

Policy for

# Complaints

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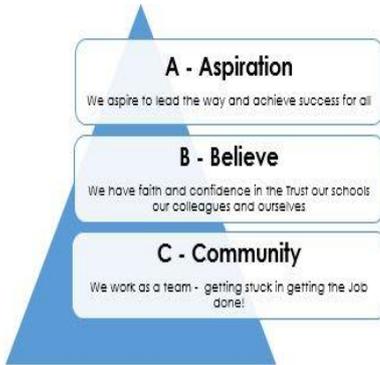
<b>Prepared by:</b>	<b>Reviewed and approved by Board of Trustees</b>
<b>HR manager and CEO</b>	<b>Spring 2025</b>

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## Statement of intent

All AET policies are written to support our schools and communities. We do this by ensuring they are always in line with our Colleague Values:



Applying these values to everything we do means always acting with integrity, in the interests of others, being honest, open and transparent and putting the safety of our children first.

## Introduction

All academies are required to establish a complaints procedure and to publicise that procedure. This will include clear signposting to the procedure in any appropriate academy publications, which should indicate that a copy of the full procedure is available on the academy website and on request from the academy office.

The intention of this procedure is to provide a clear and transparent process that will enable all complaints to be dealt with as quickly and efficiently as possible. The length of time that this takes will vary with the gravity and complexity of the complaint and the urgency with which it needs to be settled. However, all complaints should be settled within a period which is reasonable in the circumstances.

This procedure considers ESFA's Best Practice Guidance for Academies Complaints Procedures updated March 2021

All references to working days refer to days on which the academy is open to pupils and also for staff training days.

All correspondence, statements and records relating to individual complaints are to be kept confidential except where the Secretary of State or a body conducting an inspection under section 109 of the 2008 Act requests access to them.

This procedure has been drawn up following consultation with: The Trust CEO, Assistant CEOs, Trustees and Principals.

## Scope of the Procedure

This procedure covers all complaints against the Trust and/or its academies by external persons/parties which do not have an alternative statutory avenue of appeal or complaint. A complaint can be made by anyone regarding the provision or facilities of the academy.

Where complainants make allegations of misconduct against members of staff this procedure may be superseded by use of the staff disciplinary procedure or other appropriate staffing procedure, at any time or following recommendations at the conclusion of the complaints process.

Employees of the academy (and ex-employees who wish to raise an issue relating to their former employment) cannot use this procedure but, where necessary, should raise concerns via the appropriate staffing procedure, full details of which are available from the academy.

## General Principles

All complaints should be dealt with in a transparent way and as quickly as is reasonably practicable. Complainants should be kept informed during the investigation of their complaint and of the outcome, except where this is confidential, e.g. in the case of a staff disciplinary process. Every effort should be made to resolve complaints in a non-confrontational and informal way.

The timescales within this procedure should be adhered to as far as is reasonably practicable. Where this is not possible the complainant should be informed, within the specified timescale, as to why this is the case, and given a revised timescale for dealing with the complaint.

The **Trust Board** should ensure that they have appropriate arrangements for recording complaints and the way in which they are resolved. Further, that they will regularly (at least annually), monitor the nature and level of complaints, so as to best ensure the effectiveness of the procedure, and consider any underlying issues the academy may need to address, including whether specific actions identified as outcomes of complaints have been addressed.

A record will be kept of all complaints and action taken by the school as a result of those complaints. Written records of all complaints at all stages will be retained according to our Data Protection Policy and Records Management Policy.

Advice on the operation of the procedure is available from the PA to the CEO who will forward to the relevant Executive Team Member. The Complaint should be emailed to [abroadhurst@aet.cheshire.sch.uk](mailto:abroadhurst@aet.cheshire.sch.uk).

## Resolving Complaints

At each stage in the procedure academies will want to consider the ways in which a complaint can be resolved. It may be sufficient to acknowledge that the complaint is valid in whole or in part. In addition, it may be appropriate to offer one or more of the following:

- an apology;
- an explanation;
- an admission that the situation could have been handled differently or better;
- an assurance that the event complained of will not recur;
- an explanation of the steps that have been taken to ensure that it will not happen again;
- an undertaking to review academy policies in light of the complaint.

At each stage complainants should be asked to state what actions they feel might resolve the issue. An admission that the academy could have handled the situation better is not the same as an admission of negligence.

### Complaints Against Different Roles

- **School staff** should be dealt with by the **Principal** and then if necessary, by the **Trust Executive Team**.

- The **Principal** complaints are dealt with by the Trust Executive Team and then if necessary, by a Trust Complaints Panel.
- The **Chair of the LAC** should be made to the CEO, who should then arrange for the complaint to be heard by a suitably skilled and impartial member of the Trust Board and then if necessary, a Trust Complaints Panel.
- The **entire LAC** or those against both the **Chair and the Vice Chair** should be sent to the CEO who should then determine the most appropriate course of action. This action may involve sourcing an independent investigator and / or Trustees.

## Frivolous or Vexatious Complaints

The Office of the Independent Adjudicator has defined frivolous or vexatious complaints as follows:

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

An 'unreasonable manner' may include situations where the complainant's frequency of contact with the academy hinders the consideration of the complaint and/or impedes the ability of the Principal and academy to meet the needs of all pupils equitably.

Where the **Principal in consultation with the Trust** judges a complaint to be frivolous or vexatious, having considered all the relevant circumstances, they should take appropriate action which may include rejecting the complaint and/or restricting contact between the complainant and the academy.

The **Principal in consultation with the Trust** as appropriate should write to the complainant and explain this decision and the reasons for it, and what action will follow.

Where a complainant seeks to reopen a matter the same as, or similar to, a matter previously considered under the procedure, the **Principal in consultation with the Trust** has the right to inform them that the procedure has been exhausted and the matter is closed. The school can choose to restrict communication or cease responding altogether. They should communicate this in email or, preferably, hard copy. Complainants should be advised that they may ask a third party to communicate on their behalf. If the complaints are believed to constitute harassment, legal advice should be sought.

Before a school stops responding, it should be able to say yes to all of the following:

- Every reasonable step has been taken to address the complainant's needs.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant is contacting the school repeatedly to make the same point.

Schools must respond to new complaints.

## Barring from the Premises

The public has no automatic right of entry to school property. If an individual's behaviour becomes cause for concern, a school can ask the individual to leave the premises.

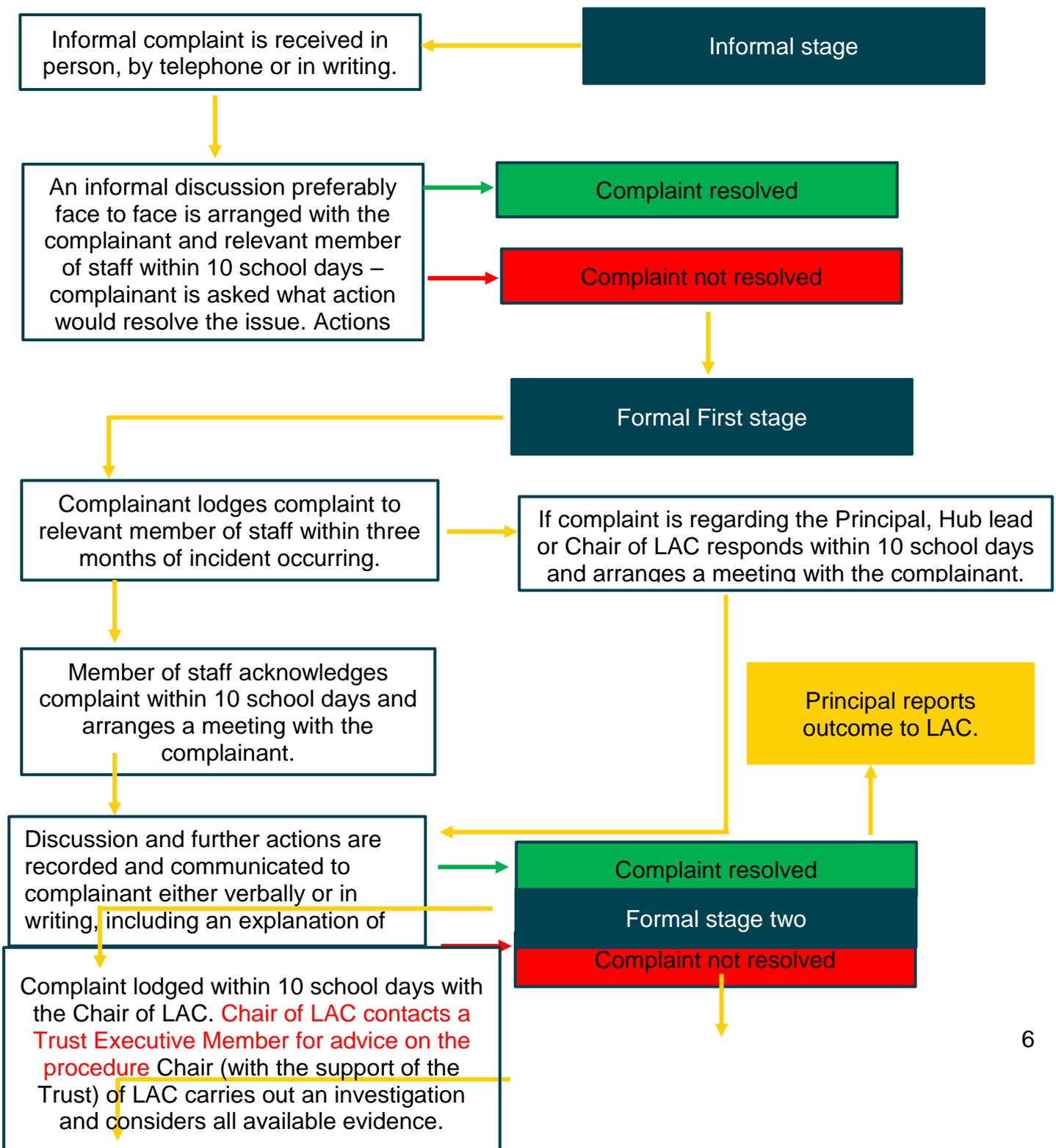
In serious cases, the **Principal or Trust** can notify the individual that their implied licence to be on school premises has been temporarily revoked, subject to any representations the individual wishes

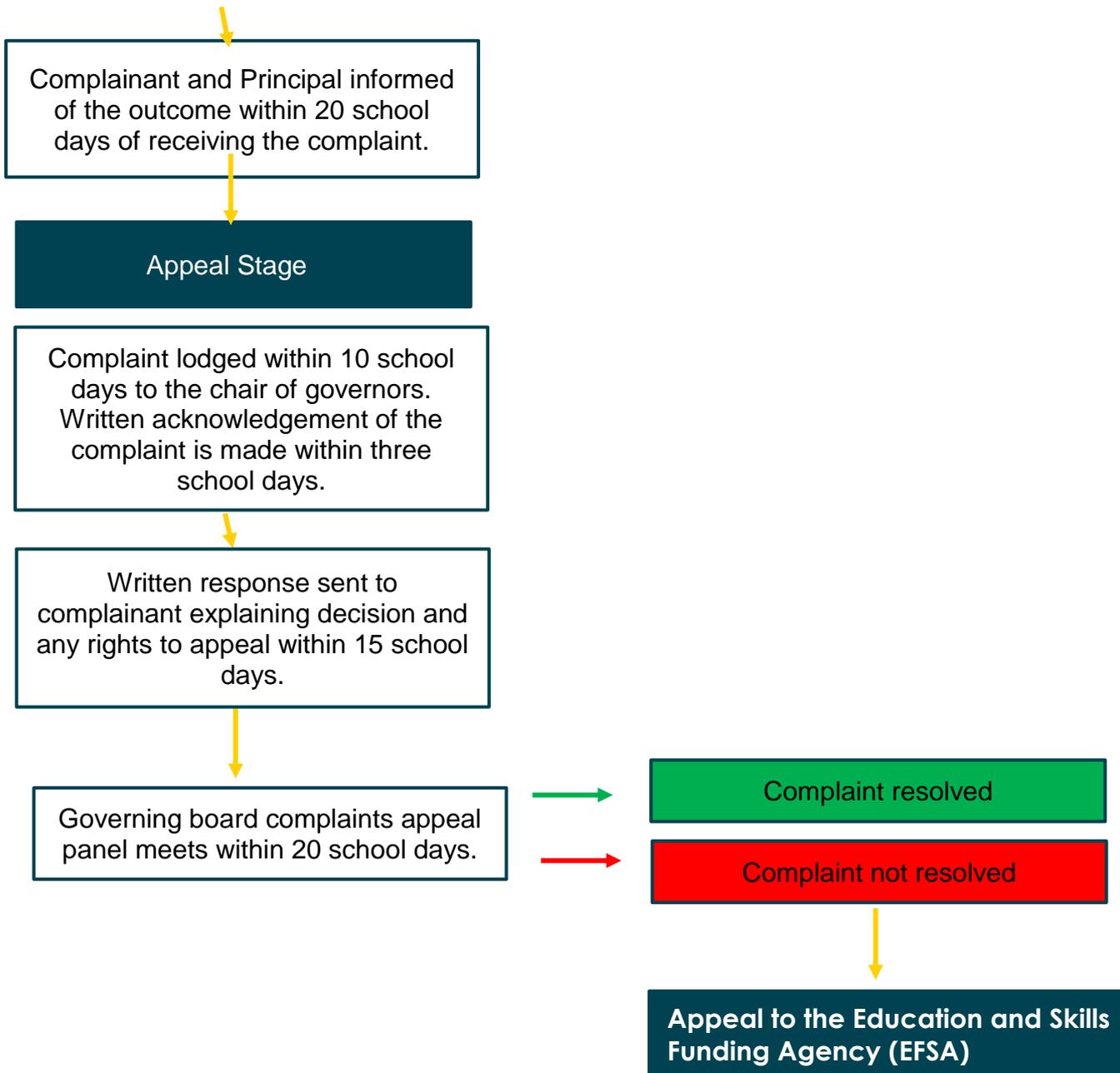
to make (academies should always allow the opportunity for individuals to express their views on the decision in writing).

The decision to bar should be reviewed by **The CEO of the Trust** considering any representations made and either confirmed or lifted.

Individuals should be informed of how long the bar is in place and when the decision will be reviewed. Anyone wishing to complain about being barred can do so by letter or email to the **Principal or CEO of the Trust**. These complaints cannot be escalated to the EFSA. If an individual want to lodge a further appeal, the only remaining avenue is through the courts.

### Stages of the Complaints Process





### Informal Stage

Many concerns and minor complaints can be resolved quickly and informally. There are many occasions where issues are resolved immediately through the class teacher or another member of staff, depending upon the nature of the complaint. Unless there are exceptional circumstances every effort should be made by the school to have a full discussion with the complainant before moving into the formal stages of this procedure.

### **First Formal Stage**

If the complaint is not resolved through informal discussion, the complainant should contact the **Principal**. The complaint should be made in writing within **THREE MONTHS** of the incident having occurred, by the complainant, or by another person on their behalf, with their consent on the Complaints Form in Appendix A.

The Principal, or other member of staff nominated by them should offer to meet with the complainant to discuss their concerns **within TEN working days of receiving the complaint**, or as soon as is reasonably practicable. Where necessary the Principal, or other nominated member of staff, should carry out a full investigation into the issues raised. The Principal will give a written response to the complainant as soon as possible but, in any case, within ten working days of this meeting. The written response will be available for inspection on the school premises. Where the complainant refuses the offer of a meeting this response should be made **within TEN working days of the receipt of the written complaint**. Where the complainant is dissatisfied with this response, the complaint should move to the second formal stage of the procedure.

Where the complaint is against the Principal, the Chair of the LAC, another local governor or the LAC as a whole, the complaint form should be passed to the **CEO via email ceo@aet.cheshire.sch.uk**.

### **Second Formal Stage**

If the complaint cannot satisfactorily be resolved at the first stage of the procedure, the complainant should put their complaint in writing to the **Assistant CEO** of the Trust using the complaints form in Appendix A. The **Assistant CEO** will offer to meet with the complainant to discuss their concerns **within TEN working days of receiving the complaint**, or as soon as is reasonably practicable after this.

The **Assistant CEO** will review the investigation and the Principal's decision and may:

1. Confirm this decision.
2. Reach a different decision.
3. Reinvestigate the complaint in whole or in part.

### **Trustee Investigation of a Complaint (if required)**

The complaint investigation should be considered as an exercise to explore and determine the facts of a situation. It should be undertaken fairly, objectively and within a defined process. If it is deemed necessary by the investigating officer to deviate from the written complaint procedures at any point during the process, this decision should be recorded in full, with an explanation provided.

The Advisory, Conciliation and Arbitration Service (ACAS) suggests the following process for conducting investigations:

#### **Preparation**

The investigator should prepare by drafting a plan to identify:

1. Who they may need to speak to as part of the investigation process, e.g. the class teacher, the parent or pupil.
2. Information needed for review during the investigation, e.g. email correspondence, school policies.

#### **The investigation meeting**

An investigation meeting is the opportunity for the **Assistant CEO** to meet the complaint to meet separately with relevant parties to ask questions and, where possible, establish facts. It is not part of a disciplinary process. The Complaints Procedures Policy should indicate that any party attending an investigation meeting has the right to be accompanied by a friend or family member for support.

The ESFA's Best Practice Guidance for Academies Complaints Procedures updated March 2021 clarifies that the complaint process is not a legal process and recommends that legal representation is avoided for either party. An exception to this would be, for example, if a member of academy staff is called as a witness in a complaint investigation or hearing, they may then be entitled to union or legal representation.

There is no requirement for an investigation meeting to be independently governance professional. In the absence of the governance professional, an appropriate person may be asked to take notes and prepare minutes of the meeting. At the end of the meeting, these notes can be signed and kept as an accurate record of it taking place. In the absence of a governance professional, the investigating governor can make notes during the meeting and ask the person attending to sign the notes at the end of the meeting. Any notes or meeting minutes should be protected and maintained in line with the academy's Data Protection Policy.

If pupils are to be invited to an investigation meeting, parental consent must be granted for any pupil under the age of 18 and they should be given the opportunity to be accompanied by a friend, relative or staff member independent of the investigation. The meeting should be conducted with due sensitivity and consideration of the pupil's age and level of understanding.

### **The investigation report (a template is attached at Appendix C)**

A written report may be taken during the investigation. The report should summarise the investigation process and include:

- The name and role of the investigating governor.
- The date and timescale of the investigation.
- A summary of the complaint received.
- A summary of the investigation process undertaken.
- The evidence collected and considered.
- The details of any evidence requested but not produced or unavailable.
- The names of all people interviewed during the investigation meeting(s).
- The details of any anonymised statements submitted and considered.
- A summary of the investigation findings, to include:
  - A summary of evidence collated during the investigation meeting(s).
  - The established facts, based on evidence collated.
  - A summary of any mitigating circumstances or factors
- A concluding statement, including the investigator's decision to uphold in part or to dismiss the complaint.
- Any recommendations arising from the investigation.
- Any further right of appeal.

The ESFA's Best Practice Guidance for Academies Complaints Procedures updated March 2021 suggests that the investigating officer should ensure that each decision made in response to a complaint is made in consideration of 'The 7 principles of public life' and is:

- Lawful
- Rational
- Reasonable
- Fair

- Proportionate.

The investigation outcome should be shared with the complainant and the Principal, with information given on the next stage of the complaint process should the complainant not be satisfied with the outcome of this stage. Any information recorded during the investigation should be protected and maintained in line with the school's Data Protection Policy.

Where the Second Formal Stage applies the Chair, the **Assistant CEO** will investigate the complaint and they may wish to take appropriate advice in doing so from the Governor Professional of the Trust.

The **Assistant CEO** will communicate his/her response in writing to the complainant as soon as possible but, in any case, **within TEN working days of the meeting referred to under the Second Formal Stage**.

Where the complainant refuses the offer of such a meeting the **Assistant CEO** will inform the complainant of the outcome of the investigation **within TEN working days of receipt of the written complaint** or as soon as is reasonably practicable afterwards.

Where the complainant is dissatisfied with this response the complaint should move to the appeal stage of the procedure.

#### **Appeal Stage - To the Trust Board Complaints Appeal Panel (CAP)**

If the complainant wishes to appeal against the decision made at the formal stage they must indicate their intention to do so **within TEN working days of receipt of the outcome of the formal stage**.

The complainant should do this by sending a written appeal to the **CEO**, either by letter or email. This should state the original complaint and the reasons for on-going dissatisfaction and be **lodged within TEN working days**. The **CEO** should **acknowledge receipt of the request to appeal the decision within THREE working days**. The **CEO** may decline to accept a complaint into the Appeal Stage where they, acting reasonably, believes that the complaint has been upheld in full at the Formal Stage and in all the circumstances there is no merit in the matter proceeding further. The complaint may be sent to Trust Head Office for further investigation. The **CEO** should communicate back to the complainant **within TEN working days of receiving the notice of appeal** whether the complaint is considered closed, or will go to The Trust Complaints Panel.

**A Complaints Appeal Panel (CAP)** should be convened, consisting of three Trustees or members who have had no previous involvement in consideration of the complaint. At least one member of the CAP must be independent of the management and running of the academy in which the complaint has occurred. Governors are not independent of the management and running of the academy and so are not eligible to be independent panel members. Where the complainant is a parent, the **CEO** may wish to consider the possible advantages of this panel including a parent governor. A complaints appeal meeting will be held in accordance with the procedure attached at Appendix B.

The meeting of the CAP should take place as soon as possible, but in any case, a date should be set and communicated to the complainant **within TWENTY working days of receipt of the appeal**.

Once the meeting has finished, the panel should retire to consider all of the evidence available to them. The governance professional should take minutes of this discussion; these minutes should be shared with the complainant to ensure transparency in the process

The Trustees decision regarding the complaint and the appeal should be communicated in writing to the complainant as soon as possible but, in any case, **within FIVE working days of the meeting**. It should

contain a summary of how the panel's final decision has been reached, and the outcome of the meeting with any recommendations made by the panel. The complainant must not be informed of any disciplinary action taken against the headteacher as a result of the complaint, but should be told that the matter is being addressed.

The complainant will have no further right to appeal this decision within the academy.

**The findings and recommendations of the appeal panel, will be provided to, where relevant,** the person complained about and will be available for inspection on the school premises.

When a complaint has been resolved or the process exhausted, all paperwork related to the complaint should be stored by the Principal or Trust in line with Trust's Record Management Policy and in line with the Trust's Data Protection Policy.

### **Opportunities to Request a Further Review**

*Before complaining to an external body it would usually be expected that all stages of this procedure had been exhausted including complaint to the Trust Complaints Appeal Panel (CAP).*

### **Complaining to the Secretary of State**

If a complainant believes that the Trust has acted unreasonably they can complain in writing to the Secretary of State for Education. In the case of academies, the Secretary of State's responsibility to consider complaints is dealt with by the Education and Skills Funding Agency (ESFA).

### **Complaining to Ofsted**

Ofsted has powers to investigate certain types of complaint from parents to help them to decide whether to inspect an academy.

Ofsted provides an online complaint form for anyone wishing to complain about a service or provider that it inspects or regulates.

Ofsted advises complainants they should initially raise any issues with the school by following the school's written complaint procedures and reserves the right to dismiss complaints which have not followed this process.

Ofsted will only consider complaints that relate to the whole school and will not consider any complaint which:

- Relates to an individual pupil or a specific incident
- Asks the inspectorate to judge how well a school has responded to a complaint
- Requests mediation or dispute resolution
- Has an alternative legal complaint process, e.g. complaints about pupil admissions

The 'Governance handbook' explains that Ofsted will use its powers to investigate a complaint received from a parent as part of its inspection decision-making process.

### **The Role of the Information Advice and Support Service**

The Information Advice and Support Service helps parents/carers whose children have difficulties with learning, medical needs or mental health problems, from pre-school age to school leavers. The service is confidential and offers impartial advice and information to enable parents and carers to make decisions about their child's education. This includes supporting parents with complaints to schools/academies or the Local Authority.

The service can help parents consider what their complaint is about and the options available to them to resolve it, including more informal measures that can be explored in the first instance. If a parent wishes, the service can explain how to put a letter/case together to take the matter forward. Someone from the service can attend meetings with the parent to offer support but doesn't speak on behalf of or make decisions for the parent. The service also offers support after meetings have taken place to consider the conclusions of the meeting and if the parent feels a satisfactory outcome was achieved. If not, the parent may have further options to consider.

Contact details for the service are:

**Cheshire East**

Tel: 0300 123 5166

Website: <http://ceias.cheshireeast.gov.uk/home.aspx>

Email: [ceias@cheshireeast.gov.uk](mailto:ceias@cheshireeast.gov.uk)

**Cheshire West and Chester**

Tel: 0300 123 7001

Website:

<http://www.westcheshirelocaloffer.co.uk/kb5/cheshirewestandchester/directory/service.page?id=N-0fdd8JwRo>

Email: [iasservice@cheshirewestandchester.gov.uk](mailto:iasservice@cheshirewestandchester.gov.uk)

**Manchester**

Tel: 0161 209 8356

Website:

[http://www.manchester.gov.uk/info/500132/special\\_educational\\_needs/628/information\\_advice\\_and\\_support\\_ias\\_manchester\\_formerly\\_parent\\_partnership\\_service](http://www.manchester.gov.uk/info/500132/special_educational_needs/628/information_advice_and_support_ias_manchester_formerly_parent_partnership_service)

Email: [parents@manchester.gov.uk](mailto:parents@manchester.gov.uk)

**APPENDIX A - Complaints Procedure Form**



**If you have tried unsuccessfully to resolve your complaint and wish to take the matter further, please complete this form and send it to the principal. (If your complaint is against the principal, you will need to send the form to the chair of the governing board.)**

<b>Name:</b>	<b>Address:</b>
<b>Daytime telephone number:</b>	
<b>Evening telephone number:</b>	
<b>Email:</b>	<b>Postcode:</b>
<b>What is your complaint concerning, and what action would you like the headteacher to take?</b>	
<b>When did you discuss your concern/complaint with the appropriate member of staff?</b>	
<b>What was the result of the discussion?</b>	
<b>Signed:</b>	<b>Date:</b>

## **APPENDIX B: conduct of Complaints Appeal Panel Meeting**

- 1. Although this procedure may appear formal, the hearing should be conducted in as informal a way as possible and the Chair of the panel should make every effort to make all parties feel comfortable.**
- 2. A suitable venue must be provided for the meeting which includes separate waiting areas for the two parties and refreshments for all involved.**
- 3. The date and time of the meeting must be agreed with all parties and witnesses and all relevant documentation must be circulated to all parties at least FIVE working days in advance of the meeting.**
- 4. Submission of additional documentation would not normally be allowed outside this timescale or at the appeal meeting, but the decision whether or not to allow this will lie with the Chair of The Complaints Appeal Panel.**
- 5. The meeting should be minuted, if possible by the Governance professional to The Trust.**
- 6. The meeting may be attended by:**
  - the complainant, with a companion if desired (who cannot also be a witness);**
  - the Principal and/or Chair of the LAC, as appropriate, with an advisor if required;**
  - the members of the Complaints Appeal Panel;**
  - a minute taker, appointed by the governors;**
  - an adviser to the Complaints Panel, which can be the Governance professional to the Trust.**
- 7. Members of staff who have been involved in the issue, or other witnesses, may be called upon by either side to attend part of the meeting to provide information to the Complaints Appeal Panel.**
- 8. Both sides must provide names of any witnesses to be called at least FIVE days in advance of the meeting, and the nature of the evidence which they will be providing. The panel has the discretion not to admit a witness if they do not consider their evidence to be relevant to the complaint.**
- 9. There will be no audio or visual recording of the proceedings by any party but a copy of the minutes of the meeting, once approved, will be shared with all parties.**
- 10. The Complaints Appeal Panel will select a Chair from amongst their number.**
- 11. The Chair of the Complaints Appeal Panel will introduce all the parties present and explain the procedure to be followed, and that every effort will be made to keep the process as informal as possible.**

**12. The complainant (or their companion) will outline their complaint and explain why they are dissatisfied with the academy's response to date. The complainant may call any witnesses in support of their complaint who will attend the meeting only for the time that they are providing information, and may be questioned by all parties.**

**13. The Principal and the members of the LAC will have the opportunity to ask questions of the complainant.**

**14. The Principal and/or the Chair of the LAC will explain their involvement in the complaint and the reasons for their decisions at the informal and first formal stage. The Principal and/or Chair of the LAC may call any witnesses in support of their statement who will attend the meeting only for the time that they are providing information, and they may be questioned by all parties.**

**15. The complainant and the members of the Complaints Appeal Committee will have the opportunity to ask questions of the Principal and/or Chair of the LAC.**

**16. Both parties will be given the opportunity to sum up their statements, ending with the complainant. No new material may be introduced at this stage.**

**17. The Complaints Appeal Committee may decide to adjourn the hearing pending further investigation at any stage, if this seems necessary.**

**18. Both parties will leave the meeting and the Complaints Appeal Committee will consider the information that has been put to them. The governance professional will remain for this part of the meeting in order to clarify anything if necessary, but the Complaints Appeal Committee's deliberations will not be minuted.**

**19. The Complaints Appeal Panel must reach a unanimous or majority decision as to whether or not to uphold the complaint wholly or in part, and what action (if any) the academy needs to take to resolve the complaint. This may include referring the matter to another formal process, whether in relation to a complaint against a governor or a member of the school staff. Normally the Complaints Appeal Panel will reach a decision at this point but they may feel the need to take further advice. Where this is the case they should endeavour to reach a decision as soon as possible.**

**20. The Chair of the Complaints Appeal Panel will communicate their response to both parties in writing as soon as possible but, in any case, within FIVE working days of reaching their decision. The Complaint Appeal Panel's response should detail whether the complaint is upheld wholly or in part and briefly summarise the basis on which they arrived at this conclusion. The response should also include any lessons learnt and specify any action to be taken by the academy as a result of the complaint and within what timescales.**



**APPENDIX C - Complaint Investigation Report**

A complaint investigation should be considered as an exercise to explore and determine the facts of a situation, utilising this template can help ensure a fair and objective process is undertaken.

A senior leader or governor can use this report to record and summarise the investigation process. Once completed, the report can be shared with the complainant and any person against whom a complaint has been made.

The investigation report may be considered by the Trust Complaints Appeal Panel to review the process undertaken and ensure it is line with the academy's [Complaints Procedures Policy](#). The Complaints Appeal Panel may also review witness statements to establish any additional questions or to judge whether further investigation is required.



**Complaint Investigation Report**

Introductory information	
Name of complaint investigator:	
Role of complaint investigator:	
Date complaint investigation commenced:	
Date complaint investigation concluded:	
Complaint witness details	
Name of person(s) interviewed during investigation:	
Role of witness:	
Details of any anonymised statements received:	
<u>[Include date of statement and how the statement was received, e.g. in person or by telephone call.]</u>	
Summary of complaint:	

[Provide a summary of the complaint received and include any identified resolution sought by the complainant.]

**Summary of investigation process:**

[Provide a summary of the process undertaken in investigating the complaint. Include dates of meetings and conversations, and any evidence gathered.]

**Evidence reviewed:**

[Provide details of the evidence gathered and reviewed during the complaint investigation, e.g. school records or witness statements.]

**Evidence requested but unavailable**

Unavailable evidence may compromise how robust and rounded an investigation can be. Any lack of evidence available during the investigation process should be considered in the investigation summary.

**Evidence requested:**

**Reason unavailable:**

Summary of investigation findings	
<b>Summary of established facts:</b>	
<u><a href="#">[Provide a summary of the facts that have been established during the investigation process.]</a></u>	
<b>Summary of any established mitigating circumstances:</b>	
<u><a href="#">[Provide a summary of any mitigating circumstances identified during the investigation process.]</a></u>	
<b>Additional information:</b>	
<u><a href="#">[Include details of any additional information considered pertinent to the investigation.]</a></u>	
Concluding statement	

Recommendations	
<b>Person responsible for actioning recommendations (include name and role):</b>	
<b>To be completed by (date):</b>	
<b>Progress and completion of recommendations to be reported to (include the forum, e.g. full governing board meeting and date):</b>	

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<b>Date investigation completed:</b>	
<b>Investigation completed by:</b>	
<b>Signature of investigator:</b>	