



SECKFORD FOUNDATION
FREE SCHOOLS TRUST

**POLICY
DOCUMENT**

Complaints Policy

Document Owner:	Trust Board
Responsible Trust Committee:	Trust Board
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APPROVED Signature (Trust Board):	DATE ()
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1. Other relevant policies and documents

- Admissions Policy (Beccles Free School)
- Admissions Policy (Ixworth Free School)
- Admissions Policy (Saxmundham Free School)
- Safeguarding Policy
- Whistleblowing Policy

- <https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

2. Explanation of terms used in the policy

'Trust' = Seckford Foundation Free Schools Trust
'Free School(s)' = schools within the Trust

3. Purpose of the policy

This document outlines the policy for handling complaints. This policy covers the Trust and all its Free Schools and as such there is no need for each Free School to have its own policy.

4. Policy statement

At the Seckford Foundation Free Schools Trust, we are committed to providing the best education for the young people in our Free Schools. We recognise the importance of establishing and maintaining good relationships with parents / carers and the wider community. We are aware that there may be occasions where people have concerns or complaints and the following procedure sets out the steps that should be followed in order to resolve these as quickly and informally as possible.

The Trust makes this Complaints Policy available to all via the Trust's website and via the website of each Free School. Additionally, the Policy can be requested in paper form from the Trust or each school office during the school day.

The Trust Board is required by section 29 of the Education Act 2002 to have a policy for dealing with complaints. This policy is founded on the principles detailed under the Education Act 2002. In adhering to these principles this policy aims to:

- be accessible and simple to understand;
- allow timely handling of complaints within agreed time limits;
- encourage resolution of problems by informal means wherever possible;
- ensure a full, fair and impartial investigation is carried out into the complaint;
- be carried out in a non-adversarial manner;
- respect people's desire for confidentiality;
- be fair to the complainant and any persons complained against;

- address all the points at issue and provide an effective response;
- provide information so that services can be improved.

The overarching principle of this policy is that everyone has the right to have their concerns or complaints treated seriously by the Trust and its Free Schools. The Trust and its Free Schools expects all complaints to be dealt with comprehensively, in an impartial way and as far as possible in confidence. This policy:

- allows complaints about Trust and Free Schools issues to be dealt with consistently, efficiently and sensitively, and at the appropriate level.
- aims to ensure that all complaints are dealt with by the person best able to do so;
- ensures that the overriding principle is applied to all parties consistently.

In accordance with paragraph 32 (3) (f) of Schedule 1 to the Education (Independent School Standards) (England) Regulations 2014, the Trust and its Free Schools will make available to parents / carers of students and of prospective students and provide, on request, to Ofsted, or the Secretary of State of Education for the purposes of section 162A(1) of the Education Act 2002 (as subsequently amended), details of the complaints procedure and the number of complaints registered under the formal procedure during the preceding school year.

5. What constitutes a complaint?

A complaint is an expression of dissatisfaction with a real or perceived problem. It may be made about the Trust or one of its Free Schools as a whole, about a specific subject or area or about an individual member of staff. A complaint is likely to arise if a parent / carer believes that the Trust or its Free Schools have done something wrong, or failed to do something that it should have done or acted unfairly.

Parents / carers can be assured that all concerns and complaints will be treated seriously and confidentially. Children will not be penalised for a complaint that a parent / carer [or their child] raises.

6. Timeframe

Complaints must be submitted as soon as possible after the issue arises which gives cause to complain. Complaints will usually only be considered if received within three months of the issue arising, but exceptions to this timeframe will be considered.

All complaints will be taken seriously and handled sensitively. The receipt of a complaint will be acknowledged within seven working school days if received during term time and as soon as practicable during holiday periods. Please note that, for the purposes of this procedure, 'working school days' refers to weekdays (Monday to Friday) during term time.

Where the complaint is of a complex or serious nature including when requiring the involvement of external agencies it may be necessary to extend the timescale for resolution. If this is the case the Trust or Free School will write to parents / carers informing them of the reason for the delay and when it expects to be in a position to resolve the complaint.

If a complaint is received at the Trust level then the Director's PA will acknowledge the receipt of the complaint. If a complaint is received by a Free School, then a member of the School Administration Team will acknowledge receipt of the complaint.

It is in everyone's interest to resolve a complaint as speedily as possible: the Trust aims to complete the first two stages of the procedure within 28 working school days if the complaint is lodged during term-time and as soon as practicable during holiday periods.

Stage 3, the Appeal Panel Hearing, will be completed within a further 28 working school days, if the appeal is lodged during term-time and as soon as practicable during holiday periods.

7. Responsibilities

Trust Board: for approving the policy, procedures, and guidelines, appointing a Complaints Panel to deal with Stage 3 complaints, receiving reports, and advising the Headteachers of the Free Schools and for the general oversight of the policy and procedures.

Director of the Seckford Foundation: for reviewing the policy and reviewing Stage 2 complaints against Headteachers.

Headteachers of the Free Schools: for the efficient running of the policy and procedures, for training staff on how to deal appropriately with complaints, for hearing parental / carer appeals from decisions taken by other staff, for presenting their school's case where the parent / carer complains to the Trust, and for reporting on complaints as required, to the Trust Board.

Member of the Extended Leadership Team: for staff training in procedures, deputising for their Headteacher with regard to the implementation of the policy in his / her absence, dealing with and where possible resolving complaints concerning overall student progress, discipline issues, pastoral care, dealing with and where possible resolving complaints about academic matters / schemes of work / teaching and learning methods..

School Administration Team: acknowledging complaints and maintenance of a log of formal complaints and records of action taken.

(Assistant) Designated Safeguarding Lead: for safeguarding issues (see Safeguarding Policy).

All staff: for hearing any complaints brought to them by parents / carers and students and reassuring them that their complaints will be dealt with as soon as possible by the appropriate member of staff, and for informing the relevant staff of the complaint.

8. Complaints procedure

The complaints procedure outlines how complaints should be handled taking into account the Trust structure. In the first instance, complaints should be dealt with by the Free School (outlined in stages 8.1 – 8.3). Should the complaint not be dealt with to the parent / carers

satisfaction, then this will proceed to the Trust level (stage 8.4). There are points at which the Trust might be involved in stages 8.1 – 8.3 and these circumstances are clearly laid out below.

8.1 Stage 1 - informal resolution:

It is hoped that most complaints and concerns will be resolved quickly and informally by the person responsible for dealing with complaints at the relevant Free School. Should the complaint be about the member of staff who is responsible for dealing with the complaint, the Headteacher should determine someone else who can deal with the complaint.

The procedure at this stage is as follows:

- If parents / carers have a complaint they should normally contact their son / daughter's tutor at their Free School. In many cases, the matter will be resolved straightaway by this means to the parents' / carers' satisfaction. If the tutor cannot resolve the matter alone it may be necessary for him / her to consult the relevant member of their school's Leadership Team;
- Complaints made directly to a member of a school's Leadership Team will usually be referred to the relevant tutor unless the member of their school's Leadership Team deems it appropriate for him / her to deal with the matter personally;
- Any complaints from the wider community should be made directly for the attention of the Headteacher;
- The person dealing with the complaint will make a written record of all concerns and complaints and the date on which they were received. Should the matter not be resolved within the timeframe set out in Section 6 or in the event that the person dealing with the complaint and the parent / carer fail to reach a satisfactory resolution then parents / carers will be advised to proceed with their complaint in accordance with stage 2 of this procedure.

Note: If the complaint is against the Headteacher of the Free School, the complaint should be made directly to the Trust. Contact details for the Trust are available at <http://www.sffst.org.uk/contact/>.

8.2 Stage 2 – formal resolution:

If the complaint cannot be resolved on an informal basis then the parents / carers should put their complaint in writing to the Headteacher of the relevant Free School as soon as possible and within the timeframe set out in section 6. The Headteacher will decide, after considering the complaint, the appropriate course of action to take.

In most cases, the Headteacher will meet / speak to the parents / carers concerned, to discuss the matter. If possible, a resolution will be reached at this stage. It may be necessary for further investigations to be carried out.

Written records of all meetings and interviews held in relation to the complaint will be kept.

Once all of the relevant facts have been established, a decision will be made and parents / carers will be informed of this decision in writing. The reasons for the decision will be given.

If the complaint is against the Headteacher, the Director of the Seckford Foundation will call for a full report from the Headteacher and for all the relevant documents. The Director may also call for a briefing from members of staff, and will in most cases, speak to or meet with the parents / carers to discuss the matter further. Once the Director is satisfied that, so far as is practicable, all of the relevant facts have been established, the parents / carers will be informed of the decision in writing. The Director will give reasons for his / her decision.

If parents / carers are still not satisfied with the decision, they should proceed to Stage 3 of this procedure. To proceed to the next stage parents / carers need to write within 28 working school days stating their reasons for appeal.

8.3 Stage 3 – formal panel:

If parents / carers seek to invoke Stage 3 (following a failure to reach an earlier resolution) they will be referred to the Chair of the Trust Board to call a hearing of the Complaints Panel and appoint a Chair.

The matter will then be referred to the Complaints Panel for consideration. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the school. The Chair of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 21 working school days.

If the Panel deems it necessary, it may require that further particulars of the complaint or any related matter be supplied in advance of the hearing. Copies of such particulars shall be supplied to all parties normally not later than 7 working school days prior to the hearing.

Parents / carers may attend the hearing and be accompanied to the hearing by one other person if they wish. This may be a relative, teacher or friend. Legal representation will not normally be appropriate.

If possible, the Panel will resolve the parents' / carers' complaint without the need for further investigation. Where further investigation is required, the Panel will decide how it should be carried out.

After due consideration of all facts they consider relevant, the Panel will make findings and may make recommendations.

The Panel will write to the parents / carers informing them of its decision and the reasons for it, normally within 14 working school days of the hearing. The decision of the Panel will be final. A copy of the Panel's findings and recommendations (if any) will be sent by electronic mail or otherwise given to the parents / carers, and, where relevant, the person complained about as well as the Headteacher of the relevant Free School.

8.4 Complaints to the Trust:

There are circumstances when the Trust can receive complaints to deal with:

- Where a complaint is sent to the Trust about something relating to one of our Free Schools;
- Where a complaint is made directly against the Headteacher of a Free School;
- Where a complaint is made about a Trustee / Governor.

Where a complaint is received by the Trust, the Director's PA will acknowledge receipt of the complaint in accordance with the timeframe set out in Section 6 of this procedure. The complaint will then be passed to the relevant member of staff at the relevant Free School for dealing with under sub-sections 8.1 – 8.3 of this procedure.

Sub-section 8.2 outlines how the Director of the Seckford Foundation will deal with any complaints about Headteachers at one of the Trust's Free Schools.

Should the Trust receive a complaint about the Director of the Seckford Foundation, the complaint will be acknowledged by the Director's PA and will then be passed on to the Chair of the Trust Board to investigate and deal with following a similar process to the one outlined for the schools in sub-sections 8.1 – 8.2.

Where the Trust receives a complaint about a Trustee, this will be referred to the Chair of the Trust Board. Should the complaint be about the Chair of a Local Advisory Body, this will be referred to the Chair of the Trust Board. Should the Trust receive any complaints about the Chair of the Trust Board, these will be referred to the members of the Trust Board (and should that be a member, then this will then be referred to the Chair of the Seckford Foundation Board).

Should it be required, the Trust can convene a Complaints Panel. The Panel will consist of three persons not directly involved in the matters detailed in the complaint and one of whom shall be independent of the management and running of the Trust. The Chair of the Panel, will then acknowledge the complaint and schedule a hearing to take place as soon as practicable and normally within 14 working school days.

9. Recording and reporting

A record of all complaints will be held in each Free School's complaint log.

In all cases of complaints it is important for staff to keep all correspondence, statements and records of the complaint confidential and retained together. Staff should also clearly record the action taken to resolve the complaint, indicating whether it was resolved at the preliminary stage or whether it proceeded to a panel hearing. Any issues for action by the school should also be noted. These records will be filed with the School Administration Team (or Director's PA if at Trust level).

Written notes should be kept of all meetings. Any letter of complaint and any other relevant documentation should be attached. Records of informal complaints resolved at stage 1

should be passed to the relevant Pastoral Leader for filing with student records.

Correspondence, statements and records relating to individual complaints will be kept confidential except to the extent required by paragraph (33) (k) of Schedule 1 to the Education (Independent Schools Standards) (England) Regulations 2014, by the Secretary of State or where disclosure is required by Ofsted or under legal authority.

10. Training

The Headteachers of the Free Schools will remind all staff from time to time of this Policy.

Training will be undertaken with relevant staff as necessary.

The Clerk to the Trust Board will arrange training as necessary, in consultation with the Chair, for members of the Trust Board's Complaints Panel.

11. Time limits, exclusions and vexatious complaints

11.1 Time limits:

Complaints need to be considered and resolved as quickly and efficiently as possible. As such, complaints made under this procedure must only relate to incidents or concerns occurring within the last 12 months. A complaint will not usually be able to be considered if a student no longer attends the Free Schools.

11.2 Exclusions to the policy:

- Safeguarding referrals – schools have a duty to safeguard and promote the welfare of their students under section 175 of the Education Act 2002. This includes making referrals to the appropriate organisation, usually LA children's social care services, if they have a concern about the welfare of a child. It is not for the school to investigate or make a judgment about possible abuse or neglect but they must refer any concerns they may have. As such, complaints about safeguarding referrals made in accordance with a statutory duty will not be considered under this procedure.
- Allegations of abuse – allegations of abuse against a member of school staff must be reported to the Headteacher immediately. Allegations of abuse against the Headteacher must be reported to the Chair of the Trust Board immediately. In all cases the Suffolk Safeguarding Children Board Arrangements For Managing Allegations Of Abuse Against People Who Work With Children Or Those Who Are In Positions Of Trust must be followed (see Safeguarding Policy).

11.3 Vexatious complaints:

The majority of complaints are resolved through a properly managed complaints procedure. However, there are occasions when:

- despite all stages of the procedure having been followed, the complainant remains dissatisfied. If a complainant tries to reopen the same issue, the Chair of the Trust Board may write informing them that all stages of the procedure have been exhausted and the matter is considered to be closed;
- complainants behave in an unreasonable manner when raising and / or pursuing concerns. In these circumstances the Trust and its Free Schools may take action in accordance with the procedure outlined in Appendix 1 of this policy.

12. Exceptions to this procedure

Certain complaints are subject to other statutory processes such as staff disciplinary procedures, admissions and exclusions. These procedures **do not** replace those procedures.

13. If a complainant is not satisfied

If a complainant is not satisfied with the way their complaint has been dealt with, and has been through all the available processes in this Policy, they have the right to complain to the Department for Education (DfE) via the Education and Skills Funding Agency.

More information on how this can be done is available from the following website:
<https://www.gov.uk/government/publications/setting-up-an-academies-complaints-procedure/putting-in-place-a-complaints-procedure>

The following link is directly to the DfE's complaints form:
https://form.education.gov.uk/submitform.php?self=1&form_id=cCCNJ1xSfBE&type=form&ShowMsg=1&form_name=Contact+the+Department+for+Education&noRegister=false&ret=%2Fmodule%2Fservices&noLoginPrompt=1

14. Compliance and performance monitoring

The Trust Board will review this policy every two years and ensure that practice across all schools is in line with this policy. Any review will take into account the most up-to-date and relevant research evidence.

The Trust has identified a range of Assurance Methodologies as tools by which compliance with policies can be tested. Those most relevant to this policy include:

- External Audit
- Internal Audit

Appendix 1 – Procedure for dealing with persistent or vexatious complaints and harassment

The Headteacher and staff deal with specific complaints as part of their day-to-day management of their Free School in accordance with the school's Complaints Policy. The majority of complaints are handled in an informal manner and are resolved quickly, sensitively and to the satisfaction of the complainant.

However, there are occasions when complainants behave in an unreasonable manner when raising and / or pursuing concerns. In these circumstances the school may take action in accordance with the procedure laid out in this section.

1. Aims of the procedure

The aims of this procedure are to:

- uphold the standards of courtesy and reasonableness that should characterise all communication between the Trust and its Free Schools and persons who wish to express a concern or pursue a complaint;
- support the well-being of students, staff and everyone else who has legitimate interest in the work of the Trust and its Free Schools, including Trustees / governors and parents / carers;
- deal fairly, honestly and properly with those who make persistent or vexatious complaints and those who harass members of staff in the Trust and its Free Schools while ensuring that other stakeholders suffer no detriment.

2. Human rights

In implementing this procedure the Trust and its Free Schools will seek to ensure that its actions are in accordance with its obligations under the Human Rights Act 1998 and the Convention Rights embodied within it in order to protect the Human Rights of both persistent complainants and all other stakeholders.

3. Expectations of the Trust and its Free Schools

Parents / carers / members of the public who raise either informal or formal issues or complaints with the Trust or its Free Schools can expect the Trust and its Free Schools to:

- a) regularly communicate to parents / carers in writing:
 - (i) how and when problems can be raised with the Trust / Free Schools,
 - (ii) the existence of the Trust's Complaints Policy, and
 - (iii) the existence of the 'Procedure for Dealing with Persistent or Vexatious Complaints and Harassment in Schools' (this appendix).
- b) respond within a reasonable time
- c) be available for consultation within reasonable time limits bearing in mind the needs of the students within the school and the nature of the complaint
- d) respond with courtesy and respect
- e) attempt to resolve problems using reasonable means in line with the Trust's Complaints Policy, other policies and practice and in line with guidance and advice from the DfE;
- f) keep complainants informed of progress towards a resolution of the issues raised.

4. Expectations of the parents / carers / members of the public

The Trust and its Free Schools can expect parents / carers / members of the public who wish to raise problems with the Trust and its Free Schools to:

- a) treat all Trust and Free School staff with courtesy and respect;
- b) respect the needs and well-being of students and staff in the Trust and its Free Schools;
- c) avoid any use, or threatened use, of violence to people or property;
- d) avoid any aggression or verbal abuse;
- e) recognise the time constraints under which members of staff in the Trust and its Free Schools work and allow the Trust and its Free Schools a reasonable time to respond;
- f) recognise that resolving a specific problem can sometimes take some time;
- g) (in the case of a complaint) follow the Trust's Complaints Policy.

5. Who is a 'persistent complainant'?

For the purpose of this procedure, a persistent complainant is a parent / carer or member of the public who complains about issues, either formally or informally, or frequently raises issues that the complainant considers to be within the remit of the Trust and its Free Schools and whose behaviour is unreasonable. Such behaviour may be characterised by:

- a) actions which are obsessive, persistent, harassing, prolific, repetitious;
- b) prolific correspondence or excessive e-mail or telephone contact about a concern or complaint;
- c) an insistence upon pursuing unsubstantial complaints and / or unrealistic or unreasonable outcomes;
- d) an insistence upon pursuing complaints in an unreasonable manner;
- e) an insistence upon repeatedly pursuing a complaint when the outcome is not satisfactory to the complainant but cannot be changed, for example, if the desired outcome is beyond the remit of the Trust and its Free Schools because it is unlawful.

For the purpose of this procedure, harassment is the unreasonable pursuit of such actions as in (a) to (e) above in such a way that they:

- a) appear to be targeted over a significant period of time on one or more members of Trust or school staff and / or;
- b) cause ongoing distress to individual member(s) of Trust or school staff and / or;
- c) have a significant adverse effect on the whole / parts of the Trust / school community and / or;
- d) are pursued in a manner which can be perceived as intimidating and oppressive by the recipient. This could include situations where persistent demands and criticisms, whilst not particularly taxing or serious when viewed in isolation, have a cumulative effect over time of undermining confidence, well-being and health.

6. Trust / Free School actions in cases of persistent or vexatious complaints or harassment

- In the first instance the Trust or Free School will verbally inform the complainant that his / her behaviour is considered to be becoming unreasonable / unacceptable and, if it is not modified, action may be taken in accordance with this procedure;
- This will be confirmed in writing;
- If the behaviour is not modified the Trust or Free School will take some or all of the following actions as necessary, having regard to the nature of the complainant's behaviour and the effect of this on the Trust or Free School community:
 - a. inform the complainant in writing that his / her behaviour is now considered by the Trust or Free School to be unreasonable / unacceptable and, therefore, to fall under the terms of this policy (see Model Letter 2);
 - b. inform the complainant that all meetings with a member of staff will be conducted with a second person present and that notes of meetings may be taken in the interests of all parties (see Model Letter 2);
 - c. inform the complainant that, except in emergencies, all routine communication with the complainant to the Trust or Free School should be by letter only (see Model Letter 2);
 - d. (in the case of physical or verbal aggression) refer to Joint Local Authority-Police Guidance for Schools, "Dealing with Abuse, Threats and Violence Towards School Staff", and consider warning the complainant about being banned from the School site; or proceed straight to a temporary ban;
 - e. consider taking advice from the DfE on pursuing a case under Anti-Harassment legislation.
- Legitimate new complaints will still be considered even if the person making them is, or has been, subject to this Procedure for Dealing with Persistent or Vexatious Complaints and Harassment in the Trust or Free School. In these circumstances advice may be sought from the DfE;
- If a complainant's persistent complaining / harassing behaviour is modified and is then resumed at a later date within a reasonable period of time, the Trust or Free School may resume the process identified above at an appropriate level. In these circumstances advice may be sought from the DfE.

INITIAL LETTER INFORMING A COMPLAINANT THAT HIS/HER BEHAVIOUR IS CONSIDERED TO FALL BELOW A REASONABLE/ ACCEPTABLE STANDARD

RECORDED DELIVERY

Dear

This letter is to inform you that the Trust / School considers your actions in [*describe actions, dates, behaviour*] on..... when you to be unreasonable/unacceptable [*delete as appropriate*].

We would ask you to bear in mind the fact that such behaviour on a school site can be disruptive and distressing to students, staff and parents/carers [*delete if behaviour complained of did not occur on school site e.g. persistent use of e-mail, verbally abusive telephone calls*].

We are aware that you have raised some concerns, and would advise you that these are usually dealt with most effectively through the Trust's Complaints Procedure. At the moment we are dealing with these issues by [*describe actions being taken to resolve concern*].

Please note that the Trust Procedure for Dealing with Persistent or Vexatious Complaints / Harassment sets out standards of behaviour expected of all people in their dealings with the Trust and its Free Schools. These include:

- behaving reasonably
- treating others with courtesy and respect
- resolving complaints using the Trust's Complaints Policy
- avoiding physical and verbal aggression at all times

The policy also indicates the steps that we may take if these standards are breached. These include:

- making special arrangements for meetings and communication with the Trust / school
- considering a ban from Trust / school premises
- considering legal action.

I would ask that you allow the Trust / school time to resolve the issues according to the correct procedures, and would assure you that we shall take every possible step to move this process forward as quickly as possible.

Yours sincerely
Headteacher

INFORMING A COMPLAINANT THAT HIS / HER BEHAVIOUR IS NOW CONSIDERED TO FALL UNDER THE TERMS OF THE POLICY FOR DEALING WITH PERSISTENT OR VEXATIOUS COMPLAINTS / HARASSMENT

RECORDED DELIVERY

Dear

You will recall that I wrote to you on [*insert date*] telling you that I felt your behaviour was unreasonable. I am now writing to inform you that in view of your behaviour on [date], when you [*describe actions/behaviour*] it has been decided that the Trust's Procedure for Dealing with Persistent or Vexatious Complaints / Harassment Policy will apply.

In the circumstances I have made the following arrangements for your future contact with the Trust / school:

*[*Delete as applicable]*

*For the foreseeable future, should you wish to meet with a member of staff, I would ask you to note:

- a. an appointment will be arranged and confirmed in writing as soon as possible;
- b. a third party from the Trust / school will be present;
- c. in the interests of all parties, formal notes of this meeting may be made.

* For the foreseeable future, all routine communication with the Trust / school should be by letter only. Please address letters to at the Trust / school. We shall respond as quickly as possible. E-mail correspondence will not be responded to.

Exceptionally, these arrangements do not apply to any emergency involving [*insert name of student*] – in which case you should contact the Trust / school in the usual way – or to parents' evenings, which will continue as in the past, but with a third party from the Trust / school present.

These arrangements take effect straightaway. If you wish to make a representation about the contents of this letter, which may include any expressions of regret on your part and any assurances you are prepared to give about your future good conduct, you can do so by writing to me at the Trust / school by [*state ten working days from the date of the letter*]. If on receipt of your comments I consider that the arrangements outlined above should continue, you will be supplied with details of how to review a circumstance of your case.

I do hope that the difficulties we are currently experiencing can soon be resolved.

Yours sincerely
Headteacher