



# **Horizons Therapeutic Education Trust**

## **Complaints Policy**

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## 1. AIMS

Horizons Therapeutic Education Trust (HTET) aims to meet its statutory obligations when responding to complaints from parents/guardians/carers of pupils at the Learning Centre(s), and others.

When responding to complaints, we aim to:

- 👉 Be impartial and non-adversarial
- 👉 Facilitate a full and fair investigation by an independent person or panel, where necessary
- 👉 Address all the points at issue and provide an effective and prompt response
- 👉 Respect complainants' desire for confidentiality
- 👉 Treat complainants with respect and courtesy
- 👉 Make sure that any decisions we make are lawful, rational, reasonable, fair and proportionate, in line with the principles of administrative law
- 👉 Keep complainants informed of the progress of the complaints process
- 👉 Consider how the complaint can feed into Therapeutic Education improvement evaluation processes
- 👉 We try to resolve concerns or complaints by informal means wherever possible. Where this is not possible, formal procedures will be followed.

HTET will aim to give the complainant the opportunity to complete the complaints procedure in full. To support this, we will make sure we publicise the existence of this policy and make it available on the website. Throughout the process, we will be sensitive to the needs of all parties involved, and make any reasonable adjustments needed to accommodate individuals.

HTET's values reflect the core principles of respecting all people and being understanding of others and their differences. With this in mind it is encouraged that informal complaints take the form of a conversation. We believe that most concerns can be dealt with without resorting to this procedure. Where you have a concern about any aspect of the service, we ask that you please raise this with the Head of Provision either via email or in person. If possible, staff will resolve concerns or issues straight away and record the agreed outcome. If a meeting is required to discuss a concern further, this will be arranged.

## 2. LEGISLATION AND GUIDANCE

This document meets the requirements set out in part 7 of the schedule to the [Education \(Independent School Standards\) Regulations 2014](#), which states that we must have and make available a written procedure to deal with complaints.

It is also based on guidance published by the Education and Skills Funding Agency (ESFA) on [creating a complaints procedure that complies with the above regulations](#), and refers to [good practice guidance on setting up complaints procedures](#) from the Department for Education (DfE).

This policy complies with our funding agreement and articles of association.

## 3. DEFINITIONS AND SCOPE

### 3.1 Definitions

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

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

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

### 3.2 Scope

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

There may be occasions when complainants would like to raise their concerns formally. This policy outlines the procedure relating to handling such complaints.

This policy does **not** cover complaints procedures relating to:

- 👉 Admissions
- 👉 Statutory assessments of special educational needs (SEN)
- 👉 Safeguarding matters
- 👉 Suspension and permanent exclusion
- 👉 Whistle-blowing
- 👉 Staff grievances
- 👉 Staff discipline

Please see our separate policies for procedures relating to these types of complaint (s.12 Links to Other Policies).

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

CAMHS staff are part of the HTET/Homes2inspire partnership. Complaints about any CAMHS practitioner will be managed via NHS complaints protocol.

## 4. ROLES AND RESPONSIBILITIES

### 4.1 The complainant

The complainant will get a more effective and timely response to their complaint if they:

- 👉 Follow these procedures
- 👉 Co-operate with HTET throughout the process, and respond to deadlines and communication promptly
- 👉 Ask for assistance as needed
- 👉 Treat all those involved with respect
- 👉 Do not publish details about the complaint on social media

### 4.2 The investigator

An individual will be appointed to look into the complaint and establish the facts. They will:

- 👉 Interview all relevant parties, keeping notes
- 👉 Consider records and any written evidence and keep these securely
- 👉 Prepare a comprehensive report to the Head of Provision or complaints committee, which includes the facts and suggest potential solutions

### 4.3 The complaints co-ordinator

The complaints co-ordinator can be:

- 👉 The senior leadership team members

- ➡ The designated complaints trustee
- ➡ Any other staff member providing administrative support

The complaints co-ordinator will:

- ➡ Keep the complainant up to date at each stage in the procedure
- ➡ Make sure the process runs smoothly by liaising with staff members, the senior leadership team, clerk and chair of trustees.
- ➡ Keep records
- ➡ Be aware of issues relating to:
  - Sharing third-party information
  - Additional support needed by complainants; for example, interpretation support or where the complainant is a child or young person

#### **4.4 Clerk to the Board of Trustees (Company Secretary)**

The clerk will:

- ➡ Be the contact point for the complainant and the complaints committee, including circulating the relevant papers and evidence before complaints committee meetings
- ➡ Arrange the complaints hearing
- ➡ Record and circulate the minutes and outcome of the hearing

#### **4.5 Committee chair**

The committee chair will:

- ➡ Chair the meeting, ensuring that everyone is treated with respect throughout
- ➡ Make sure all parties see the relevant information, understand the purpose of the committee, and are allowed to present their case

#### **4.6. Principles for Investigation**

When investigating a complaint, we will try to clarify:

- ➡ What has happened
- ➡ Who was involved
- ➡ What the complainant feels would put things right

### **5. TIMESCALES**

The complainant must raise the complaint within 3 months of the incident. If the complaint is about a series of related incidents, they must raise the complaint within 3 months of the last incident.

We will consider exceptions to this timeframe in circumstances where there were valid reasons for not making a complaint at that time and the complaint can still be investigated in a fair manner for all involved. When complaints are made out of term time, we will consider them to have been received on the first day after the holiday period.

If at any point we cannot meet the timescales we have set out in this policy, we will:

- ➡ Set new time limits with the complainant
- ➡ Send the complainant details of the new deadline and explain the delay

### **6. STAGES OF COMPLAINT (not complaints against SLT or Trustees)**

As per legislation HTET has three stages including an informal stage, a formal stage and a panel hearing.

## **6.1 Stage 1: Informal**

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

The complainant should raise the complaint as soon as possible with the relevant member of staff or the senior leadership team, either in person or by letter, telephone or email. If the complainant is unclear who to contact or how to contact them, they should contact the office.

HTET will acknowledge informal complaints within 5 school days and investigate and provide a response within 15 school days. The informal stage will involve a meeting between the complainant and a member of the senior leadership team. The person who is subject to the complainant may be present if appropriate.

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

## **6.2 Stage 2: formal**

The formal stage involves the complainant putting the complaint to the senior leadership team and/or the subject of the complaint:

-  In a letter or email
-  Over the phone
-  In person
-  Through a third party acting on their behalf

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

If complainants need assistance raising a formal complaint, they can contact the office. The senior leadership team will record the date the complaint is received and will acknowledge receipt of the complaint in writing (either by letter or email) within 5 school days. The senior leadership team will then conduct their own investigation. The written conclusion of this investigation will be sent to the complainant within 20 school days. If the complainant is not satisfied with the response and wishes to proceed to the next stage of this procedure, they should inform the clerk to the Board of Trustees in writing within 10 school days.

## **6.3 Stage 3: Review Panel**

### **Convening the panel**

Complaints will be escalated to the panel hearing stage if the complainant is not satisfied with the response to the complaint at the second, formal stage.

The panel must consist of at least 3 people who were not directly involved in the matters detailed in the complaint. At least 1 panel member must be independent of the management and running of the provision. The panel cannot be made up solely of Trustees, as they are not independent of the management and running of the provision.

The panel will have access to the existing record of the complaint's progress (see section 9).

The complainant must have reasonable notice of the date of the review panel. The clerk will aim to find a date within 10 school days of the request, where possible. If the complainant rejects the offer of 3 proposed dates without good reason, the clerk will set a date. The hearing will go ahead using written submissions from both parties. Any written material will be circulated to all parties at least 5 school days before the date of the meeting.

### **At the meeting**

The meeting will be held in private. Electronic recordings of meetings or conversations are not normally permitted unless a complainant's own disability or special needs requires it. Prior knowledge and consent of all parties attending will be sought before meetings or conversations take place. Consent will be recorded in any minutes taken.

At the review panel meeting, the complainant and representatives from HTET, as appropriate, will be present. Each will have an opportunity to set out written or oral submissions prior to the meeting.

The complainant must be allowed to attend the panel hearing and be accompanied if they wish. We don't encourage either party to bring legal representation but will consider it on a case-by-case basis. For instance, if a school employee is called as a witness in a complaint meeting, they may wish to be supported by their union.

### **Representatives from the media are not permitted to attend.**

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

The panel, the complainant and the HTET representative(s) will be given the chance to ask and reply to questions. Once the complainant and HTET representative(s) have presented their cases, they will be asked to leave, and evidence will then be considered.

The panel will then put together its findings and recommendations from the case. The panel will also provide copies of the minutes of the hearing and the findings and recommendations to the complainant and, where relevant, the individual who is the subject of the complaint, and make a copy available for inspection by the proprietor and senior leadership team.

### **The outcome**

The committee can:

- ➡ Uphold the complaint, in whole or in part
- ➡ Dismiss the complaint, in whole or in part

If the complaint is upheld, the committee will:

- ➡ Decide the appropriate action to resolve the complaint
- ➡ Where appropriate, recommend changes to the school's systems or procedures to prevent similar issues in the future

The Learning Centre will inform those involved of the decision in writing within 10 school days.

## **7. COMPLAINTS AGAINST THE SENIOR LEADERSHIP TEAM, A TRUSTEE OR BOARD OF TRUSTEES**

The information below is taken from the DfE and ESFA model complaints procedures.

### **7.1 Stage 1: informal**

Complaints made against the senior leaders or any member of the governing board should be directed to the clerk to the Trustees in the first instance.

If the complaint is about a member of the senior leadership or one trustee (including the chair or vice-chair), a suitably skilled and impartial trustee will carry out the steps at stage 1 (set out in section 6 above).

### **7.2 Stage 2: formal**

If the complaint is:

- ➡ Jointly about the chair and vice-chair or
- ➡ The entire Board of Trustees or
- ➡ The majority of the Board of Trustees

An independent investigator will carry out the steps in stage 2 (set out in section 6 above). They will be appointed by the governing board and will write a formal response at the end of their investigation.

### **7.3 Stage 3: review panel**

If the complaint is:

- ➡ Jointly about the chair and vice-chair or
- ➡ The entire trustee board or
- ➡ The majority of the trustee board

A committee of independent trustees will hear the complaint. They will be sourced from local schools, the local authority or diocese and will carry out the steps at stage 3 (set out in section 6 above).

If the complainant is unsatisfied with the outcome of the school's complaints procedure and the complaint is regarding the school not meeting standards set by the DfE in any of the following areas, the complainant can refer their complaint to the DfE:

- ➡ Education
- ➡ Pupil welfare and health and safety
- ➡ School premises
- ➡ Staff suitability
- ➡ Making information available to parents
- ➡ The spiritual, moral, social or cultural development of pupils

The DfE will consider reports of a major failure to meet the standards. Where appropriate, it can arrange an emergency inspection to look at pupil welfare and health and safety and make sure that the school deals with serious failings.

For more information or to refer a complaint, see the following webpage:  
[www.gov.uk/complain-about-school](http://www.gov.uk/complain-about-school).

## 8. PERSISTENT COMPLAINTS

As discussed in the HTET Visions and Values, it is important that we ensure that points of views are respected, responded to and valued. However, there may be times when it is unhelpful to continue responses especially when full due process has been completed and the matter is considered to be resolved with no new evidence.

### 8.1 Unreasonably persistent complaints

Most complaints raised will be valid, and therefore we will treat them seriously. However, a complaint may become unreasonable if the person:

- ➡ Has made the same complaint before, and it has already been resolved by following HTET's complaints procedure
- ➡ Makes a complaint that is obsessive, persistent, harassing, prolific, defamatory or repetitive
- ➡ Insists on pursuing a complaint that is unfounded, or out of scope of the complaints procedure, beyond all reason
- ➡ Pursues a valid complaint, but in an unreasonable manner, e.g. refuses to articulate the complaint, refuses to co-operate with this complaints procedure, or insists that the complaint is dealt with in ways that are incompatible with this procedure and the timeframes it sets out
- ➡ Makes a complaint designed to cause disruption, annoyance or excessive demands on the provisions time
- ➡ Seeks unrealistic outcomes, or a solution that lacks any serious purpose or value

### 8.2 Steps we will take

We will take every reasonable step to address the complainant's concerns and give them a clear statement of our position and their options. We will maintain our role as an objective arbiter throughout the process, including when we meet with individuals. We will follow our complaints procedure as normal (as outlined above) wherever possible.

If the complainant continues to contact the Learning Centre in a disruptive way, we may put communications strategies in place. We may:

- ➡ Give the complainant a single point of contact via an email address
- ➡ Limit the number of times the complainant can make contact, such as a fixed number per term
- ➡ Ask the complainant to engage a third party to act on their behalf, such as [Citizens Advice](#)
- ➡ Put any other strategy in place as necessary
- ➡ Stopping responding

We may stop responding to the complainant when all of these factors are met:

- ➡ We believe we have taken all reasonable steps to help address their concerns
- ➡ We have provided a clear statement of our position and their options
- ➡ The complainant contacts us repeatedly, and we believe their intention is to cause disruption or inconvenience

Where we stop responding, we will inform the individual that we intend to do so. We will also explain that we will still consider any new complaints they make. In response to any serious incident of aggression or violence, we will immediately inform the police and communicate our actions in writing. This may include barring an individual from our site(s).

## **9. RECORD KEEPING AND CONFIDENTIALITY**

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

This material will be treated as confidential and stored securely and will be viewed only by those involved in investigating the complaint or on the review panel. This is except where the secretary of state (or someone acting on their behalf) or the complainant requests access to records of a complaint through a freedom of information (FOI) request or through a Subject Access Request under the terms of the Data Protection Act, or where the material must be made available during a school inspection. Records of complaints will be kept securely, only for as long as necessary and in line with data protection law.

The details of the complaint, including the names of individuals involved, will not be shared with the whole Board of Trustees in case a review panel needs to be organised at a later point. Where the Board is aware of the substance of the complaint before the review panel stage, the Learning Centre will (where reasonably practicable) arrange for an independent panel to hear the complaint.

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

## **10. LEARNING LESSONS**

The Board of Trustees will review any underlying issues raised by complaints with the Senior Leadership Team where appropriate, and respecting confidentiality, to determine whether there are any improvements that the Learning Centre can make to its procedures or practice to help prevent similar events in the future.

## **11. MONITORING ARRANGEMENTS**

The Board of Trustees will monitor the effectiveness of the complaints procedure to ensure that complaints are handled properly. The Trustees will track the number and nature of complaints, and review underlying issues as stated in section 10.

The complaints records are logged and managed by the Head of Provision. This policy will be reviewed by senior leadership team every 2 years or sooner should circumstances require it.

At each review, the policy will be approved by the Board of Trustees.

Sometimes, when concerns are more specific, there are alternative and more appropriate policies for dealing with them.

For example, where Child Protection and Safeguarding Children Board Procedures apply, further information can be obtained from Somerset Direct on 0300 123 2224. If at any time a child protection concern becomes apparent, the child protection process takes precedence over the complaints process, which will be halted until the child protection matter is resolved.

## 12. LINKS WITH OTHER POLICIES

Policies dealing with other forms of complaints include:

- HTET Safeguarding and Young Person Protection Policy
- HTET Disciplinary Policy
- HTET Capability Policy
- HTET Grievance Policy
- HTET Vision and Values
- HTET Quality Assurance Framework