the relevant facts have been established, a decision will be made. Parents/carers will be informed of this decision in writing, giving reasons for the decision including the steps/action the School has taken to resolve the issue. The written decision will normally be provided no later than 10 working days after the Executive Headteacher/Head of School has met with parents/carers to discuss the matter. The Headteacher/Head of School may also arrange a further meeting with the parents/carers to explain his/her decision.

The School will keep a written record of all formal complaints, including records of meetings and interviews held in relation to the complaint, and the School's decision, which will be recorded will be kept for 1 year after the pupil leaves the School. This record will state if complaints were resolved at this stage of the policy or whether the matter was taken further.

Where parents/carers are dissatisfied with the result at Stage Two they should notify the Executive Headteacher/Chair of the Trust Board as appropriate in writing within 10 working days of receiving the School's written response under Stage Two. The matter will then be dealt with under Stage Three of the procedure.

Stage Three – Formal Resolution

Complaint investigated by Executive Headteacher or Chair of the Trust Board

If it has not been possible to resolve the matter at Stage Two of this policy, upon receipt of the parents'/carers' written notification that they wish to pursue the matter to Stage Three of the policy, the Executive Headteacher/Chair of the Trust Board will arrange for a further investigation to be carried out. The Executive Headteacher will carry out the investigation in cases where the Head of School has been involved at Stage Two of the procedure and the Chair of the Trust Board will carry out the investigation in cases where the Executive Headteacher has been involved at Stage Two of the procedure.

In most cases, the Executive Headteacher/Chair of the Trust Board will meet or speak with the parents/carers concerned to discuss the matter. The Executive Headteacher/Chair of the Trust Board will use reasonable endeavours to speak to or meet parents/carers within 10 working days of the Stage Three complaint being received. In cases where the complaint is received during School holidays or within 2 working days of their commencement, the Executive Headteacher/Chair of the Trust Board will use his/her reasonable endeavours to speak or meet with parents/carers as soon as possible after the commencement of the new term (usually within 10 working days). It may be necessary for the Executive Headteacher/Chair of the Trust Board to carry out further investigations.

The Executive Headteacher/Chair of the Trust Board will keep a written record of all meetings and interviews held in relation to the Stage Three complaint.

Once the Executive Headteacher/Chair of the Trust Board is satisfied that, so far as is practicable, all of the relevant

facts have been established, a decision will be made. Parents/carers will be informed of the decision in writing, giving reasons for the decision including the steps/action the School has taken to resolve the issue. The written decision will normally be provided no later than 10 working days after the Executive Headteacher/Chair of the Trust Board has met with parents/carers to discuss the matter. The Executive Headteacher/Chair of the Trust Board may also arrange a further meeting with the parents/carers to explain his/her decision.

A written record of any meetings and interviews held in relation to this stage of the policy will be kept for 1 year after the pupil leaves the school. The record will state if complaints were resolved at this stage of the policy or whether the matter was taken further.

Where parents/carers are dissatisfied with the result at Stage Three of the policy they should notify the Clerk to the Complaints Panel in writing within 10 working days of receiving the decision under Stage Three. The matter will then be dealt with under Stage Four of the policy.

Stage Four – Formal Resolution/Appeal

Complaint heard by Complaints Appeal Panel

If it has not been possible to resolve the matter at Stage Three of this policy, within 5 working days of receiving a written request from the parents/carers that they wish to pursue the matter to Stage Four, the Clerk to the Complaints Appeal Panel will write to the parents/carers to acknowledge their written request in writing, and inform the parents/carers of the steps involved at Stage Four. The Clerk provides an independent source of advice on procedure for all parties.

Where the written request is received by the Clerk during school holidays or within 2 working days of their commencement, the Clerk has 5 working days from the commencement of the following school term to acknowledge the parent's/carer's written request.

The written request for further consideration of the complaint at Stage Four of the policy will, for the purposes of this policy, be known as an 'appeal'. Parents/carers should provide full detail of their appeal and the reasons why they believe their complaint(s) have not been resolved satisfactorily under the previous three stages of the policy. Parents/carers should also state the remedy they are seeking.

The Clerk will endeavour to convene a Complaints Appeal Panel hearing as soon as possible to consider the matter, normally no later than 20 working days after his/her receipt of the appeal, dependent upon the availability of Complaints Appeal Panel members. Where it is not reasonably practicable for the hearing to be convened within 20 working days after receipt of the appeal, the parents/carers' will be notified of the likely timescale for the hearing to take place which must be reasonable in all the circumstances.

If the complainant rejects the offer of three proposed dates, without good reason, the Clerk 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 Appeal Panel will normally consist of three people who have not previously been involved in the complaint, and one person independent of the management and running of the school. The process used for selecting an independent person will conform to any relevant guidance issued by the Department for Education (DFE).

The following are entitled to attend The Complaints Appeal Panel hearing, submit written representations and address the Complaints Panel:

- The parent/s/carers;
- The Executive Headteacher and Head of School as appropriate;

- The Chair of the Trust Board if appropriate;
- Any other interested person whom the Complaints Appeal Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Complaints Appeal Panel in their decision-making.

Where the Complaints Appeal Panel deems it necessary, it may require that further particulars of the appeal or any related matter be supplied in advance of the hearing. In such cases all parties will be given the opportunity to submit written evidence to the Complaints Appeal Panel in support of their position, including:

- (a) Documents in support of complaint(s),
- (b) Chronology and key dates relating to complaint(s), and
- (c) Written submission setting out the complaint(s) in more detail.

The committee 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 a friend.

Representatives from the media are not permitted to attend.

All evidence will be considered by the Complaints Appeal Panel, along with the appeal lodged by the parents/carers.

Evidence will be initially sent to the Clerk, who will then circulate the documentation to all parties, including the Complaints Appeal Panel members, along with an order of proceedings. All written evidence must be received by the Clerk no later than 10 working days in advance of the hearing. The Clerk will distribute the written evidence to the relevant parties no later than 5 working days in advance of the hearing. The committee will not normally accept, as evidence, recordings of conversations that were obtained covertly and without the informed consent of all parties being recorded.

The committee 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 1 or the policy.

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.

It is for the Complaints Appeal Panel to decide how to conduct the proceedings of the appeal, which should be reasonably informal so that all parties can present their case effectively. If possible, the Complaints Appeal Panel will resolve the parents'/carers' appeal immediately without the need for further investigation. Where further investigation is required, the Complaints Appeal Panel will decide how it should be carried out.

After due consideration of all the facts and evidence they consider relevant, the Complaints Appeal Panel will reach a decision, and may make recommendations which it shall endeavour to implement within 10 working days of the hearing. Any decision reached that may have financial implications for the School will need the appropriate approval from the relevant authorities e.g. Trust Board, although any such approval must be compatible with the decision of the Complaints Appeal Panel.

The Complaints Appeal Panel's findings will be sent by the Clerk in writing to the parents/carers, the Executive Headteacher, the Trustees/Governors and, where relevant, the person complained of within 10 working days of the hearing. The letter will state the reasons for the decision reached and any recommendations made by the Complaints Appeal Panel. The decision reached by the Complaints Appeal Panel is the final School based stage of the complaints process. The findings and recommendations will be made available for inspection on the school premises by the Executive Headteacher.

The School will keep a record of all appeals, decisions and recommendations of the Complaints Appeal Panel, which record will be kept for 1 year after the pupil leaves the School.

N/B – **In cases where the complaint concerns the conduct of the Executive Headteacher**, the Chair of the Trust Board will be informed of the complaint and the Chair of the Trust Board will arrange for the matter to be investigated as he/she considers appropriate in all the circumstances. The parents/carers will be notified of the Chair of the Trust Board’s decision in this regard. In deciding the appropriate manner for the matter to be investigated the Chair of the Trust Board will take into account the provisions of Part 7 of the Education (Independent School Standards) (England) Regulations 2014.

Next Steps

If a parent/carer has completed the local procedures and remains dissatisfied, they have the right to, they can contact the ESFA after they have completed Stage 4.

The ESFA will not normally reinvestigate the substance of complaints or overturn any decisions made by the Trust. They will consider whether the Trust has adhered to education legislation and any statutory policies connected with the complaint and whether they have followed Part 7 of the Education (Independent School Standards) Regulations 2014.

The complainant can refer their complaint to the ESFA online at: www.education.gov.uk/contactus, by telephone on: 0370 000 2288 or by writing to:

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

Should the complainant continue to make contact on the same issue, the Chair of the Trust Board has the power to inform them that the process is complete and the matter is therefore closed.

Date	Issue Name	Date approved by Trustees	Review date
December 2017	December 2017	18.12.17	Autumn 2020
Autumn 2020	December 2020	7.12.20	Autumn 2022
May 2021	May 2021	23.5.21	Summer 2023

Monitoring Compliance with the Policy

Describe Key Performance Indicators (KPIs)	Target	How will the KPI be Monitored?	Which Committee will Monitor this KPI?	Frequency of Review	Lead
All formal complaints forms will be responded to within 5 school days	100%	Annual audit of the complaints policy	Full Governing Body (FGB) Committee	Annually	Executive Headteacher
All complaint review request forms will be responded to within 10 school days	100%	Annual audit of the complaints policy	Full Governing Body (FGB) Committee	Annually	Executive Headteacher
All formal complaints will be noted in the Executive Headteacher's Termly Report to the FGB including any lessons that can be learnt	100%	Annual audit of the complaints policy	Full Governing Body (FGB) Committee	Annually	Executive Headteacher

1. Annex A: Informal Resolution

Please ensure that this form is returned to either the Executive Headteacher or Head of School on the same day as the incident or as soon as reasonably practicable thereafter. A dated record of any further action taken will be attached to this form.

Child's Name: Year:	Date Concern/Complaint received
Parent's/Carer's name and contact details (to include address, telephone number, email):	
Full details of Concern/Complaint (to include date, time, place, parties involved and, in appropriate cases, actual words spoken)	
Action taken : (Steps taken, when and by whom)	

Further action to be taken if appropriate:

Has information relating to action taken/ to be taken been shared with the parent/carer? (Y/N)

What was the parent's/carer's response?

2. Annex B: Stage 2 – Formal Resolution

Please complete this form & return it, via the school office, to the Executive Headteacher (or Clerk to the Trust Board), who will acknowledge receipt & inform you of the next stage in the procedure.

Your name:	
Relationship with school (eg. Parent of a pupil attending the school)	
Pupil's name:	
Your address:	
Tel number:	
Email address:	
<p>Please give concise details of your complaint (including dates, names of those involved, witnesses, etc including whether you have spoken to anybody at the school about it) to allow the matter to be fully investigated. Please use additional pages if necessary.</p>	

What action, if any, have you already taken to try and resolve your complaint? (ie. who have you spoken with or written to and what was the outcome?)

What actions do you feel might resolve the problem at this stage?

Are you attaching any paperwork? If so, please give details.

Signed.....Date.....

SCHOOL USE ONLY:			
Date form received:	Received by:	Date Acknowledgement sent:	Acknowledgement sent by:
Agreed outcomes			

Complaint referred to:		Date:	
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Complaints Policy Flow Chart

