

Complaints Policy



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Anglo European School

Complaints Procedure

1) Aims:

The Anglo European School is dedicated to providing the best possible education and support for all its students. This means having a clear, fair and efficient procedure for dealing with complaints so that any issues arising can be dealt with swiftly and effectively. The policy particularly applies to parents/carers of registered students.

The school will review this document every two years and to make all staff aware of its content so they can be of assistance when a parent/carer brings a matter to their attention. By maintaining open lines of communication and working in partnership with parents/carers, we aim to minimise the need for parents or other stakeholders to lodge complaints. A valid complaint involves an issue where the school has not followed its own procedures or policies to the detriment of an individual student.

2) The difference between a concern and a complaint:

A concern is an expression of dissatisfaction about actions taken or a lack of action taken. Concerns arise because a parent, student or other stakeholder is personally dissatisfied with the school and its policies. Concerns are usually expressed prior to a complaint and usually require nothing more than an explanation. Many concerns can be resolved informally without the need to use the formal complaints procedure. Anglo European takes the concerns of parents and carers very seriously and will make an effort to resolve the matter as quickly as possible via a member of senior staff who can view the concern objectively and impartially. However, if a person wishes to raise their complaint more formally, or the concern raised informally has not been properly dealt with in the view of the complainant they should follow the procedure outlined below.

Academies must ensure their own complaints procedure is compliant with *The Education (Independent School Standards) Regulations 2010*. The relevant requirements are set out under section 7 of the regulations. Under these regulations, an academy's complaints procedure must contain at least three stages, progressing from informal stage to a formal meeting with a panel of governors.

3) How to raise a complaint:

The school will record and deal with all complaints. The school expects complainants to present their case in writing to the Headteachers in a polite and constructive manner, refraining initially at least from making judgments or assumptions. Complainants should leave open the possibility that their complaint is ill-founded and based on inaccurate or misleading information.

Complaints about third parties such as public transport providers or other suppliers will be noted. The school will not be able to manage the complaint directly but may advise on possible courses of action.

Complaints against members of staff (except the Headteachers) should be addressed directly to the Headteachers. Complaints against the Headteachers should be addressed to the Chair of Governors and Complaints against the Chair of Governors should be addressed to the Clerk of the Governing Body. All should be marked "Private and Confidential."

Complaints about students when out of school hours will be taken seriously and noted but the school will take action if it impacts on the well-being of students in the school or brings the school into disrepute, such as cyber bullying or mis-behaviour in the village and on public transport. The school will always accept responsibility when it is at fault and apologies will be offered as appropriate. There may be times when the school and the complainant may have to agree to differ.

All complaints must follow this procedure. Failure to follow this procedure may result in delay or an incomplete investigation. The Headteachers reserve the right to return any complaint if this procedure has not been followed in order to ensure the complaint is properly heard.

Complainants should not approach individual governors to raise concerns or complaints. They have no power to act on an individual basis and this may compromise their ability to consider the complaint at Stage 2 or Stage 3 of the procedure.

Should you need help completing the form, you may contact the school office for assistance or a third party such as Citizens Advice should be able to help. In accordance with the Equality Law, we will consider making reasonable adjustments if required, to allow all complainants to access and complete the Complaints Procedure.

We will not normally investigate anonymous complaints. The Headteachers/ Chair of Governors (if the complaint concerns the Headteachers) will decide whether the complaint warrants investigation.

4) Time Scales:

A complaint must be raised within three months of the incident or where there are a series of related incidents, within three months of the last incident. We will only consider complaints outside these time frames in exceptional circumstances.

We will consider complaints received during periods of school closure to have been received on the first day of school after the period of closure, unless it relates to the safety and well-being of students or staff which requires immediate attention.

If other bodies are investigating aspects of the complaint, for example, the Police, Local Authority, Safeguarding Teams or Tribunals, this may impact upon our ability to adhere to these timescales or result in the procedure being suspended until those public bodies have completed their investigations.

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

5) Withdrawal of a Complaint:

Should a complainant wish to withdraw their formal complaint, we will ask them to confirm this in writing.

6) Resolving the Complaint:

On receipt of the complaint, a case worker will be appointed who the Headteachers consider the most effective and informed person to investigate impartially and fairly. The outcome of the investigation will be confirmed in writing. If the complaint is upheld we will offer one or more of the following: an explanation, an admission that the situation would have been dealt with differently or better, an undertaking to review the school procedures or policies and/ or an apology.

7) Stages

Stage 1: Raising an informal Concern

The matter should be raised as a concern with either the member of staff concerned either in person, in writing or via a telephone call or to the senior link to the relevant department. It should be raised by letter or by email to feedback@aessex.co.uk, where it can be referred to the most relevant case worker. The initial issue should be stated clearly and who you have spoken to previously in relation to the matter. It should be stated politely, openly and courteously without conclusions being reached until the school has been able to respond. We would expect to report the progress or conclusion of our enquiries within 10 working days.

Once the complaint has been raised, you may be invited to attend an informal meeting with the investigating member of staff to discuss your concerns. The student may also be invited to attend the meeting if this is deemed relevant and helpful. If the matter is resolved at this point, the member of staff conducting the investigation will record the agreed outcomes and subsequent actions in a letter.

In the case where the complaint concerns a possible criminal act, the complainant has the right to refer a matter to the police; a decision the school will respect. This is a decision that can properly be taken only by the parent or, indeed, the student in question. In such cases the school is likely to suspend investigation until the police have dealt with the matter.

Stage 2: Formal Complaints

If a concern or complaint has not been satisfactorily resolved at the preliminary stage, the complainant should put her/his complaint in writing to a Headteacher, using the form in Appendix A (Unless it is about the Headteachers and then it should be addressed to the Chair of Governors.) The complaint should be specific and relate to a single issue or issues which are directly related. A separate form should deal with each such complaint. The school will not accept letters from each parent if they relate to the same issue; we expect parents to liaise and make one complaint. In each case the letter should be specific, providing names and dates as well as a description of the complaint.

Complaints should not be written on legal notepaper unless legal advice is being actively sought/legal action is actually being proposed. The school reserves the right to return such a complaint. If legal action is being threatened, the school will reserve the right to amend a deadline for response to allow legal advice and action to be taken. This is to avoid a situation where a threat of legal action against the school is left open-ended. In such cases, the school may decide to take no further action until the legal process has been concluded.

The school will note the date the complaint has been received, acknowledge receipt of written formal complaints as soon as possible and within 3 working days, naming a Case Officer who will investigate and advise the Headteachers. The complainant may be contacted by the Case Officer at this point to clarify the nature of the complaint, ask what has been unresolved and gain further details to inform the investigation. This may be done by telephone or in a meeting. We will contact the complainant within 10 working days either with a conclusion or a progress report. If the Headteachers are unable to meet the deadline, they will provide an update with reasons why and a revised response date.

During the investigation, it is likely that the investigator will interview those involved or who may have witnessed the issue. They will keep a written record of these interviews and any statements taken by those involved. These are for internal purposes only and cannot be made available to third parties, with the exception of the police where the incident is deemed criminal.

A formal written response will be written by a Headteacher at the conclusion of the investigation. The response will detail the actions taken to investigate the complaint and a full explanation of the decision the Headteachers (or Chair of Governors/nominated Governor in the event it is a complaint about Headteachers) has come to and the reasons for it. Where appropriate, it will also detail the actions the school intends to take to resolve the complaint or any intended amendments to policy and practice. It will also explain how to escalate the complaint should the complainant remain dissatisfied with the outcome.

If the complaint is about the Chair and Vice Chair jointly, the entire Governing Body or the majority of the Governing Body, an independent investigator will be appointed by the Governing Body to provide a written response.

Stage 3: Governors' Complaints Committee

If the matter cannot be resolved at Stage 2, a Headteacher or the complainant may refer the matter to the Chair of Governors, who shall appoint a Governor from the Governor Complaints Committee to review the complaint. The complaint must be in writing and should explain the concern and the steps leading to this course of action being taken. This Governor will collect the appropriate evidence from all parties and will report their findings within 21 working days of the complaint being received. The written response will outline their decision, the reasons for this outcome and any action that has been or will be taken. It will also outline the complainant's right of appeal and how they can start this process.

Stage 4: Complaints Appeals Panel Hearing

If the complainant remains dissatisfied with the outcome of Stage 2 or/and 3 they may request that the complaint be heard by an appointed panel of three people one of whom must be independent of the management and running of the school. To do this, you should write to the Clerk to the Governing Body to exercise this right within 10 days of receiving the outcome from Stage 3. If no referral to the Clerk is made during this time frame, it will be deemed that the decision has been accepted and the complaint will be closed. The Panel meeting will be convened by the Clerk to the Governors and take place within 20 working days of the request being acknowledged. Panel members, complainants, witnesses and relevant staff will be notified at least 5 working days in advance of the date, time and place of the meeting. The school itself may choose to refer complainants or some complaints to the Panel. The Clerk will endeavour to find a time within the timeframe mutually convenient to both parties. The clerk will ensure that both parties have access to the same information in advance and any supporting documents or evidence must be received by the Clerk at least 5 days before the hearing. The complainant and the school representative are entitled to be accompanied to the hearing but should notify the Clerk in advance if either party intend to bring anyone, stating their name and position.

Complaints Panel

The Chair of Governors will decide whether or not to refer a matter to the Governors' Complaints Panel. Such a panel cannot hear complaints against members of staff, a Headteacher or governors. It is not a requirement that the panel is formally clerked. Once the decision to hold such a panel has been made, the panel should be convened normally within 20 days. At least 5 days' notice should be given of the date, time, venue and agenda of the meeting. The complainant will be asked if they wish to present additional information including witness statements and whether they wish to have witnesses present. The conduct of the panel will follow normal procedures (ie. complainant makes their case and is questioned followed by the school's response and questions. Both parties are then asked to summarise).

Appeals Procedure:

The Appeals Panel will be made up of at least three members of the Governing Body with no prior knowledge of the complaint. The panel will nominate a Chair. All panel members will be familiar and have access to the Complaints Policy.

- 1) The Complainant and Headteacher will enter the hearing together
- 2) The Chair will introduce the panel members and outline the process
- 3) The Complainant will explain the complaint
- 4) The Headteacher and panel will question the Complainant
- 5) The Headteacher will explain the school's actions
- 6) The Complainant and the panel will question the Headteacher
- 7) The Complainant will sum up their complaint
- 8) The Headteacher will sum up the school's actions
- 9) The Chair will explain that both parties will hear from the panel within 10 working days.
- 10) Both parties will leave together while the panel decides the outcome.
- 11) The Clerk will stay to assist the panel and record the outcomes.

The Chair of the Panel will notify the Complainant of the panel's decision in writing within 10 working days of the appeal hearing. The letter will set out the decision of the panel together with the reasons underpinning that decision. It may also set out recommendations to the Governing Body.

The panel can:-

- 1) Dismiss all or part of the complaint
- 2) Uphold all or part of the complaint
- 3) Decide on the appropriate action to be taken to resolve the complaint
- 4) Evaluate all the evidence available and recommend changes to the school's systems or procedures as preventative steps to avoid similar problems arising in the future.

The Complainant and the Headteacher can bring someone to provide support but legal representation is not encouraged from either party. Representatives from the media are not permitted to attend. Either party should inform the Clerk, at least 5 working days before the hearing, if they intend to bring any representatives/support.

Any written material and the names of those in attendance will be circulated to all parties at least working 5 days before the hearing. The meeting will be held in private. The Committee will not accept recordings of meetings which were recorded covertly and without the consent of all parties being recorded.

Electronic recordings of the panel meetings or conversations are not permitted unless the participants' own disability or special needs require it and prior knowledge and consent

are sought from all parties. Consent will be recorded in any minutes taken.

Stage 5: Secretary of State or Local Government Ombudsman

If the Complainant believes that 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, they can contact the Department for Education. Such circumstances may include:-

- There has been undue delay, or the complaints procedure does not comply with statutory requirements, or has not been followed.
- There is a breach of the funding agreement.
- A statutory duty has not been met, unless another organisation is better placed to investigate. For example, child protection matters would be for the local authority; exam malpractice would be for Ofqual.

The Department for Education will not normally reinvestigate or overturn the decisions made by the Governing Body. They will, however, consider whether the school has adhered to education legislation and any statutory policies connected with the complaint. Complaints should be referred to www.education.gov.uk/contactus or phone 03700002288 or write to Department for Education Piccadilly Gate, Store Street, Manchester, M1 2WD.

8) Complaints about staff, headteachers and governors

Complaints about the personal conduct of a member of staff will be dealt with under the school's internal confidential procedures, as required under employment law, the outcome of which will not be disclosed to the complainant. This type of complaint cannot be progressed to Stage 4 and, if necessary, will be progressed using the school's agreed disciplinary procedures. The Case Officer in the event of a complaint about a Headteacher will be a governor nominated by the Chair of Governors. A complaint against a governor will be addressed to the Chair of Governors who will appoint another senior governor to investigate. A complaint against the Chair of Governors will be referred to the Clerk who will appoint a Complaints Panel or nominate a senior member of the Governing Body to investigate.

9) Complaints Not in Scope:

The complaints procedure covers all complaints about provision of facilities and services which the school provides other than complaints for which there are separate procedures, including those listed below:-

Statutory Assessment of Special Educational Needs

Concerns about this should be raised directly with the Local Authority where the child resides.

Complaints about the handling of external examinations

These should be addressed to Ofqual or JCQ if the matter cannot be dealt with informally by the school.

Complaints from the community

These will be recorded on a Community Complaint form and assigned to a senior member of staff for investigation. Anonymous complaints will not be dealt with but the information given will be noted, and preventative measures considered to prevent a repeat of the incident. In these cases, action will only be taken if the Headteachers deem it to be appropriate to do so.

Safeguarding/Child Protection

Complaints regarding the welfare and safety of young people will be accorded the highest priority and will follow the guidelines agreed by the Southend, Essex and Thurrock Designated Safeguarding Lead. This will be led by the school's trained Designated Safeguarding Lead who may refer it to the LADO (Local Authority Designated Officer) or the Children and Family Hub. Should there be a need for a formal investigation, the decisions by these authorities and the police supersede those made by the school through this process. This policy should be read in conjunction with the school's Child Protection Policy and Keeping Children Safe in Education documents.

Exclusion of Children from School:

Please refer to the Behaviour Policy and DFE Guidance: Exclusion from Maintained Schools, Academies and Pupil Referral Units 2017.

Whistleblowing:

Please refer to Anglo European Whistleblowing Policy. The Secretary of State for Education is the prescribed person for matters relating to education for whistleblowers who do not wish to raise a complaint with their employers.

Staff Complaints and Grievances

These are dealt with through internal disciplinary and grievance policies.

Services by External Providers using School Facilities

Complainants should direct complaints to, and follow the complaints policy for, the external provider.

Complaints about the Curriculum.

Complaints about the content of the National Curriculum should be addressed to the Department for Education. Complaints about the delivery of the curriculum should be covered by the school's complaints policy.

Complaints about Collective Worship

Complaints about the content of the daily act of collective worship should be referred to the Local Authority or Local Standing Advisory Council on Religious Education.

10) Use of Social Media

Parents are asked to refrain from using social networking sites to discuss issues relating to the school. In particular, please refrain from discussing any matters of complaint on social networking sites. The school welcomes dialogue with parents but where there are matters of concern that cannot be resolved informally, the guidance in this policy should be followed. If matters are raised in forums or with individuals beyond the school, the governors may take the view that the complaint cannot be impartially dealt with. In some circumstances, such action may raise safeguarding concerns for the child/ren concerned which would have to be dealt with separately.

Complaints about students' use of social media outside of school hours may be considered if the school deems that the incident has affected the students' ability to learn or feel safe in school or the school has been brought into disrepute. However, if the situation has involved criminal activity such as malicious communication, the parents should forward their complaint to the police.

11) Complaints about parents

If the school, students or other parents complain about individual parents this will be noted. If appropriate, the school will communicate with the parent concerned. The school will monitor the conduct of parents with the Chair of Governors where concerns arise or the school is not satisfied that a parent is conducting themselves in a manner conducive to the maintaining of appropriate relationships this will be noted and referred to the Chair of the Governing Body. The Headteachers may decide at that point that further correspondence with the parent or parents should be conducted by a single point of contact in school or a nominated governor. This will not apply to normal school-to-parent correspondence such as reports, detention slips, and correspondence relating to visits and exchanges. (see Managing Vexatious, Persistent and Unreasonable Complaints)

12) Recording complaints

All complaints will be logged together with the stage at which they were resolved or otherwise. Correspondence and other paperwork directly related to the complaint will be kept as a confidential file. Complaints regarding bullying, restraint or racism are formally logged whether or not the school considers the complaint to be valid. When considering such complaints, the school will judge whether, on balance, the victim considers the incident to be racist or of a bullying nature and whether or not the perpetrator intended it to be so. The over-riding factor will be the feelings of the victim. All complaints should be accompanied by a paper trail which includes the complaint in writing, notes of meetings/ telephone calls and the outcome letter.

The school may record telephone conversations or meetings and will advise parents accordingly in advance of the conversation that they intend to do so. If parents record telephone conversations or meetings, we expect parents to advise the school in advance that they are so doing. Such recordings should be for personal use only. Otherwise they should only be used as part of a formal process. Either party may suspend meetings or telephone calls if they are unhappy with the recordings. Case Officers may suspend calls if the conversation becomes rude or abusive. They will give due warning that they will do so unless the complainant adopts a more appropriate demeanour.

13) Resolving and Closure of Complaints

It is always a matter of regret that a parent finds the need to formally complain about the school. Where the school considers itself at fault, it will apologise and take other actions if appropriate. The school will also acknowledge if it feels it could have dealt with the issue better or differently; if the complaint has validity or if school policy needs to be reviewed.

There may be times when the school feels it can do no more to investigate or resolve a complaint. At this point the parties will either agree to differ or the matter will be referred to the Chair of the Governing Body. If s/he believes that nothing further can be gained, that the school has taken every reasonable action to resolve the complaint or that a review panel is unlikely to resolve matters then s/he may write to the complainant outlining the reasons why the matter will be closed.

Threats to involve the media, OfSTED, solicitors or the police will be noted. The school will write to the complainant to confirm that such action has been threatened and request a deadline by which such threats will be implemented. This is to avoid a situation whereby a threat hangs over the school indefinitely. Where the matter is referred to the police, the school will request the incident number and the name of the investigating officer so that communications can be swift and effective between the school and the police.

If the behaviour of a complainant threatens the well-being or safety of a member of the school community or if such behaviour compromises the smooth running of the school, a Headteacher will issue a warning letter. If this does not curb the behaviour in question it may be necessary to impose actions in line with section 14 of this policy.

14) Managing Vexatious, Persistent, Unreasonable or Serial Complaints

The school is committed to managing all complaints fairly and impartially. Whilst it is hoped that this policy will reduce dissatisfaction with the school, it is acknowledged that there may be rare occasions when a complainant will continue to be dissatisfied with the school and the outcomes achieved through the complaints procedure.

However, we do not expect our staff to tolerate unacceptable or unreasonable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

The Anglo European School defines the characteristics of a “frivolous” or “vexatious” complaint as:-

- Complaints which are obsessive, persistent, harassing, prolific or repetitious
- Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond that which is reasonable
- Insistence upon pursuing meritorious complaints in an unreasonable manner
- Complaints which are designed to cause disruption or annoyance
- Demands for redress that lack any serious purpose or value

This behaviour might include:-

- Refusing to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance.
- Refusing to co-operate with the complaints investigation process.
- Refusing to accept that certain issues are not within the scope of the complaints procedure or the jurisdiction of the school.
- Insisting on the complaint being dealt with in ways which are incompatible with the complaints procedure or other school policies.
- Introducing trivial, irrelevant or misleading information which they expect to be taken into account and commented on.
- Raising large numbers of detailed but unimportant questions which they insist are fully answered or to unreasonable timescales.
- Making unjustified complaints about those seeking to resolve the matter or seeking to have them replaced.
- Changing the basis of the complaint as the complaint proceeds.
- Repeatedly making the same complaint (despite previous investigations or responses where the school could conclude that the complaint is groundless or has already been addressed.
- Refusing 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 a referral to the Department for Education.
- Seeking an unrealistic or unreasonable outcome

- Making excessive demands on school time by frequent, lengthy and complicated contact with staff regarding the complaint in person, by writing, by e-mail and by telephone whilst the complaint is being dealt with, such that, resolving the complaint in a timely fashion following normal procedures, would require a disproportionate amount of time and resources.
- Continuing to complain about the same issue more than 3 months after the initial complaint and investigation.
- Using threats to intimidate
- Using abusive, offensive, discriminatory language or violence
- Using personal attacks on the professionalism and integrity of those investigating the complaint.
- Making judgments/reaching firm conclusions which mean a full investigation will not lead to a resolution
- Knowingly providing falsified or incomplete information
- Publishing information relating to the complaint on social media, in the press or other public forums.
- Inciting or taking part in a complaints campaign where numerous complaints are based on the same subject. In this instance, the complainant can expect a template response to all complainants or a response published via In Touch or on the school website/social media.

Complainants should try to limit their communication with the school that relates to their complaint whilst the complaint is being progressed. It is not helpful if repeated correspondence is sent from the same or different parents as it could delay the outcome being reached.

Where the nature and/or volume of complaints from a parent/s is regarded as vexatious by the Headteacher and the Chair of the Governing Body, the complaint may be dismissed without going through the formal process.

The Headteachers reserve the right to refer complaints directly to the Chair of the Governing Body or her/his representative if they feel a complaint is vexatious, unreasonable or without foundation.

The Chair of Governors or their nominated representative will either:

- a) refer the matter back to the school so that the normal procedure can be followed;
- b) refer the matter to another Governor so that an investigation can be carried out;

- c) write directly to the complainant with a view on the matter in hand; or
- d) write to the complainant to explain why an investigation will not take place.

The letter may also offer advice about how the school expects complaints to be presented, how to communicate with the school or how to follow agreed school policies.

If the unreasonable behaviour continues, the Headteachers will write to the complainant explaining that their behaviour is unreasonable and ask them to change their approach.

Where there is no change in behaviour or where there is excessive contact, causing significant disruption, we may specify or limit the methods of communication with the school in a communications plan.

The school may stop responding to a complainant if it feels it has taken every reasonable step to address the complainant's concerns, the complainant has been given a clear statement of the position and their options or the complainant contacts the school repeatedly, making substantially the same points each time. In addition, should communications become abusive or aggressive, make insulting personal comments about or threats towards staff or there is a clear motive to cause disruption or inconvenience, the school reserves the right to cease communication with the complainant and refer the matter to the Chair of Governors. Where an individual complainant behaves in a manner which is considered harassment, the school will seek legal advice.

In extreme cases, where a complainant's behaviour is a cause for concern, the school has the right to bar the individual from the school premises to ensure it is a safe place for staff and students. The individual will be given the right to express their views formally on the decision to bar. This decision will be reviewed by either the Chair of Governors or a committee of governors, who should take into consideration any representations made by the individual and should decide whether the bar should be confirmed or lifted. The Chair will inform the complainant how long the bar will be in place and when the decision will be reviewed.

The Chair of Governors, or a nominated Governor, will communicate with the complainant to explain why the school deems the complaint unreasonable in writing.

References:

School Complaints Procedure NAHT Advice & Guidance

Best Practice Advice for School Complaints Procedures 2019 DfE

Complaints Policies, advice and guidance: Browne Jacobson & Juniper Education

Anglo European Complaints Procedure

Complaint Form, to be completed by the Complainant

Please complete and return to school via feedback@aessex.co.uk for the attention of either the Headteachers, The Chair of Governors or designated governor.

Your Name:	
Students' name:	
Your relationship to student:	
Address:	
Contact details: E mail: Home Telephone Mobile:	
Details of your complaint:	
What actions do you feel will resolve the issue at this stage?	
Are you attaching any information or evidence? If so, please list nature of attachments.	
Signature Name in Capitals Date	
Official use: Date acknowledgement sent: Investigating Officer appointed:	

