



COMPLAINTS & CONCERNS

Date of Next Review: June 2024

Responsible Officer: CEO

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Statement of intent

Vision Academy Learning Trust aims to resolve all complaints at the earliest possible stage and is dedicated to continuing to provide the highest quality of education possible throughout the procedure.

This policy has been created to deal with any complaint against the school or a member of staff, relating to any aspects of the school or the provision of facilities or services. It is designed to ensure that the school's complaints procedure is straightforward, impartial, non-adversarial, allows a full and fair investigation, respects confidentiality and delivers an effective response and appropriate redress.

Any person, including a member of the public, is able to make a complaint about the provision of facilities or services that the school provides. This policy outlines the procedure that the complainant and school must follow.

Once a complaint has been made, it can be resolved or withdrawn at any stage.

The headteacher/ head of school at each school will be the first point of contact when following the complaints procedure.

Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- Education Act 2002
- Freedom of Information Act 2000
- Immigration Act 2016
- Equality Act 2010
- UK General Data Protection Regulation (GDPR)
- The Education (Independent School Standards) Regulations 2014
- ESFA (2021) 'Best practice guidance for academies complaints procedures'

This policy has also due regard to guidance including, but not limited to, the following:

- DfE (2021) 'Best practice guidance for school complaints procedures 2020'
- ESFA (2021) 'Best practice guidance for academies complaints procedures'
- HM Government (2016) 'Code of Practice on the English language requirement for public sector workers'
- ESFA (2022) 'Academy trust handbook 2022'

This policy operates in conjunction with the following school policies:

- Records Management Policy
- Child Protection and Safeguarding Policy
- Grievance Policy
- Behaviour Policy
- Suspension & Exclusion Policy
- Whistleblowing Policy

Definitions

For the purpose of this policy, a “**complaint**” can be defined as ‘an expression of dissatisfaction’ towards the actions taken or a perceived lack of action taken.

A “**concern**” can be defined as ‘an expression of worry or doubt’ where reassurance is required. For the purpose of this policy, concerns will be classed and addressed as complaints.

Any complaint or concern will be taken seriously, whether formally or informally, and the appropriate procedures will be implemented.

A “**grievance**” is an issue raised by a member of staff where they feel the school has not implemented a policy or process fairly or properly. Grievances will be dealt with in line with the school’s Grievance Policy.

For the purpose of this policy, “**unreasonable complaints**” include:

- Vexatious complaints:
 - Are obsessive, persistent, harassing, prolific, repetitious.
 - Insist upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason.
 - Insist upon pursuing meritorious complaints in an unreasonable manner.
 - Are designed to cause disruption or annoyance.
 - Demand for redress which lacks any serious purpose or value.
- Serial or persistent complaints:
 - Are duplicated, sent by the same complainant once the initial complaint has been closed.

Serial or persistent complaints will only be marked as ‘serial’ once the complainant has completed the complaints procedure. It is the complaint that will be marked as ‘serial’, meaning the complainant can complain about a separate issue if necessary.

For the purpose of this policy, “**duplicate complaints**” are identical complaints received from a complainant’s spouse, partner, grandparent or child. These complaints will not be addressed again, the individual making the second complaint will be informed that the complaint has been dealt with on a local level and if they are dissatisfied with the result, they can appeal to the DfE.

Any new details provided by a complainant’s spouse, partner, grandparent or child, will be investigated and dealt with in line with the complaints procedure.

Roles and responsibilities

Who is responsible for this policy

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework. The Trust has delegated responsibility for the day to day implementation of this policy to the Local Governing Committee and the Head Teacher of each establishment.

The Local Governing Committee and Senior Leadership Team at each establishment has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

Making a complaint

Complaints are not restricted to parents of attending pupils. The school will consider all complaints. **The Trust may use its discretion whether or not complaints from individuals that are not parents or carers of pupils in our academies regarding their children are handled via the procedure outlined in this policy or if a different manner is more appropriate.**

The school will ensure the complaints procedure is:

- Easily accessible and publicised on the school's website.
- Simple to understand and put into practice.
- Impartial and fair to all parties involved.
- Respectful of confidentiality duties.
- Fairly investigated, by an independent person when necessary.
- Used to address all issues to provide appropriate and effective responses where necessary.

Complaints are expected to be made as soon as possible after an incident arises to amend the issue in an appropriate timescale.

The school upholds a three month time limit in which a complaint can be lodged regarding an incident. Complaints made outside this time limit will not be accepted, but may be considered at the discretion of the head teacher/ head of school.

Complaints received outside of term time will be treated as being received on the first school day after the holiday period.

Any complaint made against a member of staff will be initially dealt with by the headteacher/ head of school, and then by a committee of the governing committee.

Any complaint made against the headteacher shall be initially dealt with by the chair of governors and then by a panel hearing if necessary.

Any complaint made against the chair of governors or any other member of the governing committee should be made in writing to the Trust. Any complaint made against the entire governing committee, or complaints involving the chair and the vice chair, should be made in writing to the Trust. The Trust: will then determine the most appropriate course of action, depending on the nature of the complaint. This action may involve sourcing an independent investigator to initially deal with the complaint and then getting the complaint to be heard by co-opted governors from another school.

Under some circumstances, it may be necessary to deviate from the complaints procedure. Any deviation will be documented.

The academy will not normally investigate anonymous complaints.

Complaints procedure

Stage one – Informal concern made to a member of staff

The Trust recognises that there may be occasion when normal and legitimate concerns about decisions within their establishments can arise. Parents/ Carers are encouraged to raise their concerns with the appropriate staff member at their earliest opportunity so they can be addressed.

Concerns should be raised initially with the relevant teacher or appropriate staff member, according to the particular concern.

At this stage, the complainant will be asked what they think might resolve the issue. Any acknowledgement that the school could have handled the situation better is not an admission of unlawful or negligent action.

If an appropriate resolution cannot be sought at this informal level, or if the complainant is dissatisfied with the outcome following the initial discussions, the complainant may raise a formal complaint under Stage 2 of the policy.

Stage two – Formal complaint made to the headteacher

The Head Teacher/ head of school shall have the right to reasonably exercise their discretion, not to allow a formal complaint to be pursued where an informal resolution has not been sought, or the submission is beyond the permitted time frame (three months of the date of incident).

The complainant must put the complaint in writing, on the Complaints Procedure form (APPENDIX 1), with as much detail about the complaint, including dates of events, potential witnesses, copies of any documents and a clear indication of the actions they are seeking to resolve their complaint.

If the complainant has any difficulty completing the form, they may contact the School for assistance. The complaint should be addressed to the Headteacher/ Head of School.

The Headteacher/ head of school will acknowledge receipt of the complaint within 5 school days. An appointment with the headteacher/ head of school should be made, as soon as reasonably practical, to avoid any possible escalation of the situation.

Once a complaint has been received, the head teacher/ head of school will forward a copy to the Trust's Compliance Manager, who will oversee the progress of the complaint and provide advice and guidance as required.

An investigation will be completed within 15 school days. The Head Teacher / Head of School may pass the complaint to a nominated senior member of staff, as appropriate, for investigation.

Where the situation is recognised as complex, and it is deemed to be unable to be resolved within this timescale, the headteacher will contact the complainant to inform them of the revised target date via a written notification.

The Head teacher, supported by the senior leader who undertook the investigation, will discuss the findings of the investigation with the complainant. This may be in a meeting or over the telephone. The complainant will agree to verbally discuss the findings of the investigation with the Head teacher. Wherever reasonably possible, such discussion will take place within 20 school days of receipt of the complaint. This discussion provides an opportunity to ensure clarity within the issues discussed and any misunderstandings which can occur through written communication, can be avoided.

The Head teacher will then put their findings in writing and indicate what steps, if any, should be taken to resolve the matter. Whenever reasonably possible, this will be done within 5 school days of the feedback discussion with the complainant.

A copy of the written response will be sent to the Trust Compliance Manager, by the Head teacher; this will support the monitoring of any agreed actions.

If the complaint is against the headteacher, the complainant will initially need to write, in confidence, to the chair of governors. The chair will notify the Trust and seek to resolve the issue informally, e.g. by arranging a meeting with the complainant within 15 school days, before moving directly to stage three of the procedure.

If the complainant is not satisfied with the outcome suggested, the procedure will progress to stage three.

Stage three – Investigation by the chair of governors

The complainant should submit any complaint in respect of the headteacher's investigation in writing (or via an alternative method if necessary) addressed to the chair of governors within 5 school days of the date of the Head teacher's written response from Stage 2.

The Chair of Governors will carry out an independent review of the complaint. They may contact the complainant if they need any clarification or further information to assist with their review. The Chair of Governors may instruct the school to carry out further investigation into areas of the complaint and will make recommendations regarding suitable resolution if they find that issues have been overlooked or not appropriately addressed at Stage 2.

The complainant and the headteacher will be informed in writing of the outcome within 20 school days of the chair of governors receiving the complaint.

Stage four – Independent Hearing Panel (IHP)

If the complainant is not satisfied with the outcome of the previous applicable stages, the complainant may request that the complaint be considered at Stage 4.

A request to use this stage must be received in writing by the Trust (complaints@valt.org.uk) within 10 school days of the previous stage response being sent to the complainant. The request must set out clearly the reasons why the complainant is dissatisfied with the response and suggestions of actions which may be taken to resolve the situation. The complainant may include any evidence to support their reasons.

New allegations that have not been raised at Stage 2 may not be brought before the panel.

New evidence which was not provided before the completion of the Stage 2 investigation will not normally be considered, however the Chair shall have absolute discretion to permit evidence if it is relevant to the matters to be considered as part of the appeal.

In this stage, complaints from Parents/ Legal Guardians of pupils within one of our schools will have an Independent Panel Hearing, which will comprise of two members of the School's Governing Body who have no prior knowledge of the complaint, and one person independent of the management and running of the School. The independent member selection will be supported by the Trust.

The role of the panel is to consider the procedural fairness of the investigation undertaken at Stage 2 and the determinations made. It is not to conduct a further investigation into Stage 2.

The Clerk to the Governing Committee will convene the Independent Panel Hearing. The Hearing will be held as quickly as practicable. Whenever possible, the Hearing will be held within 30 school days of receipt of the Hearing request, given the need to find a date that is reasonably convenient for the complainant, the School and the members of the Panel.

The complainant must engage with the Clerk in providing dates for attendance

All parties will be provided with a minimum of 8 school days notice of the Hearing Panel

The following are entitled to attend the Panel Hearing, submit written representations and relevant documentation, and address the Panel:

The complainant(s) and/ or one representative;

The Head Teacher and/ or one representative

The Trust's Complaints Lead to address any procedural questions which may arise;

Any other interested person whom the Complaint Appeals Panel considers to have a reasonable and just interest in the appeal and whose contribution would assist the Panel in their decision making.

Governors, from a local governing committee at a different school which is still within the MAT, who has no conflict of interest or prior knowledge of complaint, can be involved with the hearing.

Where appropriate, the clerk will ask for support from the governor services team at the LA.

Any written representations/ relevant documentation for consideration by the Panel and the names of any representatives attending the hearing, should be sent to the Clerk at least 6 school days prior to the hearing. Any submissions or documents not submitted in accordance with this timescale will not be considered unless the Chair, in their absolute discretion, believes it is just to accept them.

All parties will be issued with papers 5 school days prior to the hearing.

The Panel may request to speak to witnesses. This decision will be at the discretion of the Chair.

Following the Hearing, the Panel will formulate its response as quickly as reasonably possible, aiming to do so within 10 school days, and the Clerk to the Governing Committee will notify all parties. The written response will explain the panel's decision and any rights to appeal.

Complaints from members of the public, may request a Chief Executive Review as Stage Four. The Chief Executive will review the procedural fairness of the investigation undertaken at Stage Two and the determinations made, they will not consider additional complaints. The Chief Executive may delegate this Review to a senior member of Trust staff who has not previously been involved in the complaint. The review will be undertaken within 15 school days of receipt of the review request.

The Panel or Chief Executive findings and recommendation will be sent in writing to the Complainant and the School within a 'Completion of Procedure' letter and sent where relevant, to the person complained about. A written record will be kept of all Stage Two and above complaints by the School and by the Trust Compliance Team. The Trust team will record at what Stage they have been resolved or progressed to. All recommended actions arising from the complaint investigations will be monitored by the Trust Central Compliance Team.

Right to be accompanied

The complainant has a right to be accompanied by a friend, relative or other third party to any meetings or hearings held under the formal stages of the Complaints Policy (Stages Two onwards)

These meetings or hearings are not legal proceedings and so legal representation is not usually necessary. If, however, a complainant does wish to be accompanied by someone who is legally qualified this needs to be specifically mentioned, and they must notify the Head of School, or Trust as appropriate at least 5 school days prior to the meeting.

Any member of staff interviewed as part of the investigation process into a complaint has a right to be accompanied to the meeting, which includes representation by a recognised trade union.

Any pupil interviewed as part of the investigation process must be accompanied to the meeting/ hearing, either by a teacher they are comfortable with or a parent/ carer.

Confidentiality & Data Protection

All complaints will be handled in the strictest confidence by the Schools involved and the Trust and in accordance with Data Protection principles and the Trust's Data Protection Policy.

Documentation relating to individual complaints will remain confidential, except where the Secretary of State or a body conducting an inspection under Section 162A of the Education Act 2002 requests access to them or where the Trust is otherwise required by law to disclose them.

It is expected that complainants will also keep their complaint private and confidential. In particular, complainants are not expected to discuss complaints publicly via any form of social media or with third parties. The posting of any defamatory, offensive, or derogatory comments by parents on social media sites by parents/ carers will be dealt with under the Parent Code of Conduct.

Complaints about staff conduct will not generally be handled under this complaints procedure. Complainants will be advised that any staff conduct complaints will be considered under staff disciplinary procedures, if appropriate, but outcomes will not be shared with them.

Recording a complaint

Electronic recordings of meetings must not be made by either the Trust/ School or the complainant. A meeting to discuss the complaint may not go ahead if the complainant is insistent on recording the meeting. The Trust/ School will take notes of any meetings to discuss a complaint, which may be shared afterwards and complainants may do likewise

The school will not accept, as evidence, any recordings that were obtained covertly and without the informed consent of all parties being recorded.

Details of any complaint made shall not be shared with the entire governing board. The exception to this is when a complaint is made against the whole governing board and they need to be aware of the allegations made against them, to respond to any independent investigation.

Final stage – Appeal

If a complainant has exhausted the academy's complaints procedure, they will be advised that they can submit a complaint to the ESFA using the [online form](#) or in writing to:

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

The ESFA will not overturn the panel's decision or re-investigate the original complaint. The ESFA will only intervene following a complaint if it believes the school has:

- Breached a clause in its funding agreement.
- Failed to comply with education law or acted unreasonably when exercising related education functions.

The ESFA will expect the complainant to have first exhausted the Trust's Complaints Policy.

Exceptional circumstances

The DfE expects complainants to have completed the school's complaints procedure before directing a complaint to them. The exceptions to this include when:

- Pupils are at risk of harm.
- Pupils are missing education.
- A complainant is being prevented from having their complaint progress through the school's complaints procedure.
- The DfE has evidence that the school is proposing to act or is acting unlawfully or unreasonably.

If a social services authority decides to investigate a situation, the headteacher or governing board may postpone the complaints procedure.

Where a matter can be resolved through a legal appeal, it will not be considered as a formal complaint. The key areas are: admissions decisions, certain decisions

relating to formal assessment of SEND, and decisions to permanently exclude a child.

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

Complaints not covered by this procedure

Complaints regarding the following topics should be directed to the LA:

- Statutory assessments of SEND
- School re-organisation proposals
- Admissions to schools

Complaints about child protection matters will be handled in line with the school's Child Protection and Safeguarding Policy and in accordance with relevant statutory guidance.

Any child protection complaints should be directed to the LADO or the multi-agency safeguarding hub (MASH).

Complaints regarding exclusions will be dealt with in accordance with procedure outlined in the Exclusion Policy.

The school has an internal whistleblowing procedure for all employees, including contractors and temporary staff outlined in the Whistleblowing Policy. Any whistle-blowers not wishing to raise the issue with their employer will direct their complaint to the DfE.

Volunteers who have concerns about the school or a member of staff should make their complaint in line with this policy. Volunteers may also be able to complain to the LA or DfE, depending on what the complaint is about.

Staff grievances and disciplinary procedures will be dealt with in line with the Grievance Policy. In these cases, complainants will not be informed of the outcome of any investigations; however, they will be notified that the matter is being addressed.

This complaints procedure is not to be used when addressing any complaints made about services provided by a third party who may use the school premises or facilities. The headteacher will ensure all complaints concerning this should be directed to the service provider.

Complaints about the content of national curriculum should be made to the DfE.

Complaints about how the school delivers the curriculum, including RE and RSE, will be dealt with using this complaints procedure.

Requests for information and issues with the school's process for dealing with FOI requests, will be dealt with in accordance with the Freedom of Information Policy.

Managing unreasonable requests

The 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 DfE.
- 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
- By publishing unacceptable information in a variety of media such as in social media websites and newspapers

Complainants should limit the numbers of communications with a school while a complaint is being progressed. It is not helpful if repeated correspondence is sent (either by letter, phone, email or text) as it could delay the outcome being reached.

Whenever possible, the headteacher or chair of governors will discuss any concerns with the complainant informally before applying an 'unreasonable' marking.

If the behaviour continues, the headteacher or Trust will write to the complainant explaining that their behaviour is unreasonable and asking them to change it. For complainants who excessively contact the school causing a significant level of disruption, the school may specify methods of communication and limit the number of contacts in a communication plan. This will usually be reviewed after six months.

A decision to stop responding will only be considered in circumstances where the following statements are true:

- Every reasonable step has been taken to address the complainant's concerns.
- The complainant has been given a clear statement of the school's position and their options.
- The complainant contacts the school repeatedly, making substantially the same points each time.

If the above criteria are met, in making a decision to stop responding the school will also consider if the complainant is often abusive or aggressive in their communication, makes insulting personal comments about or threats towards staff, and if the school believes their intent is to disrupt or inconvenience the school.

The school will not stop responding to a complainant on the basis that they are difficult to deal with or they ask complex questions.

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 premises.

Complaints campaigns

For the purposes of this policy, “**complaints campaigns**” are where the school receives large volumes of complaints that are all based on the same subject.

Where the school becomes the subject of a complaints campaign from complainants who are **not** connected with the school, a standard, single response may be published on the school’s website.

If the school receives a large number of complaints about the same subject from complainants who **are** connected to the school, e.g. parents, each complainant will receive an individual response.

Barring from the premises

School premises are private property and therefore any individual may be barred from entering the premises.

If an individual’s behaviour is cause for concern, the headteacher/ head of school will ask the individual to leave the premises.

The headteacher/ head of school will notify the parties involved in writing, explaining that their implied licence for access to the premises has been temporarily revoked and why, subject to any representations that the individual may wish to make.

The individual involved will be given the opportunity to formally express their views regarding the decision to bar them. This decision to bar will be reviewed by the chair of governors or a committee of the governing committee, taking into account any discussions following the incident. If the decision is made to continue the bar, the individual will be contacted in writing, informing them of how long the bar will be in place, and when the decision will be reviewed.

Anyone wishing to make a complaint regarding a barring order can do so in writing, including email, to the headteacher/ head of school or chair of governors.

Once the school’s complaints procedure is completed, the only remaining avenue of appeal is through the Courts.

Transferring data

When a pupil changes school, the pupil's educational record will be transferred to the new school and no copies will be kept.

The school will hold records of complaints separate to pupil records while a complaint is ongoing, so that access to these records can be maintained.

Information that the school retains relating to a complaint will be stored securely and in line with the school's Records Management Policy.

Availability

A copy of this policy will be made available on request. It will also be published on the school website, as recommended by the ESFA.

Monitoring and review

The complaints procedure will be reviewed annually, taking into account any legislative changes and the latest guidance issued by the DfE. The next scheduled review date for this policy is June 2024.

Responsibility for reviewing the procedure belongs to a committee of the governing board, an individual governor or the headteacher. All projected review dates will be adhered to.

Information gathered through reviewing the complaints procedure will be used to continuously improve and develop the process.

The monitoring and reviewing of complaints will be used to help evaluate the school's performance.

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 headteacher. (If your complaint is against the headteacher, you will need to send the form to the chair of the governing board.)

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

Example Letter to Complainant for a Stage Three Complaint

Address line one

Address line two

Town

County

Postcode

Date

RE: Stage three complaint

Dear addressee's name,

Thank you for your letter dated date setting out the reasons why you are not satisfied with the headteacher's response to your complaint about details of the complaint.

I am writing to let you know that I will be arranging for a complaints appeal panel (CAP) to consider your complaint, in accordance with our school's complaints procedure.

As explained in the procedure, the chair of the CAP will advise, in writing, how the CAP intends to consider your complaint.

Yours sincerely,

Chair of the governing committee

Example Letter for Complaints Against the Headteacher/ Head of School

Address line one

Address line two

Town

County

Postcode

Date

RE: Complaint against the headteacher/ head of school

Dear addressee's name,

I have received your complaint against the headteacher/ head of school of name of school.

I write to let you know that I have forwarded a copy of your complaint to the headteacher, with a request that they respond to the issues raised in the complaint within 10 school days.

A copy of the headteacher's/ head of school's response will be sent to you as soon as possible.

If you are not satisfied with the headteacher's/ head of school's response, I will arrange for a complaints appeal panel (CAP) to consider your complaint in accordance with stage two of the attached complaints procedure.

As explained in the procedure, the chair of the Independent hearing Panel (IHP) will advise you, in writing, how the complaint will proceed.

Yours sincerely,

Chair of the governing committee