



# Thomas Bewick School Complaints Procedure 2018-20

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## 1. Aims

Our school aims to meet its statutory obligations when responding to complaints from parents of pupils at the school, and others.

We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

The school will aim to give the complainant the opportunity to complete the complaints procedure in full.

To support this, we will ensure we publicise the existence of this policy and make it available on the school website and in hardcopy on request.

A complaint is an expression of dissatisfaction, however made, about the standard of service, action or lack of action by Thomas Bewick School or the staff affecting an individual or group. It is in everyone's interest that complaints are resolved at the earliest possible stage. This procedure aims to ensure that all complaints are dealt with by the appropriate person and in an appropriate manner.

When responding to complaints, we aim to:

- be impartial and non-adversarial;
- facilitate a full and fair investigation;
- address all the points at issue and provide an effective and prompt response;

- respect complainants' desire for confidentiality;
- treat complainants with respect;
- keep complainants informed of the progress of the complaints process;
- consider how the complaint can feed into school improvement evaluation processes.

The school respects the wellbeing and safety of our staff and will not tolerate abusive or vexatious behaviour from complainants, whether written (including social media), verbal or physical.

Any complainants who may have difficulty in speaking English or writing should contact the school and the Complaints Co-ordinator will ensure that support is put in place to address any difficulties.

## 2. Legislation and guidance

This document meets the requirements of section 29 of the [Education Act 2002](#), which states that schools must have and make available a procedure to deal with all complaints relating to their school and to any community facilities or services that the school provides.

It is also based on [guidance for schools on complaints procedures](#) from the Department for Education (DfE).

In addition, it addresses duties set out in the [Early Years Foundation Stage statutory framework](#) with regards to dealing with complaints about the school's fulfilment of Early Years Foundation Stage requirements.

## 3. Definitions and scope

The DfE guidance explains the difference between a concern and a complaint.

A **concern** is defined as "an expression of worry or doubt over an issue considered to be important for which reassurances are sought".

The school will resolve concerns through day-to-day communication as far as possible.

A **complaint** is defined as "an expression of dissatisfaction however made, about actions taken or a lack of action".

The school intends to resolve complaints informally where possible, at the earliest possible stage.

There may be occasions when complainants would like to raise their concerns formally.

This policy outlines the procedure relating to handling such complaints.

This policy does not cover complaints procedures relating to:

- Admissions
- Statutory assessments of special educational needs (SEN)
- Safeguarding matters
- Exclusion
- Whistle-blowing
- Staff grievances
- Staff discipline

Please see our separate policies for procedures relating to these types of complaint.

Complaints about services provided by other providers who use school premises or facilities should be directed to the provider concerned.

## 4. Principles for investigation

When investigating a complaint, we will try to clarify:

- what has happened
- who was involved
- what the complainant feels would put things right

We also intend to address complaints as quickly as possible. To achieve this, realistic and reasonable time limits will be set for each action within each stage.

Where further investigations are necessary, new time limits will be set, and the complainant will be sent details of the new deadline with an explanation for the delay.

The school expects that complaints will be made as soon as possible after an incident arises and no later than 3 months afterwards. We will consider exceptions to this time frame in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved.

### Complaints about our fulfilment of early years requirements

We will investigate all written complaints relating to the school's fulfilment of the Early Years Foundation Stage requirements, and notify the complainant of the outcome within 28 days of receiving the complaint. The school will keep a record of the complaint (see section 9) and make this available to Ofsted on request.

Parents and carers can notify Ofsted if they believe that the school is not meeting Early Years Foundation Stage requirements, by calling 0300 123 4234 or 0300 123 4666, or by emailing [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk). An online contact form is also available at <https://www.gov.uk/government/organisations/ofsted#org-contacts>.

We will notify parents and carers if we become aware that the school is to be inspected by Ofsted. We will also supply a copy of the inspection report to parents and carers of children attending the setting on a regular basis.

## 5. Stages of complaint (not complaints against the headteacher or a governor)

### Stage 1: informal

The school will take informal concerns seriously and make every effort to resolve the matter quickly. It may be the case that the provision or clarification of information will resolve the issue.

The complainant should raise the complaint as soon as possible with the relevant member of staff or the Head Teacher/Complaints Co-ordinator (School Business Manager) as appropriate, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the school office (see Appendix 1).

The school will acknowledge informal complaints within **5 school days**, and investigate and provide a response within **10 school days**.

The informal stage may involve a meeting between the complainant and the Complaints Co-ordinator and/or the subject of the complaint, as appropriate.

If the complaint is not resolved informally, it will be escalated to a formal complaint.

## **Stage 2: formal**

### **Inform the Head Teacher in writing**

This letter (see Appendix 1) should provide details such as relevant dates, times, and the names of witnesses of events, alongside copies of any relevant documents. The complainant should also state what they feel would resolve the complaint.

The Head Teacher (or designated member of the senior leadership team) will call a meeting to clarify concerns, and seek a resolution. The complainant may be accompanied to this meeting, and should inform the school of the identity of their companion in advance. In certain circumstances, the school may need to refuse a request for a particular individual to attend any such meeting – for example, if there is a conflict of interest. If this is the case, the school will notify the complainant as soon as they are aware, so that the complainant has the opportunity to arrange alternative accompaniment.

The Head Teacher (or other person appointed by the Head Teacher for this purpose) will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within **10 school days**.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within **5 school days**.

### **Inform the chair of governors in writing**

This letter should set out the details of the complaint including evidence as set out above. The complainant should also specify what they feel would resolve the complaint, and how they feel the previous stage of the procedure has not addressed their complaint sufficiently.

The written conclusion of this investigation will be sent to the complainant within **10 school days**.

If the complainant wishes to proceed to the next stage of the procedure, they should inform the chair of governors in writing within **5 school days**.

## **Stage 3: submit the complaint to an appeals panel**

The appeals panel consists of members of the governing body. These individuals will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the appeals panel; however, the appeals panel reserves the right to convene at their convenience rather than that of the complainant. At the appeals panel meeting, the complainant and representatives from the school, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied by a suitable companion if they wish.

At the meeting, each individual will have the opportunity to give statements and present their evidence, and witnesses will be called as appropriate to present their evidence.

The panel, the complainant and the school representative will be given the chance to ask and reply to questions. Once the complainant and school representatives have completed presenting their cases, they will be asked to leave and evidence will then be considered.

The panel must then put together its findings and recommendations from the case. The panel will also provide a copy of the findings and recommendations to the complainant and, where relevant, the subject of the complaint, and make a copy of the findings and recommendations available for inspection by the headteacher.

The school will inform those involved of the decision in writing within **5 school days**.

## **6. Complaints against the Head Teacher or a governor**

### **Complaint about the Head Teacher**

If your complaint is about the Head Teacher, or the actions/decisions taken by the Head Teacher, then you should put your complaint in writing directly to the Chair of Governors, giving the reasons for your concerns. This can be done by submitting your written complaint (addressed to the Chair of Governors) either via the school's Complaints Co-ordinator, or by contacting Newcastle Governor Services (see Appendix 5 for contact details), who will forward your complaint on to the Chair.

#### What the Chair of Governors will do:

The Chair of Governors will review the matter and will either provide the complainant with an appropriate response, or will arrange for an Appeal Panel of governors to meet and consider the matter further. The Chair of Governors may also seek further advice and guidance from the Local Authority or an external consultant.

At this stage, you should expect to receive a response from the Chair of Governors within **10 school days** of receipt of your complaint.

### **Complaint about a Governor**

If your complaint is about a Governor, then you should put your complaint in writing directly to the Chair of Governors, giving the reasons for your concerns. This can be done by submitting your written complaint (addressed to the Chair of Governors) either via the school's Complaints Co-ordinator, or by contacting Newcastle Governor Services (see Appendix 5 for contact details), who will forward your complaint on to the Chair.

#### What the Chair of Governors will do:

The Chair of Governors will review the matter and will either provide the complainant with an appropriate response, or will arrange for a Panel of governors to meet and consider the matter further. The Chair of Governors may also seek further advice and guidance from the Local Authority or an external consultant.

At this stage, you should expect to receive a response from the Chair of Governors within **10 school days** of receipt of your complaint.

### **Complaint about the Chair of Governors**

If your complaint is about the Chair of Governors, or actions/decisions taken by the Chair of Governors, then the governing body will need to assign a specified governor to deal with the matter. This will usually be the Vice-Chair of Governors. You should put your complaint in writing to the Vice-Chair of Governors. This can be done by submitting your written complaint via the school's Complaints Co-ordinator, or by contacting Newcastle Governor

Services (see Appendix 5 for contact details), who will forward your complaint on to the Vice-Chair.

#### What the Vice-Chair of Governors will do:

The Vice-Chair of Governors will review the matter and will either provide the complainant with an appropriate response, or will arrange for an Appeal Panel of governors to meet and consider the matter further. The Vice-Chair of Governors may also seek further advice and guidance from the Local Authority or an external consultant.

At this stage, you should expect to receive a response from the Vice-Chair of Governors within **10 school days** of receipt of your complaint.

## **7. Referring complaints on completion of the school's procedure**

If the complainant is unsatisfied with the outcome of the school's complaints procedure, they can refer their complaint to the School Complaints Unit (SCU), which investigates complaints relating to maintained schools on behalf of the secretary of state.

The SCU will not re-investigate the matter of the complaint. It will look at whether the school's complaints policy and any other relevant statutory policies that the school holds were adhered to. The SCU also looks at whether the school's statutory policies adhere to education legislation. It may direct the school to re-investigate the complaint where it is clear the school has acted unlawfully or unreasonably.

For more information or to refer a complaint, see the following webpage:

<https://www.gov.uk/complain-about-school>

### **Anonymous complaints**

The School recognises that for a variety of reasons, some complainants wish to remain anonymous. However, in such cases, the school reserves the right to ignore the concerns being raised and in most circumstances, no further action will be taken. However, the school also reserves the right to retain some of the information raised in any anonymous complaint to support the future analysis of trends and behaviour etc.

### **Complaints posted on social media sites**

Please see Appendix 4

## **8. Persistent complaints**

Where a complainant tries to re-open the issue with the school after the complaints procedure has been fully exhausted and the school has done everything it reasonably can in response to the complaint, the Chair of Governors (or other appropriate person in the case of a complaint about the Chair) will inform the complainant that the matter is closed.

If the complainant subsequently contacts the school again about the same issue, the school can choose not to respond. The normal circumstance in which we will not respond is if:

- The school has taken every reasonable step to address the complainant's needs, *and*
- The complainant has been given a clear statement of the school's position and their options (if any), *and*
- The complainant is contacting the school repeatedly but making substantially the same points each time

However, this list is not intended to be exhaustive.

The school will be most likely to choose not to respond if:

- we have reason to believe the individual is contacting the school with the intention of causing disruption or inconvenience; and/or
- the individual's letters/emails/telephone calls are often or always abusive or aggressive; and/or
- the individual makes insulting personal comments about, or threats towards, school staff

Unreasonable behaviour which is abusive, offensive or threatening may constitute an unreasonably persistent complaint.

Once the school has decided that it is appropriate to stop responding, the complainant will be informed in writing, either by letter or email.

The school will ensure when making this decision that complainants making any new complaint are heard, and that the school acts reasonably.

## **9. Unreasonable Complainants**

Thomas Bewick School is committed to dealing with all complaints fairly and impartially, and to providing a high quality service to those who complain. We will not normally limit the contact complainants have with the school. However, we do not expect our staff to tolerate unacceptable behaviour and will take action to protect staff from that behaviour, including that which is abusive, offensive or threatening.

A complaint may be regarded as unreasonable when the person making the complaint:-

- refuses to articulate their complaint or specify the grounds of a complaint or the outcomes sought by raising the complaint, despite offers of assistance;
- refuses to co-operate with the complaints investigation process while still wishing their complaint to be resolved;
- refuses to accept that certain issues are not within the scope of a complaints procedure;
- insists on the complaint being dealt with in ways which are incompatible with the adopted complaints procedure or with good practice;
- introduces trivial or irrelevant information which the complainant expects to be taken into account and commented on, or raises large numbers of detailed but unimportant questions, and insists they are fully answered, often immediately and to their own timescales;
- makes unjustified complaints about staff who are trying to deal with the issues, and seeks to have them replaced;
- changes the basis of the complaint as the investigation proceeds;
- repeatedly makes the same complaint (despite previous investigations or responses concluding that the complaint is groundless or has been addressed);
- refuses to accept the findings of the investigation into that complaint where the school's complaints procedure has been fully and properly implemented and completed including referral to the Department for Education;
- seeks an unrealistic outcome;

- makes excessive demands on school time by frequent, lengthy, complicated and stressful contact with staff regarding the complaint in person, in writing, by email and by telephone while the complaint is being dealt with.

A complaint may also be considered unreasonable if the person making the complaint does so either face to face, by telephone, or in writing, or electronically:-

- maliciously;
- aggressively;
- using threats, intimidation or violence;
- using abusive, offensive or discriminatory language;
- knowing it to be false;
- using falsified information;
- publishing unacceptable information in a variety of media such as in social media websites and newspapers.

Complainants should limit the numbers of communications with school whilst a complaint is being progressed. Whenever possible the Head Teacher or Chair of Governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking. If the behaviour continues the Head Teacher will write to the complainant explaining that their behaviour is unreasonable and asking them to change it.

In response to any serious incident of aggression or violence, the concerns and actions taken will be put in writing immediately and the police informed. This may include banning an individual from the school's premises.

## **10. Record-keeping**

The school will record the progress of all complaints, including information about actions taken at all stages, the stage at which the complaint was resolved, and the final outcome. The records will also include copies of letters and emails, and notes relating to meetings and phone calls.

This material will be treated as confidential and held centrally, and will be viewed only by those involved in investigating the complaint or on the review panel.

This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a subject access request under the terms of the Data Protection Act, or where the material must be made available during a school inspection.

Records of complaints will be kept securely, only for as long as necessary and in line with data protection law, our privacy notices and records management policy/record retention schedule.

The details of the complaint, including the names of individuals involved, will not be shared with the whole governing board in case a review panel needs to be organised at a later point.

Where the governing body is aware of the substance of the complaint before the appeals panel stage, the school will (where reasonably practicable) arrange for an independent panel to hear the complaint.

Complainants also have the right to request an independent panel if they believe there is likely to be bias in the proceedings. The decision to approve this request is made by the governing body, who will not unreasonably withhold consent.

## 11. Learning lessons

The Governing Body will review any underlying issues raised by complaints with Head Teacher and Complaints Co-ordinator, where appropriate, and respecting confidentiality, to determine whether there are any improvements that the school can make to its procedures or practice to help prevent similar events in the future.

## 12. Monitoring arrangements

The Governing Body will monitor the effectiveness of the complaints procedure in ensuring that complaints are handled properly. The Governing Body will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Complaints Co-ordinator.

This policy will be reviewed by Head Teacher and School Business Manager every 2 years

At each review, the policy will be approved by Staffing Sub-Committee of the Governing Body.

## 13. Links with other policies

- Child protection and safeguarding policy and procedures
- Admissions policy
- Staff grievance procedures
- Staff disciplinary procedures
- SEN policy and information report
- Privacy notices
- Whistleblowing Policy
- Data Protection Policy
- Freedom of Information (Publication Scheme) Policy

<b>Revision Record of Published Versions</b>			
<b>Author</b>	<b>Creation Date</b>	<b>Version</b>	<b>Status</b>
A Lindley	Oct 2011	1.0	Approved
<b>Amended by</b>	<b>Revision Date</b>		
J McCreery	Oct 2013	2.0	Pending Committee Approval
	18/11/13	2.0	Staffing Committee Approval
	Nov 2015	3.0	Approved FGB Nov 2015
	22/11/18	4.0	Approved FGB



**APPENDIX 1  
COMPLAINTS FORM**

**Complaint form**

**Please complete and return to a member of the Senior Leadership Team who will acknowledge receipt and explain what action will be taken.**

**Your name:**

**Pupil's name (if relevant):**

**Your relationship to the pupil:**

**Address:**

**Postcode:**

**Day time telephone number:**

**Evening telephone number:**

**Email address**

**Please give details of your complaint.**

**What action, if any, have you already taken to try and resolve your complaint.**

**(Who did you speak to and what was the response)?**

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

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

**Signature:**

**Date:**

**Official use**

**Date acknowledgement sent:**

**By who:**

**Complaint referred to:**

**Date:**

**Stage 1: Complaint heard by the Head Teacher or Complaints Co-ordinator (School Business Manager) - informal**

It is in everyone's interest that complaints are resolved at the earliest possible stage. School will respect the views of a complainant who indicates they would have difficulty discussing the complaint with a particular member of staff. In these cases the Complaints Co-ordinator will refer the complainant to another staff member. Where the complaint concerns the Head Teacher the complaints co-ordinator will refer the complainant to the Chair of Governors.

Governors should not act unilaterally on individual complaints outside this formal procedure or be involved at the early stages in case they are needed to sit on a panel at a later stage of the procedure.

**Stage 2: Complaint heard by Head Teacher/Chair of Governors - formal**

The Head Teacher may delegate the task of collating the information to another staff member but not the decision on the action to be taken.

**Stage 3: Complaint heard by Governing Body's Appeals Panel**

The complainant should write to the Chair of Governors giving details of the complaint. The Chair or nominated governor will convene a complaints panel.

The governor's appeal hearing is the last school-based stage of the process and is not convened merely to rubber-stamp previous decisions. The panel can be drawn from the governing body's nominated members and may consist of 3 or 5 people. The panel may choose their own chair.

Remit of the Complaints Appeal Panel

- dismiss the complaint in whole or in part
- uphold the complaint in whole or in part
- decide on the appropriate action to be taken to resolve the complaint
- recommend changes to the school's systems or procedures to ensure that problems of a similar nature do not recur

The DfE strongly recommends that any panel or group of governors considering complaints be clerked. The clerk will be the contact point for the complainant and be required 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
- notify all parties of the panel's decision

At Thomas Bewick School the clerk of the panel will be the complaints co-ordinator unless they have already been involved with the complaint at an earlier stage, in which case a member of the admin team will act as clerk.

Role of Chair of Appeals Panel

- to check that the correct procedure has been followed
- if a hearing is appropriate, notify the clerk to arrange the panel
- to ensure the remit of the panel is explained to all parties and each party has the opportunity to put their case without due interruption
- to ensure the key issues are addressed
- to ensure that key findings of fact are made

- to ensure that parents and others who may not be used to speaking at such a hearing are put at ease
- to ensure that the hearing is conducted in an informal manner with each party treating the other with respect and courtesy
- to ensure the panel is open minded and acting independently
- to ensure no member of the panel has a vested interest in the outcome of the proceedings or any involvement in an earlier stage of the procedure; each side is given the opportunity to state their case and ask questions
- to ensure written material is seen by all parties. If a new issue arises it would be useful to give all parties the opportunity to consider and comment on it.

The chair of the panel needs to ensure that the complainant is notified of the panel's decision, in writing, with the panel's response; this is will be within a 10 day deadline. The letter will explain any further rights of appeal and, if so, to whom they need to be addressed.

### **Checklist for a Panel Hearing**

- the hearing is as informal as possible
- witnesses are only required to attend for the part of the hearing in which they give their evidence
- after introductions, the complainant is invited to explain their complaint, and be followed by their witnesses
- the Head Teacher may question both the complainant and the witnesses after each has spoken
- the Head Teacher is then invited to explain the school's actions and be followed by the school's witnesses
- the complainant may question both the Head Teacher and witnesses after each has spoken
- the panel may ask questions at any point
- the complainant is then invited to sum up their complaint
- the Head Teacher is then invited to sum up the school's actions and response to the complaint
- both parties leave together while the panel decides on the issues
- the Chair explains that both parties will hear from the panel within 10 days

City Council



SUMMARY FOR DEALING WITH COMPLAINTS

Stage 1 – complaint heard by staff member

- ensure Complaints Co-ordinator informed of the outcome

If not resolved, then escalate to Stage 2 – Complaint heard by Head Teacher

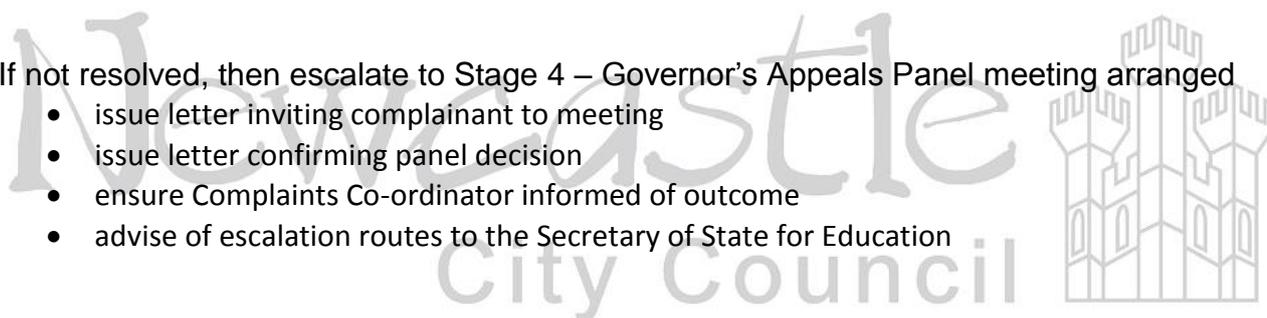
- acknowledge receipt of complaint
- write to complainant with outcome of investigation
- ensure Complaints co-ordinator informed of outcome
- offer escalation to Stage 3 if dissatisfied

If not resolved, then escalate to Stage 3 – complaint heard by Chair of Governors

- acknowledge receipt of complaint
- write to complainant with outcome of investigation
- ensure complaints co-ordinator informed of outcome
- offer escalation to Stage 4 if dissatisfied

If not resolved, then escalate to Stage 4 – Governor’s Appeals Panel meeting arranged

- issue letter inviting complainant to meeting
- issue letter confirming panel decision
- ensure Complaints Co-ordinator informed of outcome
- advise of escalation routes to the Secretary of State for Education



**APPENDIX 4**  
**SOCIAL MEDIA COMPLAINTS**

Social media websites are being used increasingly to fuel campaigns and complaints against schools, Head teachers, school staff, and in some cases other parents/pupils. Thomas Bewick School considers the use of social media websites being used in this way as unacceptable and not in the best interests of the children or the whole school community. Any concerns you may have must be made through the appropriate channels by speaking to the Class Teacher, the Head Teacher or the Chair of Governors, so they can be dealt with fairly, appropriately and effectively for all concerned.

In the event that any pupil or parent/carer of a child being educated at Thomas Bewick is found to be posting libellous or defamatory comments on Facebook or other social network sites, they will be reported to the appropriate 'report abuse' section of the network site. All social network sites have clear rules about the content which can be posted on the site and they provide robust mechanisms to report contact or activity which breaches this. The school will also expect that any parent/carer or pupil removes such comments immediately.

In serious cases the school will also consider its legal options to deal with any such misuse of social networking and other sites. Additionally, and perhaps more importantly, is the issue of cyber bullying and the use by any member of the school community to publicly humiliate another by inappropriate social network entry. We will take and deal with this as a serious incident of school bullying.



**School:**

Thomas Bewick School  
Linhope Road  
West Denton  
Newcastle upon Tyne  
NE5 2LW  
Tel: 0191 229 6020

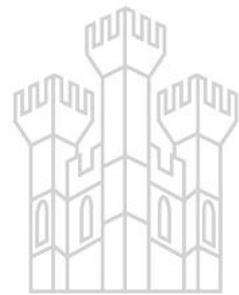
Head Teacher: Diane Scott  
Chair of Governors: Adam Green  
Complaints Co-ordinator: Jennifer McCreery (School Business Manager)

**Newcastle City Council:**

Governor Services  
Room 400  
Civic Centre  
Newcastle upon Tyne  
NE1 8QH  
Tel: 0191 277 3710

**Secretary of State for Education (Department for Education):**

Ministerial and Public Communications Division  
Department for Education  
Piccadilly Gate  
Store Street  
Manchester  
M1 2WD  
Tel: 0370 000 2288



**FURTHER INFORMATION**

**DfE Complaints Toolkit**

The web link takes you to a page which contains a downloadable pdf - **Best Practice Advice for School Complaints Procedures 2016**

A guide from the DfE on the handling of School complaints, the development of a Complaints Policy and how to handle complaint Appeals.

<https://www.gov.uk/government/publications/school-complaints-procedure>

**Complaints to Ofsted about schools: guidance for parents**

<https://www.gov.uk/complain-about-school>

SUMMARY OF THE KEY PROCESS IN DEALING WITH COMPLAINTS

